

TAHOE REGIONAL PLANNING AGENCY (TRPA)
TAHOE METROPOLITAN PLANNING AGENCY
(TMPO) AND TRPA COMMITTEE MEETINGS

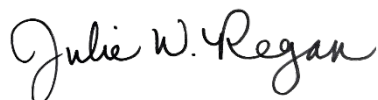
NOTICE IS HEREBY GIVEN that on **Wednesday, May 24, 2023**, commencing **no earlier than 10:30 a.m.**, at the **Tahoe Regional Planning Agency, 128 Market Street, Stateline, NV**, the **Governing Board** of the Tahoe Regional Planning Agency will conduct its **regular business meeting**.

Pursuant to TRPA Rules of Procedure, 2.16 Teleconference/Video Conference Meetings and Participation, Board members may appear in person or on Zoom. Members of the public may observe the meeting and submit comments in person at the above location or on Zoom. Details will be posted on the day of the meeting with a link to Zoom.

To participate in any TRPA Governing Board or Committee meetings please go to the Calendar on the <https://www.trpa.gov/> homepage and select the link for the current meeting. Members of the public may also choose to listen to the meeting by dialing the phone number and access code posted on our website. For information on how to participate by phone, please see page 3 of this Agenda.

NOTICE IS FURTHER GIVEN that on **Wednesday, May 24, 2023**, commencing **8:30 a.m.**, at the **Tahoe Regional Planning Agency**, the **TRPA Operations & Governance Committee** will meet. The agenda will be as follows: **1)** Approval of Agenda; **2)** Approval of Minutes; **(Page 7) 3)** Recommend approval of April Financials (action); **(Page 89) 4)** Recommend approval for Release of Placer County Water Quality (WQ) Mitigation Funds (\$500,000.00), for the Kings Beach Water Quality Improvement Project (action); **(Page 111) 5)** Quarterly Treasurer's Report; **(Page 175) 6)** Briefing on Fiscal Year 2023/2024 Annual Budget; **7)** Upcoming Topics; **8)** Committee Member Comments; Chair – Aldean, Vice Chair – Laine, Aguilar, Diss, Hoenigman; **9)** Public Interest Comments

NOTICE IS FURTHER GIVEN that on **Wednesday, May 24, 2023**, commencing **no earlier than 9:15 a.m.**, at the **Tahoe Regional Planning Agency**, the **TRPA Regional Plan Implementation Committee** will meet. The agenda will be as follows: **1)** Approval of Agenda; **2)** Approval of Minutes; **(Page 19) 3)** Informational Presentation on proposed amendments to the City of South Lake Tahoe's Tahoe Valley Area Plan and Tourist Core Area Plan that would expand housing opportunities and community equity by increasing density allowances and establishing minimum densities in town centers, allowing more housing types such as employee housing, shared housing, and group home facilities, improvements to residential design standards to help streamline project review, and policies to support town center revitalization using special events, coverage exemptions, and CFA policy clarifications. Additionally, amendments would increase consistency with recently amended TRPA regulations and state regulations regarding accessory dwelling units and density bonuses for affordable housing; **(Page 177 & 191) 4)** Climate Smart Code Update; **(Page 205) 5)** Discussion for a proposed regional definition and minimum standards for mixed-use development; **(Page 219) 6)** Committee Member Comments Chair Hoenigman, Vice Chair – Diss, Aldean, Gustafson, Hill, Settelmeyer **7)** Public Interest Comments



Julie W. Regan,
Executive Director

This agenda has been posted at the TRPA office and at the following locations and/or websites: PostOffice, Stateline, NV, North Tahoe Event Center, Kings Beach, CA, IVGID Office, Incline Village, NV, North Lake Tahoe Chamber/Resort Association, Tahoe City, CA, and Lake Tahoe South Shore Chamber of Commerce, Stateline, NV

TAHOE REGIONAL PLANNING AGENCY	
GOVERNING BOARD	
Tahoe Regional Planning Agency	May 24, 2023
128 Market Street, Stateline, NV	No earlier than 10:30 a.m.

All items on this agenda are action items unless otherwise noted. Items on the agenda, unless designated for a specific time, may not necessarily be considered in the order in which they appear and may, for good cause, be continued until a later date.

Members of the public may email written public comments to the Clerk to the Board, mambler@trpa.gov. All public comments should be as brief and concise as possible so that all who wish to participate may do so; testimony should not be repeated. The Chair of the Board shall have the discretion to set appropriate time allotments for individual speakers (3 minutes for individuals and group representatives as well as for the total time allotted to oral public comment for a specific agenda item). No extra time for participants will be permitted by the ceding of time to others. Written comments of any length are always welcome. In the interest of efficient meeting management, the Chairperson reserves the right to limit the duration of each public comment period to a total of 1 hour. All written comments will be included as part of the public record. Public comment will be taken for each appropriate item at the time the agenda item is heard and a general public comment period will be provided at the end of the meeting for all other comments.

TRPA will make reasonable efforts to assist and accommodate physically handicapped persons that wish to attend the meeting. Please contact Marja Ambler at (775) 589-5287 if you would like to attend the meeting and are in need of assistance. The Governing Board agenda and staff reports will be posted at <https://www.trpa.gov/governing-board-documents-may-24-2023/> no later than 7 days prior to the meeting date. Any member of the public with questions prior to the meeting may contact Marja Ambler, mambler@trpa.gov or call (775) 589-5287. On meeting day please contact TRPA admin staff at virtualmeetinghelp@trpa.gov or call (775) 588-4547.

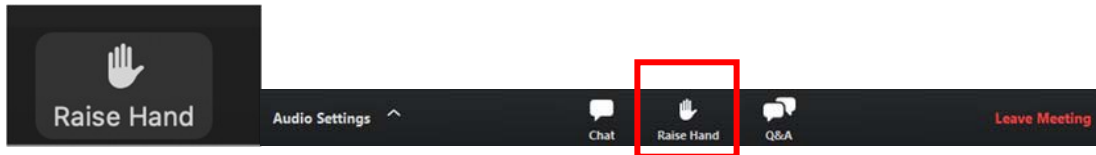
Zoom Webinar - Public Participation

To Participate Online:

1. Download the Zoom app on your computer, tablet, or smartphone.
 - The computer app can be downloaded here:
<https://us02web.zoom.us/client/latest/ZoomInstaller.exe>
 - The tablet or smartphone app can be found in the app store on your device.
2. On the day of the meeting, join from the link or phone numbers posted under the appropriate meeting date and time on the TRPA website (www.trpa.gov).
3. Ensure that you are **connected to audio** either through your computer (provided it has a microphone) or using your phone as a microphone/speaker. You can manage your audio settings in the tool bar at the bottom of the Zoom screen.



4. At the appropriate time for public comments, you will be able to “raise your hand” by clicking on the Hand icon located on the bottom of your Zoom screen **OR by dialing *9 if you are on your phone**. With your hand raised, a TRPA staff member will unmute you and indicate that you can make your comment.



To Participate on the phone:

1. Dial the call-in number posted at the calendar event for the appropriate meeting (www.trpa.gov).
2. At the appropriate time for public comments, you will be able to “raise your hand” **by dialing *9 if you are on your phone**. With your hand raised, a TRPA staff member will unmute you and indicate that you can make your comment.

If you do not have the ability or access to register for the webinar, please contact TRPA admin staff at virtualmeetinghelp@trpa.org or (775) 588-4547.

Additional Resources from Zoom:

- [Joining and Participating in a Zoom Webinar](#)
- [Joining a Zoom Webinar by Phone](#)
- [Raising Your Hand in a Webinar](#)

AGENDA

- I. CALL TO ORDER AND DETERMINATION OF QUORUM
- II. PLEDGE OF ALLEGIANCE
- III. APPROVAL OF AGENDA
- IV. APPROVAL OF MINUTES **Page 45**
- V. TRPA CONSENT CALENDAR (see Consent Calendar agenda below for specific items)
- VI. ADMINISTRATIVE MATTERS
 - A. Lake Spirit Awards **Informational Only**
- VII. PLANNING MATTERS
 - A. Resolution in support of the Lake Tahoe Wildfire Awareness Campaign, May – October, 2023 **Action** **Page 143**
 - B. Tahoe Keys Control Methods Test Project Update **Informational Only** **Page 145**
 - C. Destination Stewardship and Sustainable Recreation Update **Informational Only** **Page 147**
 - D. Tahoe Regional Trails Strategy Update **Informational Only** **Page 151**
- VIII. REPORTS
 - A. Executive Director Status Report **Informational Only**
 - 1) Tahoe In Brief – Governing Board Monthly Report **Informational Only** **Page 153**
 - 2) Strategic Planning Retreat and Work Plan Update **Action** **Page 165**
 - 3) Executive Director Six-Month Performance Update **Informational Only** **Page 167**
 - 4) Executive Director Six-Month Compensation Adjustment **Action** **Page 171**
 - B. General Counsel Status Report **Informational Only**
 - 1) Review of Compact Open Meeting Law and Conflict of Interest Requirements **Informational Only**
- IX. GOVERNING BOARD MEMBER REPORTS

X. COMMITTEE REPORTS

- A. Local Government & Housing Committee **Report**
- B. Legal Committee **Report**
- C. Operations & Governance Committee **Report**
- D. Environmental Improvement, Transportation, & Public Outreach Committee **Report**
- E. Forest Health and Wildfire Committee **Report**
- F. Regional Plan Implementation Committee **Report**

XI. PUBLIC INTEREST COMMENTS

Any member of the public wishing to address the Governing Board on any item listed or not listed on the agenda including items on the Consent Calendar may do so at this time. TRPA encourages public comment on items on the agenda to be presented at the time those agenda items are heard. Individuals or groups commenting on items listed on the agenda will be permitted to comment either at this time or when the matter is heard, but not both. The Governing Board is prohibited by law from taking immediate action on or discussing issues raised by the public that are not listed on this agenda.

XII. ADJOURNMENT

TRPA CONSENT CALENDAR

Item	Action Requested
1. April Financials	Action/Approval <u>Page 89</u>
2. Release of Placer County Water Quality (WQ) Mitigation Funds (\$500,000.00), for the Kings Beach Water Quality Improvement Project	Action/Approval <u>Page 111</u>
3. Zacko Enterprises, LLC, Leah & Patrick Higgins; Pier Expansion with Boatlift Addition & Multiple Parcel Pier Designation; TRPA File # ERSP2022-1117; Project Location: 6160 & 6190 W. Lake Blvd., Homewood, CA; APNs 098-031-006, 098-032-014, 098-031-005, 098-032-013	Action/Approval <u>Page 117</u>
4. APC Membership appointments for the Tahoe Basin Fire Chiefs primary representative, Chad Stephen, and primary alternate, Scott Lindgren and secondary alternate, Jim Drennan	Action/Approval <u>Page 141</u>

The consent calendar items are expected to be routine and non-controversial. They will be acted upon by the Board at one time without discussion. The special use determinations will be removed from the calendar at the request of any member of the public and taken up separately. If any Board member or noticed affected property owner requests that an item be removed from the calendar, it will be taken up separately in the appropriate agenda category. Four of the members of the governing body from

each State constitute a quorum for the transaction of the business of the agency. The voting procedure shall be as follows: (1) For adopting, amending or repealing environmental threshold carrying capacities, the regional plan, and ordinances, rules and regulations, and for granting variances from the ordinances, rules and regulations, the vote of at least four of the members of each State agreeing with the vote of at least four members of the other State shall be required to take action. If there is no vote of at least four of the members from one State agreeing with the vote of at least four of the members of the other State on the actions specified in this paragraph, an action of rejection shall be deemed to have been taken. (2) For approving a project, the affirmative vote of at least five members from the State in which the project is located and the affirmative vote of at least nine members of the governing body are required. If at least five members of the governing body from the State in which the project is located and at least nine members of the entire governing body do not vote in favor of the project, upon a motion for approval, an action of rejection shall be deemed to have been taken. A decision by the agency to approve a project shall be supported by a statement of findings, adopted by the agency, which indicates that the project complies with the regional plan and with applicable ordinances, rules and regulations of the agency. (3) For routine business and for directing the agency's staff on litigation and enforcement actions, at least eight members of the governing body must agree to take action. If at least eight votes in favor of such action are not cast, an action of rejection shall be deemed to have been taken.

Article III (g) Public Law 96-551 Tahoe Regional Planning Agency Governing Board Members: Chair, Cindy Gustafson, Placer County Supervisor Representative; Vice Chair, Hayley Williamson, Nevada At-Large Member; Francisco Aguilar, Nevada Secretary of State; Shelly Aldean, Carson City Supervisor Representative; Ashley Conrad-Saydah, California Governor's Appointee; Jessica Diss, Nevada Governor's Appointee; Belinda Faustinos, California Assembly Speaker's Appointee; John Friedrich, City of South Lake Tahoe Councilmember; A.J. Bud Hicks, Presidential Appointee; Alexis Hill, Washoe County Commissioner; Vince Hoenigman, California Governor's Appointee; Brooke Laine, El Dorado County Supervisor; Wesley Rice, Douglas County Commissioner; James Settelmeyer, Nevada Dept. of Conservation & Natural Resources Representative; Open, California Senate Rules Committee Appointee.

TAHOE REGIONAL PLANNING AGENCY
OPERATIONS AND GOVERNANCE COMMITTEE

TRPA/Zoom Webinar

March 22, 2023

Meeting Minutes

CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Ms. Aldean called the meeting to order at 8:35 a.m.

Members present: Ms. Aldean, Mr. Di Chiara (for Mr. Aguilar), Mr. Hoenigman, Ms. Laine

I. APPROVAL OF AGENDA

Agenda approved.

II. APPROVAL OF MINUTES

Minutes approved.

III. RECOMMENDATION ON FEBRUARY 2023 FINANCIALS

TRPA Financial Director, Mr. Chris Keillor presented the item. He said he would first like to address a couple of topics that could potentially impact the TRPA financials. The first is the recent banking crisis, and the second is weather related building expenses.

The banking crisis could affect TRPA in two areas. One is that TRPA has substantial investments in the form of mitigation funds and securities. Mr. Keillor said that none of these investments are in the four banks currently being targeted. Mr. Keillor added that TRPA have not been subject to any rating changes, and there has not been any marked movement on the market value of their bonds.

Referring to commercial banking, Mr. Keillor said that TRPA's commercial banking accounts are with Wells Fargo. He said everyone knows that there is an insurance cap of \$250,000, but TRPA cannot effectively get below that. Each week TRPA conducts either payroll or an accounts payable run, and both of those are well in excess of \$200,000. Payroll is a little over \$300,000 and accounts payable is usually around \$450,000. Mr. Keillor said they could maybe tighten up on how much money is kept in the Wells Fargo account, which would require more transfers, adding some additional administrative costs. Mr. Keillor said that with interest rates so low, there would be an additional cost in not leaving more money in the Wells Fargo account. Because it's a commercial account, they cannot make interest, but they can offset fees by keeping a larger balance. They've been keeping a large balance to eliminate banking fees.

Mr. Keillor said he believes they are fine on the banking issues but is prepared to discuss in more detail in next month's Treasurer's Report item.

Referring to First Republic Bank, Ms. Aldean said a lot of the major banks, including Bank of America and Wells Fargo, infused capital into First Republic, which reduced their available cash. She asked

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Mr. Keillor for his assessment on how that might affect TRPA. Mr. Keillor said it was a positive sign for Wells Fargo that they felt they were strong enough to throw \$5 billion into the pot.

He added that he has also reached out to TRPA's Investment Advisor who responded that they were not changing their guidance on banks, and in his opinion Wells Fargo are fine.

Mr. Keillor advised that he had been looking at a new agency credit card program. They have almost settled on a program through Chase Bank.

Referring to weather-related building expenses, Mr. Keillor advised they had had a couple of incidents. A snow/ice covered drain recently led to flooding on the second floor. The area is mostly warehouse space and houses less important items, but there were some older boxes of files. Staff will sort through the boxes to determine what, if anything, has been lost. Ms. Aldean asked if any of the files had been digitized. Mr. Keillor said they had not, but they were not a high priority for digitization. Mr. Keillor added that some water had also infiltrated some of the tenant spaces, and a remediation company had been hired to make repairs. He said that a bigger problem had arisen at the Tahoe Transportation District (TTD) space who had a leak from the roof. Mr. Keillor estimates the overall cost for remediation work will be around \$10,000.

Following severe weather, heavy snow and ice pack, Mr. Keillor advised that the cost to remove snow from the roof is very expensive, perhaps over \$100,000. Many other buildings in the area are experiencing similar issues, with several roof failures. He does not like the cost, but it is necessary for building maintenance.

Moving on, Mr. Keillor said that Governing Board member Alexis Hill arranged a meeting with TRPA and the Governor's Chief of Staff Ben Kieckhefer on the Budget issue. They acknowledged that a mistake was made, but that that will be resolved, although it is still dependent on legislative approval. He added that there are two pieces in the TTD (Tahoe Transportation District) ask from Nevada. There is a small piece from TRPA to cover the cost of running TTD. The bigger piece of the 7-7-7 ask will be bonds, and is going through a different route. Both pieces will be considered separately by the legislature.

Ms. Aldean asked if there was a mistake in the translation for the budget request. Mr. Keillor said he was not clear about the nature of the error. He added that California were still working through the budget, so he has no update at this time.

Moving to the TRPA financials, Mr. Keillor said there was a small negative in fees and grants due to a billing lag for grants, and because fees do not fully recover current planning costs. As far as fees are concerned, January and February are down a little bit. Some of that is weather-related, but that has also given the Permitting and Compliance Department some time to catch up on other planning activities. That said, they are still above the last 3-year average by 4-5%. On the expense side, they are tracking to budget and where they would expect to be at this point in time.

Mr. Keillor said they had provided two cashflow charts this month. The left graph shows total cash flow, and the second one shows before and after mitigation funds - on that one you can see how, during the course of the year, mostly the cash flow with mitigation is higher because they're collecting those mitigation fees along with planning fees. The inflection point shows when the transfer of mitigation fees happens. Mr. Keillor said he plans to clean up these charts to be more consistent and readable going forward.

Committee Comments/Questions

Ms. Laine asked what the TRPA fiscal year is. Mr. Keillor responded it is the standard July 1 to June 30, so they are two thirds of the way through at this point.

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Public Comment

Ms. Pamela Tsigdinos asked if there was any effort to restore, rather than potentially destroy, the water damaged records – she strongly encouraged restoration. Mr. Keillor responded that the first step was to recover the boxes and allow them to dry. Staff will then examine the boxes to determine what records need to be retained. He said probably 10% were from a long dead program that has since been replaced by LakeTaholInfo, but they will conduct an evaluation of each record.

Motion

Mr. Hoenigman made a motion to recommend the Governing Board approve the February Financials

Ayes: Ms. Aldean, Mr. Di Chiara (for Mr. Aguilar), Mr. Hoenigman, Ms. Laine

Motion carried.

IV. Recommendation to approve release of El Dorado County Stream Environment Zone (SEZ) Mitigation Funds (\$110,000.00) for the Meyers Stream Environment Zone/Erosion Control Project

TRPA EIP Executive Assistant, Tracy Campbell presented the item. Ms. Campbell said that this mitigation request was from El Dorado County. The request is for the SEZ funds in the amount of a \$110,000 funds for the Meyers Stream Environment Zone/Erosion Control Project.

The first phase of this project was completed back in 2017, so this request is for phase two, which was developed when the County secured some additional funding through the Lake Tahoe Restoration Act and Prop 1. The project area runs along East San Bernardino Avenue from Bakersfield Street, to San Diego Street, where the watershed catchment will be disconnected from the existing uncontrolled drainage, and then re-routed to a wetland treatment system.

This work will help reduce water quality impacts from the Meyers residential area. Other benefits include ecosystem restoration and flood control. The project is scheduled for construction in Summer 2023.

Committee Questions/Comments

Mr. Di Chiara asked if the funds were for implementation and unforeseen construction costs. Mr. Donald Palaroan, Eldorado County Senior Engineer said the funds will supplement a funding package towards project implementation, including unforeseen costs. Ms. Aldean added that any unused funds will be returned to the mitigation fund.

Public Comment

None.

Motion

Ms. Laine made a motion to recommend the Governing Board approve the release, subject to the conditions contained in the memorandum.

Ayes: Ms. Aldean, Mr. Di Chiara (for Mr. Aguilar), Mr. Hoenigman, Ms. Laine

Motion passed.

V. Recommendation regarding proposed amendments to Rules of Procedure, Section 2.16, Teleconference/Video conference

TRPA Legal Counsel presented the item. This is a package of amendments to Rule of Procedure 2.16, which is an internal rule for teleconferencing, and the ability of Governing Board members, and by default APC members, to participate remotely.

Over the years, TRPA have made amendments to this rule to make it more flexible to allow remote participation by Governing Board members. During the last several years, TRPA has operated under emergency orders of the two States, and were able to conduct purely hybrid meetings, without the limitations imposed by traditional state laws, and without TRPA rules conferencing. Coming out of that, they are now in an era where TRPA are back into their teleconferencing rules, which had some limitations. Also, in the meantime, there has been substantial revision to the teleconferencing policies of local governments in California (Brown Act), and Nevada (Open Meeting Law).

Mr. Marshall advised that the Legal Committee recently had a working session to discuss upcoming changes, and where they may want to propose some additional flexibility. Firstly, because people are more comfortable with the concept of teleconferencing, and also because of the substantial public safety concerns, as indicated by today's weather, in terms of storm and weather-related risk.

The first proposed change affirms that members can attend remotely, and there are two sub-questions that need to be considered. The first sub-question is whether or not members attending remotely need to be within the jurisdiction they represent - should there be some connection with where you are located, and what jurisdiction you're representing. The proposal essentially says that once you are remote, it does not make a lot of difference where you are.

The second question refers to the quorum. The current rule states that a quorum of members to conduct business, is four from Nevada, and 4 from California, need to be present within the basin. So they can be remote, but they can but they have to be within the basin. The proposal is to take that that requirement out. The Brown Act has a more stringent requirement, that the quorum has to be present, and the Nevada Open Meeting Law has a substantially more relaxed quorum requirement – in essence there is no quorum requirement. Mr. Marshall said they could consider whether to move off a more jurisdictional requirement for quorum.

The current rule also dictates that TRPA Governing Board meetings must notice where members were appearing remotely, make that open to the public, and have an agenda posted. Essentially it was a remote office for TRPA, and people could appear there if they wanted to. Mr. Marshall thinks that everyone is comfortable with moving away from that, and saying that if you provide members of the public with the opportunity to appear remotely, the individual locations where Governing Board members are located need not be open. So the proposal is that the member can make that location open, but there is no requirement to do so, since the public can participate in three different manners: two-way connection using telephone, internet connection, or in person.

So part of the the new proposal, coming out of California, is whether to emphasize that the first option is to attend in person, and the second backup option is for remote appearances. And so there's a limitation on the number of remote appearances. Working with the Chair, staff proposed

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five remote appearances per year, accounting for winter months, and three in a row, which comes out of the California amendments to the Brown Act. These are intended as a back-up mechanism, not the primary directive for Board Members, and not to make this standard practice.

Mr. Marshall said that another key requirement from the Brown Act, is the disclosure of adults in a remote location. So if anyone aged 18 years or over is present in the room when appearing remotely, they must be disclosed to the public.

Finally, Mr. Marshall said that the current rules require that all votes are Roll Call Votes (including approving the agenda, or adjourning the meeting). The proposed amendment would promote a little more efficiency in meetings by stating that voice votes are allowed for administrative matters. That is more technically defined in the rule language or the rule language, as votes that are not specified in Chapter 2 – essentially administrative procedural matters.

Mr. Marshall said he also wanted to emphasize the handout, referring to Rule 2.16.3, which essentially removes the quorum requirement for members in the basin, and also removes the requirement that they must appear remotely within their jurisdiction. So for example, if a member has a meeting that takes them out of the jurisdiction they represent, they can still participate remotely.

Committee Comments/Questions

Mr. Hoenigman said that, as a member from California, with frequently conflicting meetings in far flung places, Mr. Marshall mentioned the Brown Act requirements, and asked if they needed to comply with those. Referring to three consecutive meetings consecutively, he said he arose at 3:30 a.m. to drive through torrential rain, and it was a little terrifying coming over the pass. If the weather had been worse it would have been really risky. He wonders if they could just have the five in-person meetings per year as the requirement. It is his intention to attend every meeting in person, but the flexibility would be a good option.

Mr. Marshall said yes, that is an option. Article 3.D. of the Compact incorporates either the Brown Act, or the Nevada Open Meeting Laws, whichever is stricter, for which meeting shall be open to the public. It does not incorporate the entire panoply of the rules, it expressly references only those provisions that control whether or not the meeting is open to the public. So the meetings will always be open to the public, as controlled by Nevada Open Meeting Law, which is stricter on that front.

Generally, they look to both statutes to control how they interact with the public, and how agendas and notices should be set. But TRPA are a Bi-State agency and should generally fall within their guidelines for administrative practice. They would like to keep as close as possible, but at the same time they're a different agency than most local governments with smaller representations, whose members come from local counties or cities, as opposed to far-flung statewide representatives. Mr. Marshall said he would be comfortable with the will of the committee to make that recommendation.

Ms. Aldean said she thought there was a compact provision among the controlling documents that indicates that if a board member misses three consecutive meetings, that they are subject to replacement. She asked if that was the origin of this amendment. Mr. Marshall said that was if a meeting was missed entirely. He believes that there is flexibility to allow for attendance by new technology since it does not stipulate 'appear in person'. Ms. Aldean said she thinks they have the option to either adopt the language as presented, and seeing whether or not members are able to comply. If people are not able to comply, and meetings are cancelled as a result of a lack of a quorum they can revisit the issue. Or, they can defer to out of basin members and proceed by eliminating the three consecutive months in a row requirement, and see they get any push back.

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Mr. Marshall confirmed that the committee members proposed to keep the five remote meetings per year limitation, but to eliminate the three remote meetings in a row limitation. Mr. Marshall reminded members that the Compact imposes a requirement that if a member misses (does not attend in any capacity) more than three consecutive meetings, they are subject to replacement.

Ms. Laine emphasized how important it is to be in person where possible. The convenience of zoom is great, but all who have participated in that way realized that there is a decrease in the level of engagement. She strongly recommended members attend meetings in person, and only use zoom where necessary. Mr. Marshall said they could also add a requirement for members to appear on video when they are remote. Ms. Aldean said that would probably instill a greater sense of responsibility to be engaged in the meeting. Mr. Marshall said that would mean that if a member has difficulty with video, perhaps due to bandwidth issues, they would no longer be able to participate in the meeting. Ms. Aldean recognized that may mean that the meeting loses quorum and needs to adjourn. Ms. Laine said they should maybe continue with the current practice where the meeting chair requests that members turn on video, but it is not a requirement. Ms. Aldean said she was confident that everyone serving on the Board is committed to their responsibilities. If there is abuse of the new flexibility they can revisit and strengthen the rule.

Regarding noticing of who is present in the room, Mr. Hoenigman asked if that opened them up questioning whether the vote was legitimate in the future. If for example, someone came into the room, and it hadn't been noticed. Mr. Marshall said it is always conceptually a possible problem, but if members are diligent in acting in good faith to disclose, that's a very good defense to any subsequent challenge.

Mr. Di Chiara asked how this would work on the occasions where he has to step in on the Secretary's behalf for a committee meeting, and must attend virtually due to logistics, but the Secretary then takes over in person for the Governing Board meeting. Would that count as remote or in person attendance? Mr. Marshall said in that case he would advocate that would not count as a remote appearance due to the distinction between a committee meeting versus a Governing Board meeting. Mr. Di Chiara asked if was possible to institute some sort of exemption that could be requested if a member has a specific circumstance. He said he would always prefer to attend a meeting remotely, rather than not attend at all. Mr. Marshall said it was possible to add that the five remote appearances could be subject to extension by exception. Ms. Laine said she did not want to make too many opportunities to extend beyond five. They have twelve meetings per year and are notified of the schedule ahead of time. She recommended that they try it and revisit if necessary. Ms. Aldean agreed.

Public Comment

None.

Committee Comments

Mr. Hoenigman motion to recommend the Governing Board approve the required findings, including a finding of no significant effect for the adoption of the amendments to rule 2.16.3 in the Rules of Procedure as amended and discussed at this committee meeting, "During a teleconference, members may attend remotely from any location. No member may appear remotely for Governing Board meetings more than a total of 5 times per calendar year. These numerical limitations shall not apply to committee meetings not held on the same day as the Governing Board".

Ayes: Ms. Laine, Mr. Hoenigman, Mr. Di Chiara, Ms. Aldean

Motion passed.

March 22, 2023

Mr. Hoenigman made a motion to recommend adoption of Resolution 2023 - ___, to amend rule 2.16 of the Rules of Procedure, as amended on the record.

Ayes: Ms. Laine, Mr. Hoenigman, Mr. Di Chiara, Ms. Aldean

Motion passed.

VI. [Shoreline Implementation Update](#)

TRPA Permitting Program Manager, Tiffany Good presented the item. Ms. Good said she would provide a brief background on the Shoreline Plan, and then highlight some of the implementation milestones and accomplishments, as well as what the staff is currently working on.

Ms. Good said she wanted to point out upfront that, as with the adoption of any major planning initiative, it takes a lot of time and resources to figure out how to put a set of complex policies into motion, in a way that's effective, transparent, measurable, consistent, and digestible to the public. She is proud of how hard staff have worked to accomplish these objectives, and of how they're continuing that work as unique challenges continue to arise.

Ms. Good said that getting this plan across the finish line was quite the effort - it took decades and endless hours of stakeholder collaboration. The plan focuses on balancing the built environment, with new structures and uses, and recreation access in the shore zone. The Shoreline Plan allows development and redevelopment in the shore zone in a way that hadn't been done in a very long time. Ms. Good said they opened the doors to new shore zone permitting opportunities for the public, while also emphasizing the importance of natural resource management along the shoreline. The major tenants of the shoreline plan include capped development, especially new development in the shore zone. They also established guidelines for appropriate uses, and provided updated regulations for things like piers, buoys, boat ramps, and marinas.

Ms. Good reiterated that the addition of new piers and moorings is capped on Lake Tahoe, and that's a very important thing to remember. Because these caps are for new structures, it's important to differentiate between new and existing. New structures are those that are permitted and put into place after the adoption of the plan, and existing structures are those that have the benefit of approved previous TRPA, State or Federal authorization, or were in place prior to 1972.

Ms. Good said she would be talking about two big programs – the mooring program, and the new pier program. The mooring program has two major pieces, phase 1 and phase 2. These terms are used to differentiate between existing, and new. Immediately following adoption of the Shoreline Plan, staff focused on addressing existing/phase 1 mooring first.

The program also differentiates between mooring registration, and mooring permitting. So a TRPA permit is the mechanism required to place a mooring or a structure, and the registration is simply the fee to mitigate the annual boating impacts created by that structure.

Ms. Good said one of the first orders of business, after adoption of the plan, was to recognize the existing mooring on the lake - moorings that had already received appropriate authorization, and simply had to be registered. This was a pretty big bucket, but it was really important to tackle these first, before addressing any new moorings, to ensure they kept within the parameter in both the code, and the environmental impact analysis. To date, staff have processed 1,140 registrations, which accounts for about 5,400 existing moorings. Other applications outside of the dark blue section on the pie chart (slide 5), are either still in review, or are paused due to the need for additional information, or are on hold at the request of the applicant, or have been denied.

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Slide 6 indicates the accomplishments for phase 1 registrations that require a permit. All moorings require registration, but not all moorings in the phase 1 bucket require a permit. Some of those phase 1 moorings were already authorized and didn't require a permit. For those that did, approximately 90% of those applications have been processed.

Moving to phase 2 (slide 7), said these are applications and permits for new moorings. In order to distribute the new moorings equitably, they work on a 'slow as you go' approach, in consideration of private, public, and marina uses. TRPA have created an annual lottery system to facilitate this approach. Staff are making good progress on issuing permits for these new moorings, and have recently dedicated additional staff resources to these permits specifically.

Referring to slide 8, Ms. Good highlighted new pier permitting accomplishments. This is another capped category, and TRPA distributes new piers in a lottery system similarly to the mooring lottery system. The lottery is conducted bi-annually, and took place in 2019 and 2021. Staff are now gearing up for the 2023 allocations. Ms. Good said staff have made good progress here, especially considering that all of these new pier applications either need to be considered by the Governing Board, or by the Hearing Officers,

Another important piece of shoreline implementation is enforcement. Ms. Good said they have really beefed-up enforcement of the no-wake zone with two patrol boats, logging approximately 1,200 hours on the water, and resulting in 620 enforcement actions. These enforcement actions really educate people on the no-wake zone, and on downloading the Lake Tahoe Boating app – hopefully making a safer environment for people on the lake,

On the mooring enforcement side, they have really focused on illegal moorings that are placed offshore of public land, especially where it is clear that a permit cannot be issued for that mooring. The compliance team and boat crew have tagged 47 illegal buoys, most of which have been removed, and the enforcement presence will continue to strengthen with advances in the mooring, permitting, and registration program.

Ms. Good commended the great work being done by the permitting, boat crew, compliance, AIS, research and analysis, long range planning, and legal staff.

Ms. Good said it has been asked why it is so hard, and why it takes so long to permit shore zone projects. Firstly, she said the shoreline ordinances had not been updated for a very long time. As a result of the past, more restrictive shore zone permitting environment, there is a lot of pent-up demand to pursue shoreline projects, with limited dedicated staff resources. The shore zone is also a very complex environment. It's very sensitive from an environmental perspective, and also from a policy and property rights perspective. Finally, there are a plethora of State and Federal agencies that have jurisdiction in the shore zone, and a high level of coordination is required on every project, from placement of a buoy, to dredging projects, to marina projects.

Ms. Good said the good news is that they have learned so much over the last four years since adoption of the plan, and they are constantly becoming more effective and efficient with implementation and permitting. As previously mentioned, internal resources have also been added and redirected to the shoreline permitting team, and they are already seeing an uptick in output. The weather has also helped by providing a small reprieve from other permitting pressures.

Ms. Good said they have also added and clarified a lot of the shore zone ordinances that are in place, so they can be implemented more efficiently. This is an ongoing effort to make things more understandable and achievable both for internal staff and customers. She said they are also focused on internal process improvements, and that has been the benefit of where we are now of learning over the past 4 years.

Committee Comments/Questions

Ms. Aldean said the monthly Tahoe in Brief Report includes the permitting activity in connection with shore zone. She questioned whether there would be benefit in expounding on the circumstances in the event that a permit is denied - so that applicants might better understand the requirements, and some of the reasons why a permit may be denied. Ms. Good said she thought that would be very relevant to internal process improvements. She said they are consistently updating and clarifying online documents, to communicate cases where projects could be approved versus cases where a project could not be approved. She added that they are striving to make more of those finer points that aren't necessarily blatant in the code, and communicate them in application or information packets. Mr. Marshall said that they do issue denial letters, and suggested it may be helpful to add a link to those documents. He said they would want to avoid incorporating everything from the denial letter into Tahoe in Brief. Ms. Aldean agreed that was a good idea, assuming there were no legal implications.

Ms. Aldean asked if both TRPA patrol boats were operable. Mr. Keillor said, in short no, but they will be in time for the season.

TRPA Executive Director Julie Regan said she was incredibly proud of the team and of Ms. Good for her leadership. She said that whenever a large new policy initiative is implemented, it is difficult and challenging. Mr. Regan said that during her one-on-one interviews with members of the shoreline permitting team, she was impressed with the amount of care and thought that the team are putting into this program, under very difficult and pressured circumstances.

Ms. Aldean said she understand that TRPA tags illegal buoys, but are not responsible for removing them. She asked if the anchors as well as the buoys are removed, and are they returned to their lawful owners or considered abandoned because they are on public property? Mr. Marshall said the process is outlined under the MOUs with both States. He said he cannot directly recall who is responsible in detail, but both state land entities have more authority than TRPA to remove a buoy. Sometimes that will include the block, sometimes it might not. The key thing is that they are only removed after a notice and demand that the owner removes them has been issued. Oftentimes these buoys are offshore of state or public lands so no one will claim them since they are in violation.

Public Comment

Mr. Gavin Feiger on behalf of the League to Save Lake Tahoe (the League), said that the League was one of the key members of the Shoreline Steering Committee, and was involved with the plan's development. They have been closely tracking implementation, and working with TRPA, local jurisdictions, marinas, and concessionaires. They really appreciate the focus on permitting, moorings and piers over the last four plus years, and the staff really has done a fantastic job. There have been both expected and unexpected complexities that have been handled perfectly.

However, Mr. Feiger said there are four main areas that have not been fully implemented: no-wake zones, boating safety and education, concession permitting and enforcement, and the Aquatic Invasive Species Management plans. For no-wake zones, an MOU with all the local law enforcement agencies was supposed to be in place 6 months after adoption of the plan, so June 2019. Mr. Feiger said he acknowledged that staff were working hard on building relationships with local law enforcement agencies and have started tracking water engagements which they really appreciate, but the on-water coordination and vision of the MOU still has not happened.

Regarding boating safety, Mr. Feiger said the League and TRPA hosted a safety clinic for concessionaires in 2022. The League cannot do that every year, but would love to see someone take that on, and to see boating safety messaging included in concessionaire permitting.

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Mr. Feiger said permitting is the third thing they have not seen implemented as much as they would like. He said the permits are only given once, and it needs to be done right. The League proposed a list of permit conditions a couple of years ago, and only one permit has been issued to Ski Run Marina. He said that Ms. Good included much of what they requested in that permit, but there are still some pieces missing, such as checklists for concessionaires to ensure permit conditions are being met and secret shopper spot checks. He understands there have not been a lot of requests for permits, so they would like to see TRPA take a more proactive approach in reaching out to potential concessionaires, and enforcing non-permitted operations.

Fourth, the AIS management plans were supposed to be completed in December 2021. Mr. Feiger said he hears they will be done this summer, which is great, but Ski Run got their permit without an AIS management plan. He wanted to highlight that to ensure those management plans get done this year.

Ms. Good said that TRPA coordinates with League staff on a fairly regular basis, and are very aware of their concerns regarding implementation. Speaking directly about those AIS management plans, Ms. Good said that staff have worked on creating guidelines and templates for the plans. They will be rolled out this year, and presented at an upcoming Marina Association meeting. Regarding concessions, Ms. Good said staff are on an active education and outreach campaign to get these operations to come into TRPA for a permit. The caveat being that they cannot always issue permits for these types of operations. That said, staff are working with marinas, public land managers, and ramp operators to ensure that all are addressing the same set of rules.

Referring to the Mr. Feiger's comments regarding MOUs with local law enforcement, Ms. Aldean said she was aware there is still an issue with conflicting speed limits at Emerald Bay. But, she said that in the case of Sheriffs, these are independently elected officers who are in charge of implementing rules and regulations. Therefore diplomacy is important in any negotiations. She hopes a reasonable compromise can be reached.

VII. Upcoming Topics

Mr. Keillor said next month's offsite retreat will focus on strategic initiatives and plans. The May and June meetings will bring items on next year's TRPA budget.

Mr. Hoenigman said that there has been a lot of public comment on certain issues, which has been pushing the Governing Board to the point where they do not have a quorum and have to stop the meeting. He asked if the committee could document the public meeting process, so that if there is a lot of public comment they can respond to the issues, while also making sure that it doesn't push business back too far. Perhaps by adjusting the amount of time for commenting. Ms. Aldean said that without limiting free speech, about all they could do was ask commenters not to repeat what has already been said.

Mr. Marshall said staff would be happy to bring an agenda item to the next committee meeting, presenting some mutually developed strategies that may address some of the concerns that members have about how to manage extensive public comments, while ensuring that the public have an opportunity to speak to the Governing Board.

Public Comment

None.

VII. Committee Member Comments

None.

VIII. Public Interest Comments

None.

VIII. ADJOURNMENT

Mr. Hoenigman made a motion to adjourn.

Ayes: [All]

Chair Ms. Aldean adjourned the meeting at 10:07 a.m.

Respectfully Submitted,



Tracy Campbell
Executive Assistant

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.

TAHOE REGIONAL PLANNING AGENCY
REGIONAL PLAN IMPLEMENTATION COMMITTEE

TRPA/Zoom

March 22, 2023

Meeting Minutes

CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Hoenigman called the meeting to order at 12:00 p.m.

Members present: Ms. Aldean, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Mr. Settlemeyer

Members absent: Ms. Diss

I. APPROVAL OF AGENDA

Mr. Hester said there are no changes to the agenda but at 12:30 p.m. to maintain a full quorum of the Governing Board, they've asked that this meeting be recessed to 2:00 p.m. if it's not finished.

Mr. Hoenigman deemed the agenda as posted.

II. APPROVAL OF MINUTES

Ms. Aldean provided a few clerical changes to Ms. Ambler and moved approval of the February 22, 2023, minutes as amended.

Motion carried.

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

TRPA staff Mr. Stock, Ms. Weiche, Washoe County, and Mr. Feldman on behalf of Nine 47 Tahoe provided the presentation.

Mr. Stock said Washoe County is requesting an amendment to the Tahoe Area Plan which covers the entirety of Washoe County's jurisdiction in the Tahoe Basin. The amendment would allow single family dwellings limited to condominiums in Special Area 1 of the Incline Village Commercial Zone.

This amendment is being advanced at this time in response to the Nine 47 Tahoe Project. This is an approved multi-family project which is seeking approval to subdivide into condominiums. Any decision or recommendation today is not about any specific decision on the Nine 47 Project or any comprehensive policy for short term rentals. It doesn't change development standards regarding height, density or coverage. It just looking at the zoning in this area right now.

Some background on the condominium subdivision process here in Tahoe because it's not like

everywhere else. In the area plan zoning it differentiates between owner occupied condominiums and renter occupied multi-family because the subdivision of land is not permitted in the Tahoe Basin if it increases development potential. However, conversion of existing structures into condominiums is allowed if no further development is created. New structures must be built first before they can be converted into condominiums. This is what they call the two step subdivision process. It starts with an existing structure and then you're able to subdivide that structure.

This amendment focuses on Special Area 1 specifically which is outlined in red on slide four. Recognizing that certain areas have site specific characteristics that differ from the rest of their zone and therefore justify different standards or uses. Special areas can target a specific parcel, or they can target multiple parcels. In the case of Special Area 1, he believes there's 36 parcels, but there is also a Special Area 2 that's just one parcel. Special Area 1 currently allows mixed-use multi-family, but not single-family condominiums. This prohibits subdivision in this area at this time. The County is seeking to add condominiums as a use into Special Area 1 which would then allow subdivision into condominiums.

The Advisory Planning Commission failed to recommend approval with six yes votes, four no votes, and two abstentions. It would have required seven yes votes to recommend approval. APC identified three issues in particular during their discussion. They were concerned that subdivision could increase short term rentals in the area, the definition of mixed-use and affordable housing was too vague, and that the Initial Environmental Checklist should be more thorough in its evaluation of short term rental and housing impacts. The Regional Plan Implementation Committee is being asked to make a recommendation to the Governing Board today regarding this amendment proposal.

(Presentation continued)

Ms. Weiche said this request is to add a single-family dwellings limited to air space condominiums in the Incline Village Commercial Regulatory Zone Special Area 1 and to amend the Section 220.150 which refers to a land use policy that already exists within the Tahoe Area Plan requiring that single-family dwellings shall only be allowed in the Incline Village Commercial Regulatory Zone when they are part of a mixed-use development, or when they are affordable housing units. This would be added as a special policy.

They've followed all the appropriate protocols of through Washoe County and TRPA's processes, public hearings and public outreach.

This would add single-family dwelling as an allowed use with one unit per parcel, with the exception that it is limited to air space condominiums. Text amendment is to an existing land use policy in the Master Plan that requires that it only be allowed in mixed-use development, or when it is a part of an affordable housing project.

This is an applicant driven in requested area plan amendment of the County. Mr. Feldman on behalf of the applicants will address the comments and concerns raised at the Advisory Planning Commission.

(Presentation continued)

Mr. Feldman on behalf of Nine 47 Tahoe thanked Mr. Stock and Ms. Weiche for their work on this.

The Washoe County Planning Commission unanimously approved the proposed amendment to the Washoe County Development Code on November 1, 2022, and the Washoe County Board of County Commissioners approved the amendment on January 17, 2023.

Typically, in urban areas in the basin, they have through the 2012 Regional Plan Update sought to concentrate development in urban areas and typically multi-family and single-family are allowed uses but in this special area, they learned that single-family was not an allowed use, because there was a desire at this end of town not to have lot and block subdivisions.

The prohibition on single-family development, which is unusual within urban areas in either community plans or area plans contain this prohibition, which was not intended to foreclose condominium development. Their research and reaching out to TRPA staff that participated in the adoption of the community plan confirmed that. The original application was to address these parcels but since nothing has happened in over 20 years in this general area, land use policy underlying both the community plan and now the new area plan seeks to promote changes if nothing is occurring, and environmental redevelopment is a desirable objective. They think this request is consistent with the underlying effort to update when stagnation and status quo does not promote environmental redevelopment.

No multi-family development has occurred in this area for twenty-plus years. There's an under supply of residential products across all price points. The legacy prohibition sought to prohibit lot and block as opposed to condominiumization. The only difference is the form of ownership whether it's for rent or for sale.

Land Use Policy, LU 7-1 directs the County to identify barriers which is that nothing has happened in this zone for couple of decades, and therefore, they were not originally proposing the entire special area be rezoned, but it is appropriate to rezone this special area which doesn't have housing within that area.

The benefits of the amendment promote walkability, bikeability, reduce dependence on the automobile, fulfill the area plan vision for concentrated development in the Town Center, increase housing alternatives and deliver an economic infusion with some significant ad valorem property tax as a side benefit.

The environmental impacts for the multi-family project were analyzed and TRPA found that there was a finding of no significant impact. There's no physical difference between multi-family and single-family condominiums. There's been some comments about short term rentals, and they took another look at that. The developer of this project does not have any intention to make it available for short term rentals. Upon further conversation with interested parties, while the original plan was to restrict short term rentals under the CC&Rs, people raised the idea that that could be amended and perhaps that restriction would evaporate. They will deed restrict this project, so short term rentals are not a possibility at this particular location. Most people object to short term rentals because they live next door and don't like the impacts, no one lives next door to this project and is an odd target for a short term rental conversation.

They also looked at what is the vehicle miles traveled consequence of other properties that are developed within the special area which are predominantly commercial. What the traffic engineers have revealed is the least impactful form of development is residential in terms of trip generation. If

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you look at short term rentals which again, could possibly occur, although they understand Washoe County may contemplate a broader ban on it, short term rentals at best are occupied 50 percent of the time. The trip generation from a short term rental is less than the trip generation from an occupied residential unit.

Workforce housing is a shared issue throughout the basin. This amendment does not foreclose workforce housing. They're all familiar with the barriers to workforce housing, and they all recognize that zoning in and of itself is not going to be the panacea for workforce housing. There needs to be incentives and some of the incentives that are in place haven't moved the needle.

It's relevant that within this area, Randy Fleisher, one of the principals in Nine 47 owns three other parcels that have been in conceptual development for workforce housing initiated three years ago. They've engaged consultants, including Praxis Consulting who's the lead tax credit financing advisor in Nevada and Collaborative Design Studio Architect and wants to develop 35 workforce housing units within this area. There's nothing in this amendment that would foreclose workforce housing, the people bringing forth this amendment are actively pursuing workforce housing.

He believes there's 42 parcels within this Special Area 1. On the right hand side, the green area is where the Nine 47 project would be located. The blue section indicates where there's an effort now to develop workforce housing. Outreach has been made to Washoe County to help facilitate advancing that ball, and the only other parcel in the area that's undeveloped is about 1.4 acres, 1.2 of which is outside of a stream environment zone that could support 20 potential new units and 20 potential new units if they were subject to short term rentals would not move the needle in terms of environmental impact or generation of traffic. The short term rental issue from the Nine 47 perspective is off the table, but in terms of the broader impact within this regulatory zone they believe it is less than significant.

This does not foreclose multi-family, it does not preclude workforce housing and commercial development, it does not impact density or traffic, it does not generate environmental impacts and certainly will not result in the proliferation of condominiums within this special area.

There's been significant community outreach, wide-ranging support for the project as well as the amendment from numerous small business owners, leaders in the community, property owners, nonprofits, religious, realtors, HOAs, and local residents. Extensive outreach has occurred with neighborhood meetings, community workshops, websites, fact sheets and more than 70 letters of support. There is a broader recognition that no change is not advancing the goals of either the area plan or the longer range vision of the Regional Plan, and that the supporters understand that environmental redevelopment will help us advance the ball and support both economic and environmental gains.

Presentations can be found at: [Washoe-Tahoe-Area-Plan Special Area 1.pdf](#)

Committee Comments & Questions

None.

Public Comments & Questions

Ellie Waller said mixed-use is a type of urban development, urban design, and urban planning. The theme here is urban. We're overlaying Tahoe with theories of urbanization and the Lake Tahoe Basin is unique. It's not protecting the unique environment. The area plan amendments proposed for Washoe and Placer County need extensive environmental analysis not being proposed or required. Another moniker is smart growth. It is urban planning and transportation theory that concentrates growth in compact walkable urban centers. Smart growth is a theory of land development that accepts the growth and development will continue to occur, and so seeks to develop that growth in an intentional way.

Next term used is sustainable development, this is an oxymoron. Part of the problem is that development itself is not consistently defined. Failure programs like the Community Enhancement Program had not a single project achieve its goals in 10 years. One was given benefits without all the requirements. Yes, there was much needed affordable housing which this project is not providing, was built, but did not achieve environmental benefits. Now, area plan amendments are cropping up in every local jurisdiction with new schemes and no data to backup success and are program driven. She believes the Nine 47, Incline Village and Boatworks Mall in Tahoe City are examples.

John Eppolito, a 25 year Real Estate Broker in Incline Village and Kings Beach said the words "prohibition", "stagnation", and "status quo" were used in the presentation. His understanding was that there was a committee that decided that this Special Area 1 would be workforce housing and affordable housing. The words that were used by the presenter were very misleading. He thinks that committee spent a lot of time, they're very concerned about the community, and what they did is just being pushed away by Washoe County and hopefully, not TRPA. Another thing that the presenter said, that is not true, is that there's a shortage of properties at all prices. That's not true. These condominiums are between \$2.5 and \$5 million, there's no shortage of properties in Incline Village up to \$5 million. The shortages are properties below \$1 million, especially single-family condominiums below \$500,000 are almost non-existent. He's not sure how they got 70 letters of support. He thought it was 35 when it was presented at the County. If 35 all had a spouse, they could have gotten up to 70 really quick. Amongst the community members and many of the realtors, this project is not very popular. He guesses, 70 letters of support mostly developers, friends, families, girlfriends, wives, children, maybe you could get to 70. There is a shortage of workforce housing and affordable housing and is what they need in Incline Village. It's disappointing that our representative at the County is not on our side and hopefully you'll be on our side and not lose credibility.

Kristina Hill, Incline Village resident and former TRPA employee said amending the Regional Plan is a big deal. You have to make findings that you comply with the environmental thresholds and the Code of Ordinances. When she worked at TRPA in the early 1980s, they established the environmental threshold standards and those are standards that define the capacity of the natural environment and set specific performance standards related to land use. The goals of the land use element of the thresholds are to promote housing for the workers employed in the region. Two, affordable and moderate income housing should be encouraged, and three remove barriers preventing affordable housing. The proposed amendment doesn't comply with any of these goals, and therefore cannot be found that it complies with the threshold standards of the TRPA.

Washoe County just did a checklist or the environmental analysis of this amendment and finds that

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woefully inadequate. The fact that it includes 42 parcels that could now be used for condominiums, and they say that it doesn't prohibit workforce housing, most developers are going to build multimillion dollar condominiums, because it affords them a greater profit. There is a cumulative impact that also has not been analyzed in the environmental checklist. The Advisory Planning Commission also pointed out that we don't want to set a precedent. If this happens here in Incline, it could happen all over the basin, and it's not a good idea for single-family dwelling luxury condominiums to be put into commercial town centers. That's not what TRPA, Washoe County, or what they envisioned when she helped with the implementation of the Regional Plan. Please recommend denial of this proposed amendment at the Governing Board.

AFTER RECESS - DETERMINATION OF A QUORUM

Members present: Ms. Aldean, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Mr. Settelmeyer

Members absent: Ms. Diss

Public Comments & Questions

Pamela Mahoney Tsigdinos, author of the Reno Gazette Journal piece and full-time Incline Village resident. You would do a huge disservice to the Incline Village, Crystal Bay workforce by allowing this amendment, as it does not serve the needs of the community. More luxury housing is not what's needed. Housing for First Responders, schoolteachers, service workers are what's missing.

Sadly, this amendment appears to be written in such a way as to allow Washoe County to attract more developers, to create expensive, new trophy properties that will create new property tax revenues and set a new precedent for greater tourism attractions. As the bi-state agency, TRPA has the ability to look at the big picture. Please prioritize the needs of the community, your decisions will have real life consequences on who can make their home and livelihood in the Tahoe Basin. TRPA was created to protect Lake Tahoe, the basin, and its communities, not to be the economic development arm of the Chamber of Commerce and a partner to the developer and real estate industry. You shouldn't simply rubber stamp a major amendment without doing necessary verification of any developers claims. As for further protecting the communities, TRPA is overdue and completing a comprehensive environmental impact study. If TRPA isn't going to be the protector of Tahoe's environment, then this agency should be dissolved so that a new agency can pick up the mantle.

Roxann Aden, full-time resident of Incline Village understands that one of the drivers for this amendment is bringing in a redevelopment investment to the Incline Village Town Center, she's in favor of that. The organization's strong towns, uses the term stroad to describe a problematic stretch of pavement that tries to be both a road which is intended to connect to distant destinations at high speed with a street which is a stretch of pavement that includes many houses and stores, lots of driveways and intersections, and needs to be traveled at a slow speed. Highway 28 in Incline Village is a classic stroad and she supports redevelopment that addresses this. However, the proposed amendment exacerbates other problems. What little workforce housing they have in Incline Village is largely located in this area, and it will be displaced, they believe, along with a number of businesses that serve local needs by what many of them see has the inevitable influx of luxury condos likely to be used as second homes and despite promises to the contrary, also likely to be used as short term rentals. She feels that this amendment which has far reaching impact, has been slid under the door. Public meetings were held focused on Nine 47 Tahoe, with no mention

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that it was not in compliance with current zoning, and no suggestion that the entire area would be rezoned. Their bad for being distracted by shiny objects, but at this point a good outcome requires that they reboot discussions and develop plans that address the loss of housing and businesses that serve local needs, then fix the darn street.

Mr. Hoenigman said this is about recommendation to the Board, and there will be another opportunity for public comment when the Board takes up this issue in the future.

Kathy Julian said the 2021 Tahoe Area Plan reflected extensive community input prior to approval. This proposed code amendment to the Tahoe Area Plan does not. There has been insufficient community consultation. The August 22, 2022, public consultation focused on the luxury condominium project, not the broad reaching implications of the code change. The objective of jumpstarting the redevelopment of their town center was not the focus of that consultation. It's clear from the staff report that this amendment is not a one condominium complex, it's about incentivizing the owners of the other 40 parcels in Special Area 1 to develop a redevelop existing parcels. The objective stated, these properties housed among others, are locksmiths, coffee shops, nail salons, plant nursery, convenience store, and a multitude of modest restaurants. While Tahoe Boulevard would benefit from some redevelopment, any redevelopment should be consistent with the 2021 Plan which considered Special Area 1 a preferred area for affordable employee housing. Any redevelopment of older properties into condominiums should factor in the concerns of many many small businesses that will be forced to relocate. These inevitable impacts on small business have not even been acknowledged. She also agreed that the code amendment appears not to comply with the housing sub element of the thresholds land use element and its goals for affordable housing.

To respond to the points put forth by the applicant's representative, it is not correct that the prohibition on condominiums was not well thought through. During the consultation for the Tahoe Area Plan in 2020 and 2019, the community participated and remembered that was the objective. The mixed-use definition is not just vague, it doesn't exist. Regarding short term rentals, it will be a problem in this area. The County should go back to the drawing board and come up with something that works to protect housing as well as these small businesses.

Ronda Tycer, 32 year resident of Incline Village said they all know that your board decision today has less to do with Nine 47 than with preserving Incline Villages commercial core. Many will speak today about Nine 47 but don't take the bait. Today, you aren't deciding anything about Nine 47 or any specific project. Your decision is solely whether or not to amend the Washoe Tahoe Area Plan for all developers in the foreseeable future. The plan change might look insignificant to some of you, but what might it mean to local Incline businesses? Special Area 1 encompasses 42 parcels, most with buildings, most housing businesses, and most of these businesses are small. How would the amendment affect the many Christmas Tree Village small business owners if a luxury condominium developer bought their building and forced them out. Or what if the current owner raised their rent because a luxury condominium development across the street caused property values to be reassessed?

The long term residents want redevelopment, but not at the expense of our small business community.

If you're in favor of the Nine 47 development, as many of us are, let's look at alternatives to Washoe's desire to change the entire Tahoe Area Plan. If spot zoning or moving the zone line can't

work, what about designating Nine 47 as a TRPA pilot project to assess the actual effects of single-family density condominiums in this commercial area? Let's find out if it's positive or negative before we change the entire Tahoe Area Plan. Thank you for voting against Washoe's reaching plan change.

Judith Miller said please ask yourselves who's our workforce. This isn't Silicon Valley. Our tourism, recreation based economy workforce consists largely of lower-income service industries employees, University of Nevada, Reno students, and seasonal workers who may only live here several months out of the year. Many depend on public transportation. This workforce often cannot afford a car, let alone a down payment on a home. That's why this portion of our commercial core Special Area 1 along the bus route was intentionally limited to apartments. Our community is a bit unusual in that half of the dwelling units here are already condominiums, roughly 4,000 out of the 8,000 homes. They have very few apartments, only about 250, and note that only one apartment in a parcel can be a short term rental. So, a 75 unit complex can only have one short term rental. Before the advent of the hosting sites, Airbnb and VRBO, these condominiums served as the workforce housing. Last count, there were nearly 450 condominiums being used as short term rentals. They don't need more luxury condominiums; they do need housing for our service industry and seasonal workers. Please define the mixed-use term, because currently it will allow 40 condominiums and one 900 and something square foot office. That's not her idea of mixed-use. Please defer the approval of this of this proposed change in the area plan.

Diane Becker, full-time resident of Incline Village said the original Washoe County Community Plans were developed over 12 or more years in conversations and meetings, between Incline Village and Crystal Bay community members, TRPA, and Washoe County staff. On January 26, 2021, the Tahoe Area Plan was developed between TRPA, Washoe County and the Incline Village community members in conversations and public meetings held throughout 2019 and 2020. Those documents highlighted the community need for affordable workforce housing. She referred the members of this committee, the Governing Board, to the sections in the Tahoe Area Plan referencing that this was correct. The proposed Tahoe Area Plan amendment was filed by a single developer because the developer wanted to build luxury condominiums in Special Area 1. Special Area 1 was formerly a commercially zoned area which changed in 2021 to mixed-use, commercial, and multi-family housing that was affordable housing. In response to the community, TRPA, and Washoe County support the need for affordable housing. Why is TRPA even considering changing this important zoning decision without replicating the extensive community involvement, having developed past plans and why would you do a piecemeal amendment process?

The suggestion by the developer that this property has sat stagnant with no residential development for over 21 years, is disingenuous at best since the change to multi-family housing that is affordable housing zoning, only first occurred in January 2021. Remember that 2021 was still pretty occupied with Covid. She urged that you should not take away the one real incentive that they have in Incline Village for affordable housing to be built. By removing the existing limitation in Special Area 1 that multi-family housing with increased height, density, and reduced coverage, be only for the housing if it's for affordable housing. Other areas outside the Town Center for those of you who don't recall, do not have increased height, density, and reduced coverage, that was only put in in January 2021 to encourage affordable and workforce housing.

Carole Black agreed with the other commenters. Housing is a component of the land use design in TRPA's Regional Plan, Thresholds, Housing Element HS-1, 2, & 3 as well as the recently adopted Tahoe Area Plan. The focus included addressing workforce housing, and quoting Ms. Regan's recent

report, identifying policy changes that make affordable housing options more feasible and give these projects an advantage over market rate homes. The proposed code change will drive the exact opposite of the desired results and should not be approved. Such a code change requires much more process and thought than she thinks has gone into this. It will result in expensive condominiums, too expensive for the workforce at \$2.5 million plus or \$9,000 a month estimated for rent on precious town center parcels adjacent to public transport which is counter to much of the other planning that's going on.

She went through the feedback and saw 70 or so comments supporting this. Most of those look like copy, cut, and paste of a statement with one grammatical error in it that was repeated. That does not mimic what you've heard today, or what has been presented in previous meetings. People have sat here, waited on the phone for hours to present their concerns about the community. The proposed zoning changes do not address but undermine the TRPA Regional Plan Threshold objectives and community needs and should not be approved. Also, consider rescinding the prior permit. This is not multi-use, it's craziness.

Chris Wood, Incline Village resident said his concern is that TRPA have some protections to prevent the development of the properties in the Special Area 1 into condominiums that get sold off for \$2.5 million, or whatever the market bears. Looking at the staff report on page 385, and Attachment D with the findings, it appears that a developer can come along like Nine 47 did and get a multi-family dwelling project approved, and then submit a request to break it into condominiums ownership of the air space. That seems to move the ball in the wrong direction as far as it goes, with workforce housing in the area and doesn't make sense. As he reads the information in the staff report, we are going to end up with more projects that seek to make money through selling condominiums at very high prices. There needs to be incentives to give to the developers, to get them a profit margin that they desire to build workforce housing and doesn't see that in any of this documentation here.

Andy Chapman, President & CEO of Travel North Tahoe Nevada, a 32 year, full-time Tahoe resident and an active member of the Incline Village and Crystal Bay communities. He joins the Washoe County staff and Planning Commission in support of this amendment to the Washoe County Tahoe Area Plan to allow single-family condominiums in Special Area 1. This amendment was unanimously approved by the Washoe County Planning Commission and the Washoe County Board of Commissioners, and the staff recommendation moves TRPA forward to achieve the environmental goals of the Regional Plan. There has been extensive due diligence by staff to avoid spot zoning and bring this amendment forward as there's been no substantial redevelopment or reinvestment in Special Area 1 for twenty-plus years. This would end that 20 years of stagnation which has been bad for our business and the environment. Opportunities to vote yes and bring investment, which in turn brings environmental redevelopment and increase economic vitality. The old development code unintentionally carried over from the 1996 Incline Village Community Plan, which unfortunately maintains a status quo. As confirmed by the TRPA planner who worked on the 1996 Community Plan, it was never the intent to leave out SFD forms of ownership. It was never intended to prohibit condominiums only to traditional lot in block subdivisions.

This effort fulfills the goals of the Tahoe Area Plan to direct higher density at town centers to reduce traffic, vehicle miles traveled, and create walkable communities. A yes, on this amendment improves the environment, fulfills the area plan by concentrating density into town centers and increases housing opportunity while delivering economic infusion into the community. There are some in our community that would like to maintain the status quo with no improvements to our

region, whatsoever, regardless of the project or its location. There are significant negative environmental impacts of doing nothing. He encouraged the committee to support the staff's recommendation.

Chris King, full-time resident of Incline Village said let's be clear about what this amendment will do. In short, it will destroy the character of our community, and it's easy to see that from the financial incentive that's created here. Nobody is going to do anything other than want to do exactly what's happening at Nine 47 throughout this special district. They'll want to build luxury condominiums and maximize their profits. This is going to wipe out the small businesses, it's going to wipe out any ability to have affordable housing, and workforce housing. A lot of these will be people from the Bay Area or distant areas who don't use these condominiums. They could see this in the redevelopment of all the older homes in Incline Village being torn down, rebuilt, and being sold for \$3 to \$5 million. Consider what the community will look like in 10 to 15 years, it will look like South Lake Tahoe around the casinos and Palisades with enormous luxury condominiums, and a completely transformed community that is nothing like the community that we all love and live in. He urged the Board to vote against this, and to restart the process and get much more community input before moving forward on any changes.

Doug Flaherty said, Washoe County, TRPA and the developer have failed to provide substantial evidence as required by the Bi-State Compact that address or support required findings or rationale, i.e., Chapter 4, Findings, one in the staff report, page 414, that the plan amendment is consistent with applicable TRPA Code of Ordinances, Finding for E, this in connection with the cumulative 40 plus parcel cutting of east side forest trees, greater than 24 inches in diameter. Of which the cutting of the trees over 24 inches on eastern slopes requires compliance with the TRPA Code of Ordinances set forth in the Regional Plan. Further, the environmental checklist finding 4.G does not provide sufficient information to fully assess the proposed code amendment regarding the impacts of 40 plus parcel eastern forest tree cutting of trees over 24 inches in diameter therefore, an environmental assessment is required for the Code to properly assess this impact. There are other failures on the environmental checklist that he's noted where there's a lack of substantial evidence to substantiate the findings. In this case, the environmental assessment is required for the 40 parcel cumulative impact as a result of the proposed area plan amendments. Currently, the environmental assessment is arbitrary, capricious, highly controversial and if TRPA accepts this finding without a minimum environmental assessment to determine its cumulative effects on old growth eastern forest trees within Special Area 1, TRPA will be practicing prejudicial abuse of discretion. He submitted written comments with more detail.

Helen Neff Incline Village resident submitted written comments. She's not against intelligent smart development, or well-planned redevelopment. She's asking this committee to provide the residents of Incline Village with answers on two critical and practical points. One, how does this proposed amendment give Incline Village a walkable town center, as mentioned numerous times in the supporting documents as a reason to allow air space condominiums when our main street, State Route 28, is not safe for pedestrians. Adding air space condominiums does not make our town center walkable. It's not safe to walk now, and it will not be safe until realities including speeding traffic and F rated intersection, sidewalk design, lack of bike lanes, and too many intersection driveways are corrected. The second point is, what is a mixed-use development? Washoe County Planning Commissioners, Washoe County Board of Commissioners, TRPA, the Advisory Planning Commission members have all asked this question relating to this amendment as far back as November 1, 2022, and the question has not been answered. Until this question is answered and

made part of the Washoe County code, it will be open to interpretation by developers, planners, residents who undoubtedly each have a different definition. She can envision a walkable, mixed-use town center with a safe main street, but this amendment will not achieve that.

Alex Tsigdinos, full-time resident of Incline Village urged the committee not to approve this proposed amendment. Changes the zoning over the entirety of Special Area 1 which is meant for commercial and affordable housing uses, and it's contrary to that designation. This complex is already being marketed, and you'll see on the website how they position it. The developer's presentation grossly underestimated the community's concern over short term rentals as well as their impact. Senator Rosen's office puts the short term rental impacts at 5 to 10 times that of owner occupied residence in terms of vehicular traffic and environmental impact. His fear is this 40 condominium complex will become a giant clerk less hotel. If approved, a deed restriction against short term rental use in the amendment would be highly advantageous. The Washoe County Commissioners recommended passing this. Note that all of them live in Reno/Sparks area outside of the Tahoe Basin.

Gavin Feiger, League to Save Lake Tahoe said project driven amendments are not the comprehensive planning we need to achieve the Regional Plan. The proposed amendment aims to make a zoning change for a project that's not needed. The zoning change itself doesn't align with the Regional Plan goals and won't help achieve Regional Plan Performance Measures and benchmarks. In fact, it might well set us back. Goals and policies are integral aspects of planning documents. They are a result of a lot of discussion and thoughtfulness, and they need to be a large part of the decision making process. The projects representative identified a single area plan policy that might justify the zoning change, that's cherry picking. The area plan has at least one overarching goal and six to eight policies that would not support this change. The Regional Plan, which area plans are incorporated into as they're developed and amended, also has overarching goals and policies around housing that area plans must adhere to. Of the three goals and eight policies concerning housing in the Regional Plan, not a single one supports this zoning change. The Advisory Planning Commission declined to recommend this area plan amendment and encouraged the Regional Plan Implementation Committee to also not recommend approval.

Beth Davidson, full-time resident of Incline Village said this amendment would dramatically change this community and would not be a benefit at all. The applicant said that there's been no redevelopment in the last 20 years. They currently have a new grocery store going in, a Starbucks, and related buildings that have been built on the corner, not well designed frankly, in terms of parking. Perhaps that was hastily implemented. But certainly, providing more condominiums in the middle of town does not make this a walkable community. During the break today, she walked from her home at McCloud condominiums, and would have walked to Raley's but couldn't do that because Washoe County has not yet plowed the pathways around Incline Village. Washoe County needs to take care of the current capacity that it's responsible for instead of asking for more capacity which this zoning amendment would do so. Please reject that amendment.

Tobi Tyler, Tahoe Area Group of the Sierra Club said TRPA's Town Centers have been designated to allow affordable housing and multi-family dwellings near public transportation. These town centers allow higher density, coverage, and height than other areas without addressing the real need for affordable housing. The condominiums at Nine 47 Tahoe Boulevard are not affordable, but rather start at \$2 million per unit. They are opposed to this code change which will lessen the probability of affordable housing and a walkable community without sufficient community input as well as

increase in height and density of structures. Increased density, height, and coverage without a cumulative impacts analysis and without any true workforce housing puts the entire community at risk in the event of an evacuation because of fire or other disasters. It also increases air and water pollution because of increased fossil fuel bikes, cars, boats, and snowmobiles that come with increased density. Approval of this plan does not extend any environmental goals and will cause significant environmental impacts. These continued giveaways to luxury developer proponents, without analyzing cumulative impacts of increased population and associated environmental impacts must be stopped until a thorough cumulative analysis is done. TRPA was created to look at the big picture and protect the environment. Read the Bi-State Compact and start implementing what you were created for and stop the giveaways to the highest bidders.

Denise Davis, Incline Village resident, said Mr. Feldman stated his research found no reason for the omission of single-family dwellings. Eric Young, Washoe County Senior Planner, stated the same at the March 8, 2023, Advisory Planning Commission meeting. There were reasons, it is not an oversight or omission. She and other community members attended workshops and meetings in 2019 regarding the development of the Washoe County Tahoe Area Plan. There were specific discussions regarding reserving this area for workforce housing. Apparently notes from those workshops and meetings are not available. Community members spent a lot of time and effort on the area plan. Now, those efforts are being minimized and disregarded. This amendment is especially ironic in light of the need for workforce housing, and the work currently underway to increase the availability of it. Her opposition is to the amending of the Washoe County Tahoe Area Plan and is not in regard to the proposed project that seems to have started this process. It seems the project backers were misinformed at the start of their effort, but the solution is not to amend the area plan.

Hang T, 16 year resident of Incline Village and five year nail salon owner supported the area plan amendment to bring the condominium form of ownership to Special Area 1. Her salon is within walking distance of the proposed development. It is very important you hear from us who are working and running a business. Allowing the condominium ownership, they can benefit from much needed investment into the local economy at Lake Tahoe.

Ann Nichols, North Tahoe Preservation Alliance, 51 year Real Estate Broker said there's a big difference between condominiums, air space, side by side, and multi-family. For a multi-family you can't ask as much money because typically they're not as big. They're seeing some 5,000 to 6,000 square foot condominiums in these projects. It's a difference in kind, it's not in degree. It's a big deal. This two-step process where you can do multi-family and immediately make them into condominiums, the TRPA has allowed this for years. It's a mistake and self-inflicted wound. It's one of the reasons why we have no affordable workforce housing. You have to stop doing this. Please deny this, it's a far reaching change, and it's a terrible precedent and we're going to be condominiumized.

Lawrence Wodarski is in support of the Plan Amendment. He's the owner of a property management company that's been serving the Incline Village community for 43 years, providing commercial property management and maintenance, HOA management, and long-term rental management services. They do not engage in short term rentals. They maintain and assist in the management of the three largest shopping centers in the Village and is in constant communication with the tenants of these centers, all of which, except for two, are small locally owned businesses. The feedback that they received most frequently from our small business tenants is the need for an increase in

residents who have a stake in the community. When the tourist seasons end, these businesses only have local residents to support their businesses. The community has the need and the capacity to absorb an increase in the resident population and having additional living units on our main street within walking distance of the so-called town center, would be a positive addition to our community. With respect to affordable housing, from an economic standpoint he and others believe that there are other potentially suitable locations in the Village for modest and affordable housing and thinks everyone understands our community needs both. Please vote yes on the plan.

Chuck Butler, property owner in Special Area 1 in Incline Village supported this amendment, to allow for the addition of single-family condominiums, as it was unanimously approved by Washoe County. There's been significant local support for this project. There's been almost 900 inquiries about the project in a positive way, of which one third were directed by basin area residents or brokers representing those residents who weren't able to purchase their ideal home at the time due to a lack of options. They believe that this would promote an end to the 20 year stagnation that has occurred here with the under development of the area. The point of these plans is to drive density into central areas to promote walkability and responsible environmental planning. It has not happened. That is not a function of condominiums not being there, it's a function of these other options to not have what's necessary to truly make them occur. Condominiums would increase the tax base by approximately two million dollars. Those funds could be used to support and augment affordable housing options in a real manner. They are sympathetic to the issues of affordability and short term rentals. Nine 47 will be deed restricted and they are doing that to show their commitment. In addition to affordability, they've analyzed the last eight affordable projects in Washoe County and are very familiar with what's necessary with is why they've undertaken a project in Adler which is on the edge of the area and are excited that it will deliver 47 affordable units. It's being done in a public private partnership and is the way to go about it.

Royal Kuckhoff, Incline Village resident since 1970 said thank you for your environmental review of the outdated development code to amend the area plan to allow the condominium ownership at the Special Area 1 location. He supported the Washoe County Tahoe Area Plan Amendment to allow single-family condominiums in Special Area 1 of the Incline Village Commercial Regulatory Zone. He supports this amendment because Incline Village needs to attract investment, help our lake economy, and community. Let's end this stagnation going on in our community for more than 20 years, several parcels within the Special Area 1 have been dormant, including these two. There's a reason why nothing is happening here. Let's update the old development code. A yes vote on this amendment will bring much needed investment to improve Lake Tahoe's clarity, environment, and economy. It concentrates development in a town center, walkable communities with direct access to bike and trails, reduces dependence on autos and parking demand, upgrades stormwater controls, significantly reduces trip generation and vehicle miles traveled. This amendment is needed. Condominium owners do not want short term rentals, deed restrictions have already been spoken to. This location will never have workforce housing. Research shows workforce housing is needed at all income levels. A yes vote aligns the community plan, area plan, and regional plan to concentrate development in town centers and create walkable communities. Dozens of people have taken the time to send their letters of support to this amendment. They represent a diverse group of community residents and hope you'll listen to those of them who are part of the solution, and want to improve our community, to raise our families and have full-time jobs. Please vote yes.

Scarlett Martin full-time resident since 2012, said she keeps hearing on the pro side that there's 20 year lack of development and stagnation. The most recent area plan was done in 2021. They spent a

lot of time and effort going through it and decided they're reasonable trade-off was increased density and increased heights in the middle of Incline Village so that they could hopefully get some multi-family housing, and the idea is that it would be mixed-use. Mixed-use from where she's originally from, typically mean something like underground parking, first level retail, possibly second level offices, or apartments or condominiums. She's not so much condo versus apartment because you can own a condominium and rent it out. It's supposed to be mixed-use and the idea that Nine 47 is "mixed-use" because the 40-42 units also have under 1,000 square foot administrative office. That's ludicrous. That's not what anybody means when they say mixed-use. Please start over and if you're going to vote for this, at least make clear what is mixed-use.

Mr. Hester said there are five options. One, the Regional Plan Implementation Committee can recommend denial to the Governing Board; two, they can recommend approval; three recommend approval for only a limited part of the area, dividing it geographically; four, recommend changes that need to be made prior to the approval; and five, they could do a combination of geographic area and changes.

Committee Comments & Questions

Ms. Gustafson said she with her position on the TRPA Board, she tries to honor what the local agency, local government, her counterparts in local government have done, and what their recommendations are. She does have concerns about this one. She's spoken with Ms. Hill to share some of those. One is 925 feet of commercial floor area is a very minimal amount of mixed-use and remain concerned that if that minimal amount is truly mixed-use, is it just residential condominiums. Her experience with residential condominiums in a town center or in a more urbanized area, ends up creating conflicts. The owners often want the businesses to shut down early. They don't like the noise they if there's a bar restaurant nearby, they start complaining. That's advice from other areas where they've had residential units. On the flip side, it takes residential investment in order for us to have the financing to make other projects work.

There is no doubt, development in Tahoe is so very costly that without that incentive, they don't see the improvements they need. How do they find that right balance? As one Governing Board member, she wants to honor what the Washoe County Commission has debated on this, at the same time, she has a role to play on the broader region where this could be precedent setting for other jurisdictions too. She thinks short term rentals do belong in these areas and not in other areas. She hates to see that you won't have like hotel and visitors that are on the street front walking to these businesses, because there is so much of Incline Village and most of our communities don't have year-round residents anymore. And just because these are built as single-family condominiums, they probably will be vacant quite a bit at the time, and that doesn't help the town center with commercial vitality. She's torn on this. She'd like to hear more about the improvements that the development will make. Will they be building sidewalks and pedestrian walkways, was that a requirement on the initial project? What are some of the other improvements to this area?

She would tend to lean on a modified approach to this, and get it to the Board for more discussion, because she does feel like changing all the zoning for that whole area could be problematic, and that we all know single-family homes and condominiums are the highest and best use for a developer. So, as properties change, they'll all want to go to that, commercial does not make sense in Tahoe right now and doesn't make retail sense in a lot of areas of our country. It is a challenge to keep commercial services and professional businesses in our communities.

Mr. Feldman on behalf of Nine 47. First, the project will deliver in its front edge the segment of multi-use trail and is responsive to the connectivity component. With respect to mixed-use, Ms. Gustafson raised a great point, and not a point lost on the developer. At this particular location, a lot of thought went into what has been perceived as a minimal inclusion of mixed-use. For example, that there is no multi-family adjacent to this location. Multi-family has been an allowed use since the community plan was developed in 1996 and nothing has been developed. Therefore, there is not a lot of mixed-use around to support neighborhood retail which is why commercial condominium office which would not conflict with the residential component, has been incorporated to satisfy the mixed-use component. In addition, to which it is the least generative of trips and people have expressed concern with the amount of traffic at this location and that seemed to be the way to balance the interests.

There's also enhanced stormwater protection. The current 20 year, 1 hour storm requirements for a site that has been dormant since it was a gas station, very high trip generator and a restaurant which has since been demolished.

Ms. Gustafson said she knows what Placer County does in requiring contributions to affordable housing from new development, does Washoe County have such a program?

Ms. Hill said no, Washoe County does not have that. They are working through the Washoe Tahoe Housing Partnership with the Tahoe Prosperity Center to come up with incentives for the Tahoe Area Plan for workforce housing. Those are outlined in their area plan as something that they need to do. When she approved their area plan, one of the first things she did as a new board member in 2021, she promised the community they would be coming back with those updates. They had to do a study with the TPC to see how many units they needed and where the problem areas are and what the impacts of the current lack of affordable housing in Incline Village are. That study was done in 2021 and 2022. They've been developing these policies and think that they will come forward to the Board this year.

This policy work takes time. The County has never embarked on this before. She's been pushing for the County Commission to look at workforce housing policies for two years since, and they just tackled that at their strategic planning session in January. It's something that they are behind on but is something that they are moving forward with. They could look at a few like that, she doesn't think that will be the first thing that the Board will probably do, it will probably be more incentive based and less punitive but is something on the table that they are discussing for the future.

Ms. Gustafson asked Ms. Hill how much public comment was received at the Washoe County Board of Commissioners meeting when they approved it.

Ms. Hill said they didn't receive a lot of public comment, and mainly because they don't do virtual public comment at the County Commission. People have to drive to Reno and is harder for folks to go to. It was under 20 and less public comment than they received today. She's heard loud and clear developer driven amendments are not ideal. But the developer did find this discrepancy, and the County Commission decided you're right, they don't have a problem with condominiums when they are associated with mixed-use and or workforce housing in this special district area, because this is downtown. In order to make these developments pencil, they do understand condominiums are part of that. They plan to come back with minimal areas for commercial development which she's heard from the community. The County wasn't ready to deliver that package and the developer

wanted to move ahead and that is what the developer is choosing to do, and the County is okay with this but certainly moving forward with their own amendments.

Ms. Aldean said there's a suggestion that they should be decoupling the proposed development at this location with the proposed area plan amendment but that's difficult too. As Ms. Hill pointed out, there were some missteps along the way. First, the applicant submitted a special use permit application to build a 40-unit multi-residential project and the Washoe County staff determined that a special use permit was not required because multi-family dwellings are allowed in Special Area 1. Then the applicant submitted a tentative subdivision map only to find out that single-family condominiums were not allowed in Special Area 1 which precipitated the amendments before us today.

As a former member of the Board of Supervisors in Carson City representing the local jurisdiction, she understands Ms. Gustafson's position of wanting to honor the hard work of our fellow commissioners and supervisors, but also wanted to take into consideration the work of our Advisory Planning Commission. Since there's an opportunity for a compromise, her thoughts are to make this a part of a first phase to the amendment to allow this project to proceed, because the developer has been working with County in good faith. She understands the reluctance for spot zoning and am not saying that the rest of the property can't be considered for these use amendments, but that they only do it in phases. This would allow the County in cooperation with TRPA to develop a definition for mixed-use. It would look like something probably beyond 1,000 square feet, depending on the total square footage of the development, and that maybe the County looks at the idea of restricting short term rentals in this Special Area 1. As indicated by Ms. Hill, there's more work to be done and the County is up to the task. They're interested in maybe making some further amendments.

Her compromise would be to approve the amendment as it applies to these two lots which encompass this development proposal and then get back to work to look at some of the outstanding issues related to short term rentals and mixed-use developments.

Ms. Hill said she has a hard time with that proposal because today, they are not looking at one development. They are looking at an area plan amendment and knows that it's hard to decouple it and doesn't think that's her role is to give a developer one thing. It's to look at an entire area which the County Commission thoughtfully did and plans to bring the things back. That's her concern, if you don't like this for the area, they you shouldn't approve it today. But if you do like it for the area, then you should approve it today. It's not necessarily the right thing to be looking at one development in particular. She wouldn't be doing her job to move forward with that. Maybe she needs more thought, and the group could certainly vote for that today and it comes back to the Board, but she wouldn't feel good moving forward with that. Thank you for trying to find a compromise.

Ms. Aldean said she was trying to find something that will address the concerns that have been expressed here today while honoring the work of the Washoe County Commission. Spot zoning is sort of a pejorative term, but it's generally intended to avoid the creation of friction zones. Here, having a multi-family or condominium project adjacent to multi-family adjacent to commercial is not necessarily creating a friction zone, because that's what was contemplated for Special Area 1. It was a mix of uses in the downtown area and understands that there's at least one other parcel in Washoe County that was spot zoned. She doesn't know if it was in connection with a specific development project, or whether it was just deemed to be kind of an extraordinary situation where

the zoning was deemed to be improper.

Mr. Hester said when they looked at that, there's a SA.2 on the map, it's one parcel zoned differently. They also looked at some other projects and there's a list of three other examples of that, one of them is Incline Village 3, one is Mountain Shadows, and one of them is Tyrolian Village. Spot zoning, some states define it and have a law against but isn't the case here, it is pejorative.

Ms. Aldean said there's nothing to prevent us from coming back after they've addressed some of these outstanding issues and looking at the balance of Special Area 1 for similar consideration. We're not closing the door to that as an option in the future. She respects the work of the Advisory Planning Commission, and their concerns are well founded, and doesn't think they can address those concerns here today. Her recommendation to the Governing Board would be to take a look at phasing these changes to the area plan with respect to Special Area 1.

Mr. Settelmeyer said remembering his assembly days, walking the Northwood and Southwood area where this project is and seeing the decline of that area. Actually, knocking on a hotel door where a family was living, and then going to the next hotel door and somebody trying to slip him a package of information and asking me for money. It's not really a good area. Some of these structures are dilapidated.

We're not the last vote because this goes to the Governing Board. Then during that timeframe people have the ability to provide more information to us. He looks at this as the preliminary planning commission type step to bring to the full Board. He's interested in learning more about it, especially as he looks at the areas in relation to Special Area 1 where SA.2 is next to the Incline Village residential units, next to Fairway versus all these other homes, and looking at all the commercial that is currently above Tahoe Boulevard. In that respect, that exist, and trying to get a good feeling of that mixture, trying to figure out if there's a balance but the discussion of compromises always brings me to the concept of, where are we today? Where did they start? And he hasn't really heard that. Where did these properties start 10 to 20 years ago when they started trying to develop them versus the restrictions they've already potentially given away, or what compromises they've made as we continue to discuss more compromise.

For that he would generally look to the local governments that started this process from the beginning to today, where he is just being brought in at this point, and being told to, yay, or nay. To him, it's almost more of an appropriate thing, because he worries that if they continue to discuss compromises, again, he's not sure where this started. He's more inclined on the concept of having it go forward to continue the discussion and get more information from all parties, because he hasn't necessarily weighed in with his counter parts within Washoe County, or the Planning Commission who probably had more than a 20 to 40 minute hearing on this subject.

Mr. Hoenigman said, like Ms. Gustafson, he has mixed feelings about this project and would like to see a compromise solution if one could work but it doesn't sound like that's something that everyone is willing to do. He does think that they need to address the mixed-use issue. He also thinks the short term rentals should be looked at more on county or basin wide way, because this to him is the perfect place to have short term rentals. If you look at the best practices for short term rentals, are documents the consultants they hired to help them figure out our plans around the lake. They recommend trying to get short term rentals in the downtown areas and entertainment districts, and then keeping them out of the neighborhoods where they tend to cause more problems

and more vehicle miles traveled. His biggest concern on this was that by changing this area to allow condominiums will make it much harder to incentivize private development of affordable housing in the future. The big reason that they are all talking about increasing height, density, and coverage is to incentivize affordable housing. By allowing condominiums in this area, they will be pushing up that land price, and will have to go bigger, denser, and more covering to make it so that market rate developers or private developers can create the workforce housing that they want to see in these areas.

The subsidies that they're seeing for affordable housing to get it built publicly in the basin is, the numbers are insane. We're not going to be able to do a ton without getting the private developers in on this and incentivizing them. For this particular project, the mixed-use is fine, it's at the very end of this commercial district, up against open space. It's kind of the end of row and the dregs of retail. As a developer in Southern California, every town makes us build retail, and it's almost always vacant and underutilized because there's way too much retail in the world right now, given the shift to online purchasing. As Ms. Hill said, they have vacancies all over town, it's hard to ask someone in this instance to put in more affordable housing.

On the plus side of this project, it's a choice of recommending approval of 40 luxury homes built in this downtown area. Those luxury homes, those units would probably be built scattered in the forest, where they're not walkable, and they aren't serviceable by transit and would actually produce more runoff and more coverage than if they're built in this configuration. This project has a lot of pluses and minuses to it and would love to see a compromise.

Mr. Settlemeyer asked what happens from here, is this similar to a planning commission session? If this body chooses denial, will it still go forward?

Mr. Hester said yes, it would still go forward.

Mr. Settlemeyer said so, no matter what they decide today, it still goes forward, and then the full Governing Board then has a choice to make the final decision.

Mr. Hester said correct, the Governing Board would make the final decision with all options available. There are the options that if they do something different than what Washoe County's done, Washoe County can then rehear it and change it if they'd like to.

Ms. Aldean made a motion to recommend to the Governing Board to approve the change in zoning for the two parcels that are the subject of this development project in Special Area 1 and move that forward with the understanding that TRPA and Washoe County will collaborate on defining mixed-use. Currently, TRPA doesn't have a mixed-use definition in its Code of Ordinance and presumes that Washoe County probably does but if not, they will collaborate on defining mixed-use. It can be applied for future projects, including possibly the next phase of this development.

Ms. Aldean said there are a plethora of short term rentals, and they hear that every day all around the basin. From a zoning standpoint she understands that from a use standpoint. But the focus has to be on how we can better incentivize affordable housing. She understands and recognizes your concern that this project is going to increase land values which is going to make it doubly difficult for the development for affordable housing possibly in Special Area 1. But she keeps coming back to the commitments that were made to this developer. They have pursued it with diligence and have

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responded to kind of a changing landscape and doesn't want to do anything to impede their progress and is why she is recommending that we phase this development by at least initially allowing the change in the area plan on these two parcels to allow this development to move forward and then consider these ancillary issues for a future consideration of a similar treatment for the balance of the property.

Mr. Marshall said that's direction that you're giving staff to bring that back to the board as the recommendation from the Regional Plan Implementation Committee. His interpretation of the motion is essentially to look at this in a phased manner. The first phase being to recommend the added use of single-family to a subarea of Special Area 1 that consists of the Nine 47 project, and to consider in the future whether to add the use to the remainder of Special Area 1 depending on additional information regarding mixed-use and short term rentals.

Mr. Feldman said Washoe County's amendment was to their development code and not to their mapping. They're endeavoring to commence construction in May which would require this to go back to the Washoe County Planning Commission for a map amendment and then back to the Washoe County Commission, which would effectively cost them a full year in delay. Hindsight's 2020, when they brought this forward to Washoe County, they proposed what Ms. Aldean proposed, and they had a broader vision to incentivize development in the rest of this special area because as Director Settlemeyer noted it has not seen much rejuvenation in the last couple of decades. He's not in conflict with Washoe County, they were trying to be a team player, but what you have proposed, which of course, is what they had initially proposed would cost a year to get through the system. He doesn't know if it's palatable to say Washoe County is initiating a general review of its area plan, and if they could advance this and that general review of the area plan. If the will of the world is to restrict the balance of Special Area 1 through that process to foreclose future condominium development, that may be the will of the people at that time. The fact that if they're able to advance this, this year, it doesn't foreclose the opportunity if that's what Washoe County wants to bring back to TRPA to say they don't want to see additional condominiums in this area, they want to restrict it to these two parcels, maybe that's a win-win.

Ms. Aldean said the only thing they could say and can't speak for the rest of the committee, she would not look favorably on another condominium project in the remainder of Special Area 1.

Mr. Marshall said there are two things here. There is the Washoe County process which changes Washoe County's regulations the way they have it written, plus it advances to TRPA a change to the area plan. He's confident, between now and the Governing Board, they can reconcile those two things so that they can give effect, what may not be an over a map overlay. But essentially will be a TRPA action if this is the will of the committee to phase in, as Ms. Aldean talked about starting with allowing this use for these two parcels, or one parcel, whatever it is. Which would not require an additional process at Washoe County to affect you. What would happen is that there would then be this inconsistency for the rest of the area, and with the Washoe County ordinances and code would allow single-family dwelling but TRPA Regional Plan would not. Then that could be reconciled in the second phase of what you're talking about. They can figure out what is the right wording for that if that's the recommendation from the committee.

He would not recommend if you have a strong desire not to have this for the rest of the zone that you up zone it, and then consider down zoning.

Mr. Feldman said that makes sense.

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

Nays: Ms. Hill, Mr. Settelmeyer

Absent: Ms. Diss

Motion carried.

IV. Recommendation regarding the 2023-2024 distribution of residential allocations to El Dorado County, City of South Lake Tahoe, Placer County, Washoe County, and Douglas County

TRPA staff Ms. McMahon provided the presentation.

Ms. McMahon said in the Tahoe Basin in order to facilitate orderly growth and development as called for in the Compact, TRPA has adopted a development rights system. Under this system, there's existing development rights or existing development and new development rights authorized under the Regional Plan. There are three types of development rights that can be used to construct a new residential unit.

Existing development includes Tourist Accommodation Units, Commercial Floor Area and Residential Units that can be converted into a residential unit of use, and transferred to parcels eligible for development used to construct a residential unit. Second, the Agency can award residential bonus units for deed restricted, affordable, moderate, or local achievable housing. Third, which is the focus of today's presentation, a residential allocation when paired with a potential residential unit of use which are on parcels that were vacant when the 1987 Regional Plan was adopted. When that potential residential unit of use and allocation are paired, they can also be used to build a market rate residential unit.

The Governing Board considers the release of allocations every four years of up to 520. The last release of allocations occurred in 2021 and then residential allocations are considered for distribution to the local jurisdictions every two years, based on the performance review system provided in Chapter 50 of the Code of Ordinances.

The distribution of allocations is based on three factors and based on three factors of residential audit performance, Total Maximum Daily Load (TMDL) implementation and then short-term rental neighborhood compatibility.

The Code of Ordinances states if a local jurisdiction receives a score of 90 percent or greater on their residential and code compliance audit, they shall not receive a deduction in allocations. This year they found that all the jurisdictions have scores of 90 percent or greater.

The Lake Tahoe Total Maximum Daily Load program requires local jurisdictions to reduce pollutant loads to restore Lake Tahoe's clarity. TRPA consulted with both the California Lahontan Regional Water Quality Control Board, and the Nevada Division of Environmental Protection and found that all jurisdictions are in substantial compliance with their requirements and are not recommending any deduction based on TMDL.

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The third criteria, in 2004, TRPA changed the definition of single-family and multi-family residential units to allow for vacation home rentals if local jurisdictions had a neighborhood compatibility program established. In 2019, there were concerns that not all the local jurisdictions were managing their short term rentals. There was a working group that was established by the Local Government and Housing Committee which came up with guidelines and the jurisdictions now have to demonstrate that they are meeting the three basic criteria in the guidelines of its operational, enforcement, and locational criteria. In those guidelines there's a wide range of best management practices that local jurisdictions can adopt.

Staff is recommending that all the jurisdictions receive their base allocations for 2023 and 2024, with the exception of Washoe County because they have yet to address the short term rental location criteria and therefore, they're recommending two increments of deductions, or 7 allocations.

Staff recommendations were taken to the Performance Review Committee which is a committee made up of staff members from the five local jurisdictions, and one TRPA staff member. They voted to recommend approval of staff's recommendation to the Governing Board.

Based on the performance review systems recommendation, staff as recommending the Regional Plan Implementation Committee make the recommended motions in the staff report.

Presentation can be found at: [Residential-Allocations.pdf](#)

Committee Comments & Questions

None.

Public Comments & Questions

None.

Committee Comments & Questions

Ms. Gustafson made a motion to recommend approval for the proposed distribution of Residential Allocations for 2023 and 2024 meets the requirements of Chapter 50, Section 50.5 Allocation of Additional Residential Units of the TRPA Code of Ordinances.

Ayes: Ms. Aldean, Ms. Gustafson, Mr. Hoenigman, Ms. Hill, Mr. Settlemeyer

Absent: Ms. Diss

Motion carried.

Ms. Gustafson made a motion to recommend approval of the distribution of Residential Allocations for 2023 and 2024 as shown in Table 3 of the staff report.

Ayes: Ms. Aldean, Ms. Gustafson, Mr. Hoenigman, Ms. Hill, Mr. Settlemeyer

Absent: Ms. Diss

Motion carried.

- V. Recommendation regarding 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 member Ms. Fink provided the presentation.

Ms. Fink said today’s presentation will be on a proposed change to TRPA’s definition of a achievable housing which is one type of housing that they incentivize through our bonus unit program. The point of this amendment is to make an update to the definition so that it better serves local workers. Staff is moving forward on this after hearing a sense of urgency from the Board and several stakeholders and also to align with Placer County, who has a similar type of deed restriction. This is basically a Code fix. There is a much more comprehensive set of amendments that they’re working on and will be bringing forward in the coming months.

In Tahoe it’s very hard to carve out a niche for the missing middle, and that is the workers that make too much to qualify for subsidized housing, but not enough to be a home in the basin. Because there is such a high demand for second homes, they’re seeing so much of the housing stock be diverted into the second home market. With this achievable definition, they’re trying to carve out a niche for that housing.

The current definition for achievable housing has ended up with fairly high income caps, and it does not have a requirement for local employment. The reason that the income caps related to this definition have become so high is because when they approved this definition in 2018, they tied the qualifying income level to the amount needed to afford the median priced home. As they’ve seen home prices skyrocket over the last several years, that income cap keeps rising and rising. Now, they’re finding that with no local employment requirement, they’re potentially subsidizing people with fairly high incomes who aren't working locally.

The current deed restriction requires that the unit must be used as a permanent residence. It cannot be used as a second home or a vacation home rental, and the owner of the deed restricted unit must submit an annual compliance form. The table on the right of slide three shows that although they do have this higher income limit that is meant to capture the missing middle, this definition is also inclusive of our subsidized deed restriction categories which include affordable housing and moderate income housing, and those definitions align with State and Federal definitions for types of housing that can receive subsidies and grants.

They are proposing to replace the income cap with a local employment requirement for households that make more than 120 percent of the area median income, so once they're out of that subsidized category. This is based on what they've seen other areas do, such as Vail, Summit and Eagle Counties and now Placer County. Under the new definition, a household that lives in an achievable unit must meet one of these criteria. At least one member of the household must be employed at least 30 hours a week for a local employer, or the household must meet the moderate income limits, or below, or they would be a retired household who's lived in a deed restricted unit in Lake

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Tahoe for at least seven years. That would prevent someone who's been living in a deed restricted unit from getting kicked into the challenging market as soon as they retire. They would keep the requirement that it be a primary residence and cannot be used as a second home or short term rental. In addition, an annual compliance certification must be submitted.

They brought this to the Local Government and Housing Committee last year and received support. She thanked Ms. Aldean for some of the comments she provided at that meeting, and throughout this process. They did incorporate one suggestion in particular, which was to include a requirement asset cap for households that are purchasing these units. That would give them another lever to prevent these units from being bought up by people who may have low income on paper but have a second home, or quite a bit of assets somewhere else. And also modeled that language on what they've seen in other areas.

As part of this amendment, they're also including another code change that is needed related to driveways for Accessory Dwelling Units (ADU). It's a change that would allow a second driveway for ADUs when that second driveway would have less environmental disturbance than the current Code which would require a circular driveway. That could end up requiring more coverage or tree removal than is needed.

If recommended for approval is made today, this will be taken to the Advisory Planning Commission for recommendation for approval in April, and to the April Governing Board meeting for consideration of approval.

Presentation can be found here: [Achievable-Housing-Definition.pdf](#)

Committee Comments & Questions

Ms. Aldean referred to page 549, under Subparagraph E, at the end it states that the owner must continue to be the occupant, provide annual compliance reports to remain eligible for the exemption, and not be subject to the annual fine and rent that unit only to a qualified renter, no longer the occupant, or sell the unit only to a qualified buyer. Should there be reference to Section 90.2?

Ms. Fink confirmed that it was to understand what the qualification is and agreed that it is a good addition.

Ms. Hill said there are deed restricted units in Incline Village that she knows TRPA followed up with. Are they using this definition when they're following up with those folks in those units?

Ms. Fink said for the most part, they are working with them to bring them into compliance with the existing language that's in their deed restriction. In a few cases, they have offered to update their deed restriction to this language, so that they can get some of the new benefits and reduce some of the confusion that has happened with a few of those units where there were just a variety of deed restrictions in one condominium complex. They have had one household update to this language.

Ms. Hill asked if she could get a report on where that is so she can articulate that to constituents. She supported this proposal.

Ms. Gustafson said she fully supported this proposal. Because there's been so much public comment she wants to reflect, and they may get it today and they may not. By removing the income levels, they aren't helping the workforce in the community, and that is so far contrary to the reality of what they're facing. When their hospital district cannot hire doctors, nurses, and anesthesiologists. When the first responders can't live in our community, or our fire chiefs, sheriffs, and deputies. Many of those may have very high incomes, and still can't live in our community. She urged everybody that these deed restrictions are flexible for a reason because they have people at all levels unable to live in our communities and serve our communities. She's well aware that some of those incomes can get up there but they need and want those people mentioned along with public employees, superintendents of schools, leaders in our community, etc. to also be able to live here.

Mr. Hoenigman said if their income is high, they are required to work in the basin and is an environmental benefit that they aren't commuting in and out of the basin.

Public Comments & Questions

Ellie Waller thanked Ms. Aldean for the inclusion request of a requirement of asset cap, with the understanding of the removal of the equivalency of income. Is there going to be a discussion on what that asset cap should be?

Ms. Fink said they have included in the deed restriction language what the asset cap is set at, and it's set at twice the area median income. It's set at a level that would be below what someone would have if they owned a second home somewhere else. The cap would be approximately \$200,000 on average for the basin.

Mr. Hoenigman said of total assets.

Ms. Fink said that's correct.

Doug Flaherty, TahoeCleanair.org appreciated the issues and how complicated they are and doesn't think there's anybody in the Tahoe Basin who doesn't support affordable or workforce housing. However, from an environmental perspective, when you mentioned the word additional driveway, that perked his ears up because any additional driveway is going to impact a neighborhood, a local community, or Tahoe Basin wide when it comes to this issue that he raised earlier about the cutting of east side forest trees greater than 24 inches in diameter. This on the Nevada side that he's speaking to. The east side which goes from Brockway on down to the south. That may be a concern as we move through this, you're always also going to be challenged with the issue of overcapacity. He has not read the Environmental Checklist but if you haven't addressed over capacity or some sort of data that might suggest what we're looking at here in the long term as far as cumulative impacts that may become an issue. We're all applauding any reasonable effort that doesn't impact the environment, to figure out ways for additional affordable or workforce housing.

Kathy Julian, Incline Village resident thanked Ms. Fink for the presentation. She's interested in better understanding what kind of enforcement authority TRPA brings to these deed restrictions a side from the compliance report, and perhaps a fine.

Ms. Fink said there are three main ways of enforcement. One is that annual compliance certification that comes with a penalty if it's not submitted. They also have the ability to ask for more

documentation at any time based on a complaint or an audit. They're currently auditing approximately 30 percent of the deed restrictions that they have right now. Lastly, local jurisdictions are all contracted with a third party service provider host compliance to scour the web and make sure that there aren't illegal short term rentals, so that none of these would be able to be used as a short term rental.

Mr. Marshall said they also have their compliance authority or enforcement authority under the Compact to go to court and get a civil penalty, or injunctive relief of \$5,000 per day.

Committee Comments & Questions

Mr. Hoenigman said it was brought to his attention about the current penalties and enforcement and asked that they review that in the future to make sure that the penalties outweigh the skirting of the regulations and doing these rentals.

Ms. Aldean made a motion to recommend adoption of the required findings 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, Ms. Gustafson, Mr. Hoenigman, Ms. Hill, Mr. Settlemeyer

Absent: Ms. Diss

Motion carried.

Ms. Aldean made a motion to recommend adoption of Ordinance 2023-__ as shown 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 as amended on the record.

Ayes: Ms. Aldean, Ms. Gustafson, Mr. Hoenigman, Ms. Hill, Mr. Settlemeyer

Absent: Ms. Diss

Motion carried.

VI. COMMITTEE MEMBER REPORTS

Ms. Hill is hoping that the Local Government and Housing Committee are going to meet soon.

VII. PUBLIC INTEREST COMMENTS

None.

VIII. ADJOURNMENT

Ms. Hill moved to adjourn.

Motion carried.

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Chair Mr. Hoenigman adjourned the meeting at 5:18 p.m.

Respectfully Submitted,



Marja Ambler
Clerk to the Board

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

DRAFT

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. Settlemeyer, 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

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. Settlemeyer, 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. Settlemeyer, 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.



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STAFF REPORT

Date: May 17, 2023
To: TRPA Governing Board
From: TRPA Staff
Subject: April Financial Statements, Fiscal Year 2023

Summary and Staff Recommendation:

We are nine months, or 83% of the way into the 2023 fiscal year. All expenditures are within budget and revenues are at or exceeding projections.

Staff recommends acceptance of the April Financial Statements for Fiscal Year 2022.

Required Motion:

In order to accept the Financial Statements, the Governing Board must make the following motion based on the staff report:

- 1) A motion to accept the April 2022 Financial Statements

In order for the motion to pass, an affirmative vote of any eight Board members is required.

Background:

The first ten months (83%) of the fiscal year are now complete. Revenues are 77% of the annual budget, and expenditures at 63% of the budget. Revenues are a little behind due to grants (billed in arrears) and Planning Fees, while they remain high, have dropped in the last three months.

We have added a draft dashboard as the first page of the attachment.

YTD Revenues and Expenses

Revenues are 77% of the budget. We recognize revenue when billed, so the states' contributions are shown in their entirety. TRPA will spend down the balance over the rest of the fiscal year. The remaining unbilled State funding is for the Tahoe Science Advisory Commission (TSAC). That is billed as spent, like a grant. Fees for services are strong, matching prior years. This includes Current Planning fees, AIS fees, and Shoreline fees. Current Planning Fees are slightly below the average for the prior 3 years and are at 78% of the budget. Project applications have been down over the last three months, possible due to the weather. AIS fees increased to 89% of the

budget mostly from last calendar year. Inspection stations are just opening. Shoreline fees are at 58% of budget, most of the buoy fees are due in June of 2023.

Expenditures are 63% of the budget. Compensation expenses are at 77% of the annual budget, consistent with the timing of payrolls and vacancies. As of today, our only open positions are summer interns. Contract expenses are running behind at 49% due to normal lags in payment cycles.

Revenue	State & Local	Fees	Grants	Total
Fees for Service	27,826	3,385,521		3,413,347
Grants	5,250	6,315	5,311,292	5,322,857
State Revenue	7,222,104		476	7,222,580
Local Revenue	150,000			150,000
Rent Revenue		263,009		263,009
Other Revenue	351,559	12,623		364,181
TRPA Rent Revenue		574,150		574,150
Revenue Total	7,756,738	4,241,618	5,311,768	17,310,124
Expenses				
Compensation	3,874,836	1,622,384	857,640	6,354,860
Contracts	1,182,526	1,214,793	4,000,370	6,397,689
Financing	(140)	441,894		441,754
Other	611,696	213,332	8,909	833,937
Rent	590,175	14,313		604,488
A&O/Transfers	(1,303,512)	874,904	414,363	(14,246)
Expenses Total	4,955,580	4,381,620	5,281,282	14,618,482
Net	2,801,158	(140,002)	30,486	2,691,642

* Excludes mitigation funds

Mitigation funds

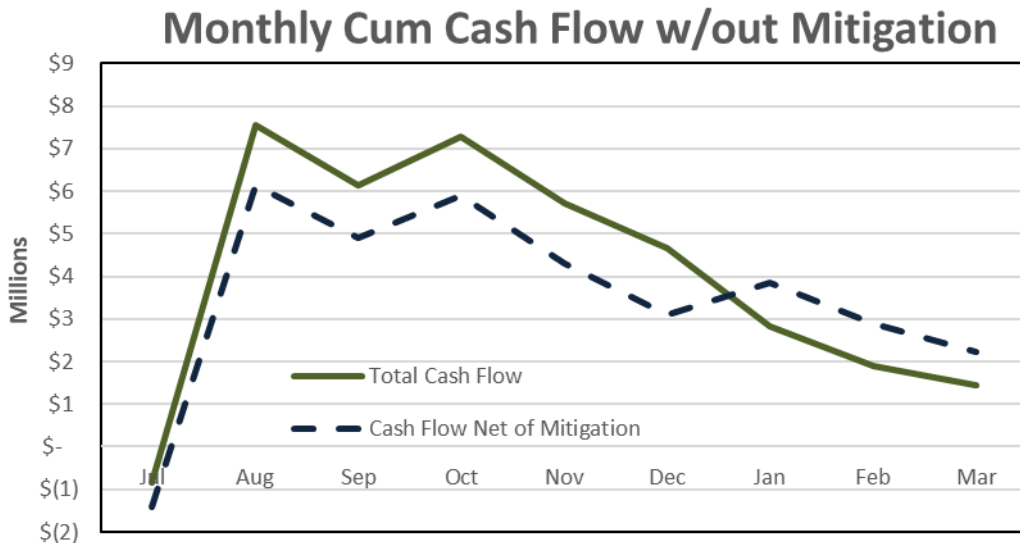
Mitigation funds generated \$2.7 million year to date with \$1.8 million from California and \$0.9 million from Nevada. Expenditures were \$3.5 million, dominated by a \$2.6 million transfer of Excess Coverage Mitigation Funds to the Nevada Division of State Lands. An additional \$0.6 million was transferred to the City of South Lake Tahoe and \$0.2M to El Dorado County for various projects.

Mitigation Fund Revenue and Expenses
Fiscal YTD April 2023

	Revenue	Expenses	Net
City of South Lake Tahoe	459,105	625,000	(165,895)
El Dorado	312,171	170,000	142,171
Placer	399,412		399,412
Excess Coverage - CA	636,096		636,096
Total California	1,806,784	795,000	1,011,784
Douglas	132,497		132,497
Washoe	103,456	59,143	44,313
Excess Coverage - NV	621,759	2,605,730	(1,983,971)
Total Nevada	857,712	2,664,873	(1,807,160)
Tahoe Keys Indirect Source Mitigation	12,027		12,027
Total Other Mitigation	12,214		12,214
Grand Total	2,676,710	3,459,873	(783,163)

Cash Flow

Cash flow was a negative \$0.3M for the month. Cash receipts were \$0.9 M, \$0.4 M from Grants, and the balance from planning fees. Disbursements were \$1.2M right on the five-year average for April. Year to date disbursements is 52% above the five-year average due to the LTRA funding.



TRPA Balance Sheet

TRPA's Balance Sheet remains strong due to billing and receiving both State's contributions. We spend down those funds over the course of the fiscal year. Total assets increased by \$0.4 million due to invoicing on grants. Liabilities decreased by \$0.3M mostly due to mitigation funds. Net assets increased by \$0.8 M.

	TRPA	Grants	Trust	Total
Cash & Invest	8,583,638	2,435,515	22,062,235	33,081,388
A/R	233,571	484,787		718,358
Current Assets	175,210			175,210
LT Assets	8,260,523			8,260,523
Total Assets	17,252,942	2,920,302	22,062,235	42,235,479
A/P	(34,224)			(34,224)
Benefits	943,870			943,870
Deferred Rev	84,900	278,006		362,906
Deposits	151,346	2,845		154,191
LT Debt	8,198,000			8,198,000
Mitigation			494,171	494,171
Securities			6,435,026	6,435,026
Total Liabilities	9,343,893	280,851	6,929,197	16,553,941
Net Position	7,909,049	2,639,451	15,133,038	25,681,538

When reading the detailed reports (attached), be aware that fund balances may not be intuitive. Negative balances mean revenues exceeded expenses. Positive fund balance occurs when expenses exceed revenue. This reflects the formatting in our accounting system.

Contact Information:

For questions regarding this agenda item, please contact Chris Keillor at (775) 589-5222 or ckeillor@trpa.org.

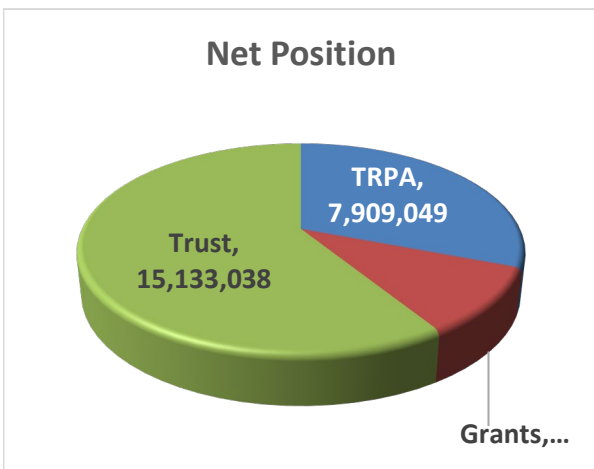
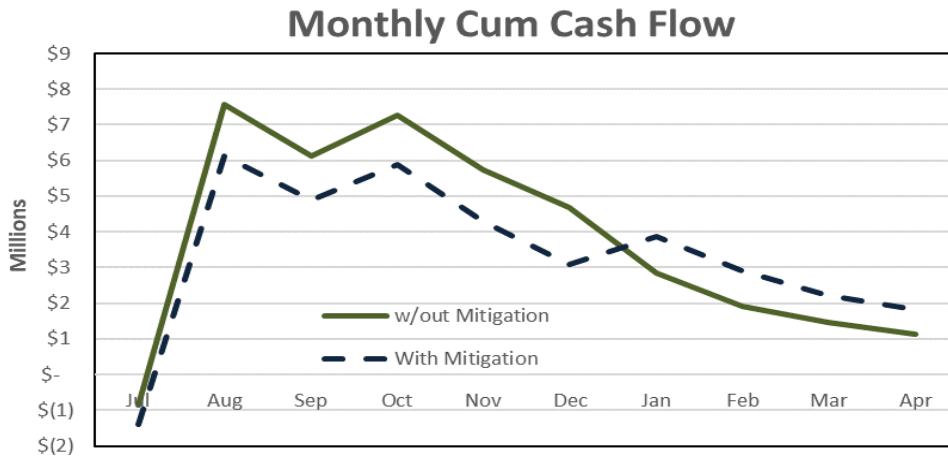
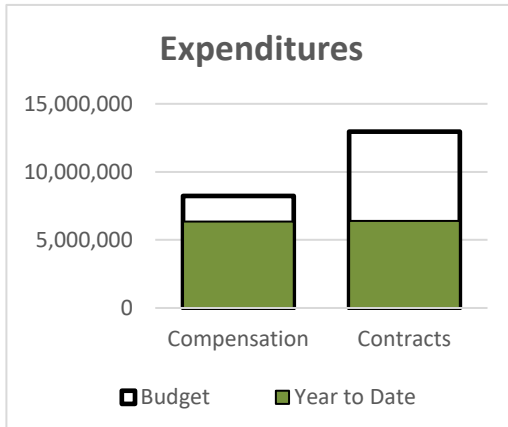
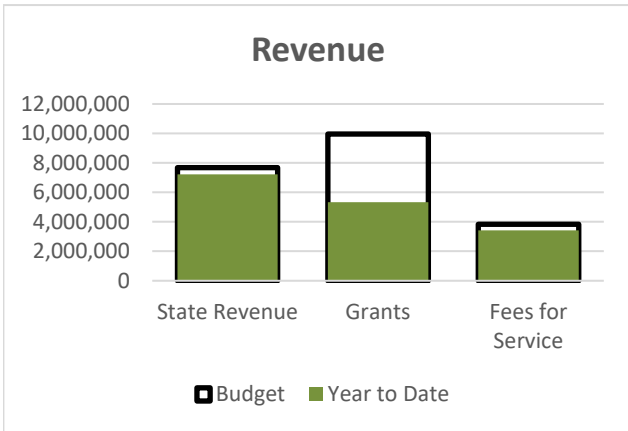
Attachment:

- A. April Financial Statements

Attachment A

April Financial Statements

Tahoe Regional Planning Agency
Fiscal YTD April 2023



Tahoe Regional Planning Agency
Actuals vs. Budget by Program
Fiscal YTD April 2023

TRPA Totals	Ann Budget	YTD	Remaining	% Spent
Revenue				
State Revenue	7,681,010	7,222,580	458,430	94%
Grants	9,950,852	5,322,857	4,627,995	53%
Fees for Service	3,834,965	3,413,347	421,618	89%
Local Revenue	150,000	150,000		100%
Rent Revenue	249,348	263,009	13,661	105%
TRPA Rent Revenue	688,980	574,150	114,830	83%
Other Revenue		364,181	364,181	
Revenue Total	22,555,155	17,310,124	5,245,031	77%
Expenses				
Compensation	8,228,734	6,354,860	1,873,874	77%
Contracts	12,956,498	6,397,689	6,558,809	49%
Financing	617,450	441,754	175,696	72%
Rent	739,125	604,488	134,637	82%
Other	800,304	893,080	92,776	112%
A&O/Transfers	14,772	14,246	527	96%
Expenses Total	23,327,338	14,677,624	8,649,714	63%
TRPA Net	(772,183)	2,632,500	(3,404,683)	
Agency Mgmt				
Revenue				
Fees for Service		27,826	27,826	
Grants	3,000	3,315	315	111%
State Revenue	6,232,422	6,232,422		100%
Other Revenue		351,559	351,559	
Local Revenue	150,000	150,000		100%
Revenue Total	6,385,422	6,765,121	379,699	106%
Expenses				
Compensation	1,944,269	1,749,984	194,285	90%
Contracts	314,491	192,925	121,566	61%
Financing	174	4	178	-2%
Rent	2,249	800	1,449	36%
Other	181,312	144,086	37,226	79%
Expenses Total	2,442,496	2,087,791	354,705	85%
Agency Mgmt Net	3,942,926	4,677,330	(734,404)	119%

	Ann Budget	YTD	Remaining	
Current Planning				
Revenue				
Fees for Service	2,983,563	2,635,763	347,800	88%
Grants	3,600	3,000	600	83%
State Revenue	124,000	124,000		100%
Other Revenue		12,337	12,337	
Revenue Total	3,111,163	2,775,099	336,063	89%
Expenses				
Compensation	2,012,896	1,550,780	462,115	77%
Contracts	790,751	631,083	159,668	80%
Financing	55,288	43,027	12,261	78%
Other	78,585	71,303	7,282	91%
A&O/Transfers	1,107,790	839,409	268,381	76%
Expenses Total	4,045,309	3,135,602	909,707	78%

Curr Plan Net	(934,146)	(360,502)	(573,643)
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Envir. Imp.

Revenue				
Fees for Service	851,402	749,758	101,644	88%
Grants	7,116,942	4,178,091	2,938,851	59%
State Revenue	750,000	750,000		100%
Revenue Total	8,718,344	5,677,849	3,040,495	65%
Expenses				
Compensation	1,258,085	916,518	341,567	73%
Contracts	7,500,858	3,968,044	3,532,814	53%
Financing	15,000	10,175	4,825	68%
Rent	47,571	27,643	19,929	58%
Other	91,259	66,541	24,718	73%
A&O/Transfers	300,348	134,780	165,568	45%
Expenses Total	9,213,121	5,123,700	4,089,420	56%

Env Imp Net	(494,777)	554,149	(1,048,925)
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	Ann Budget	YTD	Remaining	
L RTP				
Revenue				
Grants	2,401,088	977,545	1,423,543	41%
Fees for Service				
Other Revenue				
Revenue Total	2,401,088	977,545	1,423,543	41%
Expenses				
Compensation	1,423,441	1,137,979	285,462	80%
Contracts	1,386,788	648,142	738,646	47%
Rent	325	1,895	1,570	583%
Other	33,098	31,986	1,112	97%
A&O/Transfers	448,841	315,077	133,763	70%
Expenses Total	3,292,493	2,135,079	1,157,414	65%

L RTP Net	(891,405)	(1,157,534)	266,130	
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R & A

Revenue				
Grants	426,222	160,907	265,315	38%
State Revenue	574,588	116,158	458,430	20%
Revenue Total	1,000,810	277,064	723,746	28%
Expenses				
Compensation	1,165,427	915,430	249,997	79%
Contracts	2,206,682	437,944	1,768,738	20%
Other	4,541	11,890	7,349	262%
A&O/Transfers	13,628		13,628	
Expenses Total	3,390,277	1,365,264	2,025,014	40%

R & A Net	(2,389,467)	(1,088,199)	(1,301,268)	
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	Ann Budget	YTD	Remaining
Infrastructure			
Revenue			
Other Revenue		286	286
Rent Revenue	249,348	263,009	13,661
TRPA Rent Revenue	688,980	574,150	114,830
Revenue Total	938,328	837,445	100,883
Expenses			
Compensation	96,148	84,169	11,979
Contracts	756,928	519,552	237,376
Financing	546,989	388,557	158,432
Rent	688,980	574,150	114,830
Other	409,335	508,131	98,796
Expenses Total	2,498,380	2,074,558	423,822
Infrastructure Net	(1,560,051)	(1,237,113)	

Other

Expenses			
A&O/Transfers	1,885,378	1,303,512	581,866
Expenses Total	1,885,378	1,303,512	581,866

TRPA Selected Current Planning Fees

Fiscal Year-to-Date April 2023

Fee Type	2020	2021	2022	2023	This year vs. Last 3 Years
RESIDENTIAL	324,659	474,739	564,603	505,218	50,550
OTHER_REV	92,754	231,380	260,761	243,913	48,948
COMMERCL_TA	98,141	73,715	132,043	135,499	34,199
REVISIONS	39,717	75,508	93,781	101,455	31,786
GENERAL	153,105	106,768	112,424	92,309	(31,790)
ALLOCATION	63,754	86,165	84,565	75,518	(2,643)
RECR_PUBLIC	56,083	52,292	70,495	60,990	1,367
SECURITIES	36,976	39,023	44,836	58,857	18,579
MOORING	5,982	21,612	140,339	58,688	2,710
TREE_RMV	58,494	83,032	77,079	52,777	(20,091)
FULL_SITE	49,785	69,303	70,183	52,045	(11,046)
SHOREZONE	173,149	137,124	146,263	39,922	(112,256)
LAND_CHALL	46,687	98,952	44,316	35,478	(27,840)
SOILS_HYDRO	23,732	20,230	36,743	27,438	536
LLADJ_ROW	10,359	14,811	8,580	25,388	14,138
GRADE_EXCEPT	23,730	22,512	28,968	21,896	(3,174)
IPES	682	19,743	13,345	18,504	7,247
LAND_CAP	17,782	17,787	13,430	16,419	86
VB_USE	13,160	3,885	5,401	13,946	6,464
ENFORCEMNT	54,811	63,639	54,620	11,273	(46,417)
QUAL_EXEMPT	7,115	8,831	7,473	11,242	3,436
GRADING	10,433	12,481	9,094	10,945	276
PRE-APP	2,583	3,496	4,370	10,545	7,062
VB_COVERAGE	9,990	13,894	10,076	8,309	(3,011)
PARTIAL_SITE	5,760	7,464	7,318	5,909	(938)
STD	9,442	(598)	13,651	5,672	(1,826)
TRANS_DEV	5,680	29,635	19,116	5,450	(12,694)
MONITORING	4,919	10,000	(2,500)	5,141	1,001
TEMP_USE	3,776	1,846	4,855	5,005	1,513
CEP				4,995	4,995
NOTE_APPEAL	2,749	4,990	5,218	4,393	74
QE SHOREZONE	5,067	5,307	6,428	3,423	(2,178)
CONSTR_EXT	1,602	2,892	3,407	2,869	235
SIGNS	1,950	3,258	3,714	1,731	(1,243)
HISTORIC		1,105	1,198	1,198	430
LMTD_INCENT	1,745	357	756	1,144	191
SUBDIV_EXIST	3,364	981	6,426	1,119	(2,471)
RES_DRIVE	1,176	1,862	434	886	(271)
UNDRGRD_TANK	3,694	2,047	419	882	(1,171)
STD2			521	456	282
SCENIC_ASSES	400		546		(315)
STD3	4,823				(1,608)
AMEND_PLAN	4,626				(1,542)
Totals	1,434,434	1,822,069	2,105,293	1,738,844	(48,422)

97%

TRPA Detailed Financials
Fiscal YTD April 2023

Row Labels	Ann Budget	YTD	Remaining	Percent Spent
Agency Mgmt				
GF Revenue				
Revenue				
Fees for Service	0	(27,826)	27,826	
State Revenue	(6,232,422)	(6,232,422)	0	100.0%
Local Revenue	(150,000)	(150,000)	0	100.0%
Other Revenue	0	(348,922)	348,922	
Revenue Total	(6,382,422)	(6,759,170)	376,748	105.9%
GF Revenue Total	(6,382,422)	(6,759,170)	376,748	105.9%
Gov Board				
Expenses				
Contracts	1,000	3,550	(2,550)	355.0%
Other	16,813	17,190	(377)	102.2%
Rent	2,249	800	1,449	35.6%
Expenses Total	20,062	21,540	(1,478)	107.4%
Gov Board Total	20,062	21,540	(1,478)	107.4%
Executive				
Expenses				
Compensation	716,698	618,946	97,753	86.4%
Other	4,758	7,773	(3,016)	163.4%
Expenses Total	721,456	626,719	94,737	86.9%
Executive Total	721,456	626,719	94,737	86.9%
Legal				
Expenses				
Compensation	301,309	258,504	42,805	85.8%
Contracts	113,654	58,016	55,638	51.0%
Other	5,732	2,291	3,440	40.0%
Expenses Total	420,695	318,811	101,884	75.8%
Legal Total	420,695	318,811	101,884	75.8%
Communications				
Revenue				
Other Revenue	0	(2,637)	2,637	
Revenue Total	0	(2,637)	2,637	
Expenses				
Compensation	234,160	226,633	7,527	96.8%

TRPA Detailed Financials
Fiscal YTD April 2023

Row Labels	Ann Budget	YTD	Remaining	Percent Spent
Contracts	20,000	7,395	12,605	37.0%
Other	22,664	32,599	(9,935)	143.8%
Expenses Total	276,824	266,627	10,197	96.3%
Communications Total	276,824	263,990	12,833	95.4%
Finance				
Revenue				
Financing	0	(140)	140	
Revenue Total	0	(140)	140	
Expenses				
Compensation	429,431	421,047	8,384	98.0%
Contracts	52,055	44,864	7,191	86.2%
Other	293	2,248	(1,954)	766.4%
Expenses Total	481,779	468,159	13,620	97.2%
Finance Total	481,779	468,019	13,760	97.1%
HR				
Expenses				
Compensation	262,672	224,855	37,817	85.6%
Contracts	127,782	79,100	48,682	61.9%
Other	63,205	47,458	15,747	75.1%
Expenses Total	453,659	351,413	102,246	77.5%
HR Total	453,659	351,413	102,246	77.5%
Agency Mgmt Total	(4,007,948)	(4,708,679)	700,731	117.5%
Current Planning				
Current Planning				
Revenue				
Fees for Service	(2,243,563)	(1,745,705)	(497,858)	77.8%
Revenue Total	(2,243,563)	(1,745,705)	(497,858)	77.8%
Expenses				
Compensation	1,262,743	1,126,368	136,375	89.2%
Contracts	430,540	331,551	98,989	77.0%
Financing	49,087	36,307	12,780	74.0%
Other	5,485	140	5,345	2.5%
A&O/Transfers	729,360	627,612	101,748	86.0%
Expenses Total	2,477,214	2,121,977	355,237	85.7%

TRPA Detailed Financials
Fiscal YTD April 2023

Row Labels	Ann Budget	YTD	Remaining	Percent Spent
Current Planning Total	233,652	376,272	(142,621)	161.0%
Current Planning Reimbursed				
Revenue				
Fees for Service	(150,000)	(551,336)	401,336	367.6%
Revenue Total	(150,000)	(551,336)	401,336	367.6%
Expenses				
Contracts	118,000	146,943	(28,943)	124.5%
Expenses Total	118,000	146,943	(28,943)	124.5%
Current Planning Reimbursed Total	(32,000)	(404,393)	372,393	1263.7%
Code Enforcement				
Expenses				
Compensation	389,139	318,344	70,795	81.8%
Other	7,360	2,763	4,597	37.5%
A&O/Transfers	224,767	177,381	47,385	78.9%
Expenses Total	621,266	498,489	122,777	80.2%
Code Enforcement Total	621,266	498,489	122,777	80.2%
Boat Crew				
Revenue				
State Revenue	(124,000)	(124,000)	0	100.0%
Revenue Total	(124,000)	(124,000)	0	100.0%
Expenses				
Compensation	94,977	44,304	50,673	46.6%
Other	40,076	59,196	(19,120)	147.7%
Expenses Total	135,053	103,500	31,553	76.6%
Boat Crew Total	11,053	(20,500)	31,553	
Settlements				
Revenue				
Fees for Service	(150,000)	(5,000)	(145,000)	3.3%
Grants	(3,600)	(3,000)	(600)	83.3%
Revenue Total	(153,600)	(8,000)	(145,600)	5.2%
Expenses				
Contracts	138,993	93,000	45,993	66.9%
Other	20,600	0	20,600	0.0%
Expenses Total	159,593	93,000	66,593	58.3%

TRPA Detailed Financials
Fiscal YTD April 2023

Row Labels	Ann Budget	YTD	Remaining	Percent Spent
Settlements Total	5,993	85,000	(79,008)	1418.4%
Legal - Direct or Disallowed				
Revenue				
Fees for Service	0	(167,442)	167,442	
Revenue Total	0	(167,442)	167,442	
Expenses				
Contracts	32,000	20,031	11,969	62.6%
Fees for Service	0	88,446	(88,446)	
Expenses Total	32,000	108,477	(76,477)	339.0%
Legal - Direct or Disallowed Total	32,000	(58,965)	90,965	-184.3%
Shorezone				
Revenue				
Fees for Service	(440,000)	(254,726)	(185,274)	57.9%
Other Revenue	0	(12,337)	12,337	
Revenue Total	(440,000)	(267,063)	(172,937)	60.7%
Expenses				
Compensation	266,037	61,764	204,273	23.2%
Contracts	71,218	39,558	31,660	55.5%
Financing	6,201	6,720	(519)	108.4%
Other	5,064	9,205	(4,141)	181.8%
A&O/Transfers	153,663	34,415	119,248	22.4%
Expenses Total	502,183	151,662	350,521	30.2%
Shorezone Total	62,183	(115,401)	177,584	-185.6%
Current Planning Total	934,146	360,502	573,643	38.6%
Envir. Imp.				
Env. Improv.				
Expenses				
Compensation	537,118	496,167	40,951	92.4%
Contracts	21,218	1,008	20,211	4.7%
Other	5,829	8,746	(2,917)	150.0%
Expenses Total	564,165	505,920	58,244	89.7%
Env. Improv. Total	564,165	505,920	58,244	89.7%
Watercraft Inspection Fees				

TRPA Detailed Financials
Fiscal YTD April 2023

Row Labels	Ann Budget	YTD	Remaining	Percent Spent
Revenue				
Fees for Service	(731,678)	(584,342)	(147,336)	79.9%
Revenue Total	(731,678)	(584,342)	(147,336)	79.9%
Expenses				
Compensation	66,638	45,983	20,655	69.0%
Expenses Total	66,638	45,983	20,655	69.0%
Watercraft Inspection Fees Total	(665,040)	(538,359)	(126,681)	
CA Gen Fund AIS Prevention				
Revenue				
State Revenue	(375,000)	(375,000)	0	100.0%
Revenue Total	(375,000)	(375,000)	0	100.0%
Expenses				
Contracts	375,000	341,353	33,647	91.0%
Expenses Total	375,000	341,353	33,647	91.0%
CA Gen Fund AIS Prevention Total	0	(33,647)	33,647	
NV Gen Fund AIS Prevention & Control				
Revenue				
State Revenue	(375,000)	(375,000)	0	100.0%
Revenue Total	(375,000)	(375,000)	0	100.0%
Expenses				
Compensation	68,926	74,862	(5,935)	108.6%
Contracts	231,601	52,151	179,450	22.5%
Other	57,673	15,386	42,287	26.7%
Rent	16,800	13,330	3,471	79.3%
A&O/Transfers	0	0	0	
Expenses Total	375,000	155,727	219,273	41.5%
NV Gen Fund AIS Prevention & Control Tot	0	(219,273)	219,273	
USFS LTRA Ski Run Marina				
Revenue				
Grants	(187,875)	(4,514)	(183,361)	2.4%
Revenue Total	(187,875)	(4,514)	(183,361)	2.4%
Expenses				
Compensation	58,872	3,940	54,932	6.7%
Contracts	95,000	0	95,000	0.0%

TRPA Detailed Financials
Fiscal YTD April 2023

Row Labels	Ann Budget	YTD	Remaining	Percent Spent
A&O/Transfers	34,004	2,195	31,809	6.5%
Expenses Total	187,876	6,135	181,741	3.3%
USFS LTRA Ski Run Marina Total	1	1,621	(1,620)	
USFS Lake Tahoe West - P3				
Revenue				
Grants	(35,850)	0	(35,850)	0.0%
Revenue Total	(35,850)	0	(35,850)	0.0%
Expenses				
Compensation	22,724	0	22,724	0.0%
A&O/Transfers	13,126	0	13,126	0.0%
Expenses Total	35,850	0	35,850	0.0%
USFS Lake Tahoe West - P3 Total	(0)	0	(0)	0.0%
BMP Enforcement in NV (NV 319)				
Revenue				
Grants	(136,228)	(6,100)	(130,128)	4.5%
Revenue Total	(136,228)	(6,100)	(130,128)	4.5%
Expenses				
Compensation	56,465	11,432	45,033	20.2%
Contracts	60,000	0	60,000	0.0%
A&O/Transfers	19,763	4,001	15,762	20.2%
Expenses Total	136,228	15,433	120,795	11.3%
BMP Enforcement in NV (NV 319) Total	(1)	9,333	(9,334)	
Stormwater Planning Support				
Revenue				
Fees for Service	(70,079)	(54,514)	(15,565)	77.8%
Revenue Total	(70,079)	(54,514)	(15,565)	77.8%
Expenses				
Compensation	0	63,703	(63,703)	
Other	691	541	150	78.3%
A&O/Transfers	0	35,495	(35,495)	
Expenses Total	691	99,739	(99,048)	
Stormwater Planning Support Total	(69,388)	45,224	(114,613)	-65.2%
Lahontan Caldor Fire Monitoring				

TRPA Detailed Financials
Fiscal YTD April 2023

Row Labels	Ann Budget	YTD	Remaining	Percent Spent
Revenue				
Grants	(118,380)	(1,843)	(116,537)	1.6%
Revenue Total	(118,380)	(1,843)	(116,537)	1.6%
Expenses				
Compensation	2,380	1,646	734	69.2%
Contracts	116,000	0	116,000	0.0%
A&O/Transfers	0	0	0	
Expenses Total	118,380	1,646	116,734	1.4%
Lahontan Caldor Fire Monitoring Total	0	(197)	198	
NDF Healthy Forest/Lake				
Revenue				
Grants	(88,300)	0	(88,300)	0.0%
Revenue Total	(88,300)	0	(88,300)	0.0%
Expenses				
Compensation	55,874	10,993	44,881	19.7%
A&O/Transfers	32,426	6,125	26,300	18.9%
Expenses Total	88,300	17,118	71,182	19.4%
NDF Healthy Forest/Lake Total	(0)	17,118	(17,118)	
(CLOSED) 208 Plan - NDEP				
Expenses				
Compensation	0	4,780	(4,780)	
A&O/Transfers	0	2,664	(2,664)	
Expenses Total	0	7,444	(7,444)	
(CLOSED) 208 Plan - NDEP Total	0	7,444	(7,444)	
BMP Enforcement in CA (CA 319)				
Revenue				
Grants	0	(185)	185	
Revenue Total	0	(185)	185	
Expenses				
Compensation	0	176	(176)	
A&O/Transfers	0	20	(20)	
Expenses Total	0	196	(196)	
BMP Enforcement in CA (CA 319) Total	0	11	(11)	

TRPA Detailed Financials
Fiscal YTD April 2023

Row Labels	Ann Budget	YTD	Remaining	Percent Spent
Envir. Imp. Total	(170,263)	(204,804)	34,541	120.3%

L RTP

Long Range & Transp. Planning

Revenue

Grants	0	(5,250)	5,250	
Revenue Total	0	(5,250)	5,250	

Expenses

Compensation	610,187	513,192	96,994	84.1%
Contracts	161,000	37,292	123,708	23.2%
Other	2,249	5,637	(3,388)	250.7%
Rent	0	1,895	(1,895)	
Expenses Total	773,435	558,016	215,419	72.1%

Long Range & Transp. Planning Total **773,435** **552,766** **220,669** **71.5%**

TMPO

Expenses

Contracts	93,649	30,280	63,369	32.3%
Other	23,996	18,191	5,804	75.8%
Rent	325	0	325	0.0%
Expenses Total	117,969	48,472	69,498	41.1%

TMPO Total **117,969** **48,472** **69,498** **41.1%**

L RTP Total **891,405** **601,238** **290,167** **67.4%**

R & A

Research & Analysis

Expenses

Compensation	1,115,787	899,654	216,132	80.6%
Contracts	1,269,140	257,575	1,011,565	20.3%
Other	4,541	8,866	(4,325)	195.2%
Expenses Total	2,389,468	1,166,095	1,223,373	48.8%

Research & Analysis Total **2,389,468** **1,166,095** **1,223,373** **48.8%**

Nearshore Trib Monitoring (Lahontan)

Revenue

Grants	(214,001)	(155,698)	(58,303)	72.8%
Revenue Total	(214,001)	(155,698)	(58,303)	72.8%

Expenses

TRPA Detailed Financials
Fiscal YTD April 2023

Row Labels	Ann Budget	YTD	Remaining	Percent Spent
Compensation	4,749	2,310	2,439	48.6%
Contracts	209,252	104,018	105,234	49.7%
A&O/Transfers	0	0	0	
Expenses Total	214,001	106,328	107,673	49.7%
Nearshore Trib Monitoring (Lahontan) Total	(0)	(49,370)	49,370	
Lake Tahoe West GIS Support				
Revenue				
State Revenue	(250,000)	(476)	(249,524)	0.2%
Revenue Total	(250,000)	(476)	(249,524)	0.2%
Expenses				
Contracts	250,000	0	250,000	0.0%
Other	0	751	(751)	
Expenses Total	250,000	751	249,249	0.3%
Lake Tahoe West GIS Support Total	0	275	(275)	
Lahontan Lakewide Survey				
Revenue				
Grants	0	(257)	257	
Revenue Total	0	(257)	257	
Expenses				
Compensation	0	431	(431)	
Expenses Total	0	431	(431)	
Lahontan Lakewide Survey Total	0	173	(173)	
R & A Total	2,389,467	1,117,172	1,272,295	46.8%
Infrastructure				
General Services				
Expenses				
Compensation	96,148	84,169	11,979	87.5%
Contracts	26,723	685	26,038	2.6%
Other	103,722	68,702	35,020	66.2%
Rent	688,980	574,150	114,830	83.3%
Expenses Total	915,574	727,707	187,867	79.5%
General Services Total	915,574	727,707	187,867	79.5%
IT				

TRPA Detailed Financials
Fiscal YTD April 2023

Row Labels	Ann Budget	YTD	Remaining	Percent Spent
Expenses				
Contracts	256,925	198,390	58,535	77.2%
Other	209,305	315,139	(105,834)	150.6%
Expenses Total	466,230	513,529	(47,299)	110.1%
IT Total				
466,230 513,529 (47,299) 110.1%				
Building				
Revenue				
Other Revenue	0	(286)	286	
Rent Revenue	(249,348)	(260,249)	10,901	104.4%
TRPA Rent Revenue	(688,980)	(574,150)	(114,830)	83.3%
Revenue Total	(938,328)	(834,685)	(103,643)	89.0%
Expenses				
Contracts	473,280	320,477	152,803	67.7%
Financing	546,989	388,557	158,432	71.0%
Other	29,413	71,013	(41,600)	241.4%
Expenses Total	1,049,682	780,046	269,635	74.3%
Building Total				
111,353 (54,639) 165,992 -49.1%				
CAM				
Revenue				
Rent Revenue	0	(2,760)	2,760	
Revenue Total	0	(2,760)	2,760	
Expenses				
Other	66,894	53,276	13,618	79.6%
Expenses Total	66,894	53,276	13,618	79.6%
CAM Total				
66,894 50,516 16,378 75.5%				
Infrastructure Total				
1,560,051 1,237,113 322,938 79.3%				
Other				
Other				
Expenses				
Compensation	328,469	0	328,469	0.0%
Other	2,173	0	2,173	0.0%
A&O/Transfers	(1,885,378)	(1,303,512)	(581,866)	69.1%
Expenses Total	(1,554,737)	(1,303,512)	(251,225)	83.8%
Other Total				
(1,554,737) (1,303,512) (251,225) 83.8%				

TRPA Detailed Financials
Fiscal YTD April 2023

Row Labels	Ann Budget	YTD	Remaining	Percent Spent
Other Total	(1,554,737)	(1,303,512)	(251,225)	83.8%

STAFF REPORT

Date: May 17, 2023

To: TRPA Governing Board

From: TRPA Staff

Subject: Release of Placer County Water Quality Mitigation Funds (\$500,000.00), towards the Kings Beach Water Quality Improvement Project

Staff Recommendation:

Staff recommends that the Governing Board approve Placer County’s request, subject to the conditions cited below. The request is consistent with the Environmental Improvement Program and Regional Transportation Plan objectives, Chapter 65 of the TRPA Code of Ordinances, and the Governing Board’s policy guidelines for the release of mitigation funds.

Required Motion:

To approve the requested release, the Board must make the following motion:

- 1) A motion to approve the release subject to the conditions contained in this memorandum.

In order for the motion to pass, an affirmative vote of any eight Board members is required.

Table 1 Proposed Funding Release			
EIP #	PROJECT	Fund	Amount
01.01.01.0045	Kings Beach Watershed Improvement Project (Secline Phase)	WQ	\$500,000.00
	Total Funding Requested		\$500,000.00

Request:

Placer County is requesting the release of Water Quality Mitigation Funds (\$500,000.00), towards construction of the final phase (Lower Secline Project Phase) of the Kings Beach Watershed Improvement Project.

Background:

Placer County Department of Public Works has designed and implemented numerous phases of the Kings Beach Water Quality Improvement project over the last two decades. The watershed improvement project consists of drainage conveyance, stabilization, revegetation, road runoff treatment and paving in the Kings Beach area.

At this time, the Brockway Vista/Lower Secline area has not been addressed due to various conflicting projects in the area. Both these roads are located less than 200 feet from the lake, and are either unpaved or in poor pavement condition. The intent of the project is to pave the existing dirt roads, formalize parking areas, stabilize road shoulders, and install water quality improvements to reduce the quantity of sediment transport.

Placer County has completed the design of the Lower Secline Water Quality Improvement project and received the necessary permits and approvals to proceed with construction.

The requested funds will add to a United States Forest Service LTMBU Grant of \$800,000.00 to fully fund this project.

The unencumbered Water Quality Mitigation Fund account balance for Placer County as of March 31, 2023, is \$678,883.66 which is sufficient to cover this request.

Conditions:

Staff recommends approving the release of these funds subject to the following conditions of approval:

1. The County shall only use the funds for the project cited above and as approved by TRPA.
2. TRPA reserves the right to withhold funds to ensure project priorities, goals, and objectives are consistent with those of the Environmental Improvement Program and TRPA's Regional Plan.
3. The County agrees to follow all laws, codes, and regulations adopted by federal, state, and local authorities/agencies.
4. The County agrees to maintain a report detailing the use and expenditures of all funds used on the project. These records shall be made available for review and audit by TRPA within thirty (30) calendar days upon written request.
5. All mitigation funds not used as described above shall be returned to TRPA. Upon written approval from TRPA, these funds may be re-allocated to another project.
6. The County agrees to request from TRPA a final inspection no later than 30 days after completion of the project.
7. TRPA approved signage shall be used on all projects during construction to identify TRPA as a funding source and shall include the EIP logo.
8. The County agrees to report the applicable EIP Performance Measures achieved by this project.

Regional Plan Compliance: The proposed release complies with the TRPA Regional Plan and Code of Ordinances.

Contact Information: If you have any questions regarding this item please contact Tracy Campbell at tcampbell@trpa.gov or by phone at (775) 589-5267.

Attachment:

- A. EIP Project Fact Sheet

Attachment A

EIP Project Fact Sheet



Kings Beach Watershed Improvement Project

Project Number	01.01.01.0045
Action Priority	Reduce Stormwater Pollution From: Roads and Highways, Forest Roads, Public and Private Parcels
Implementers	Placer County, CA
Primary Contact	Kansas McGahan (kmcgahan@placer.ca.gov)
Stage	Implementation
Duration	2007 - 2023

Stormwater Management Program ➤ Reduce Stormwater Pollution From: Roads and Highways, Forest Roads, Public and Private Parcels

Drainage conveyance stabilization, revegetation, road runoff treatment, and pavement of unpaved roadways in Kings Beach. This project is being implemented through different phases including the Coon Street Clean Water Pipe, the Lower Chipmunk Project, and the Lower Secline Project. The Lower Secline project is currently undergoing implementation and includes the paving of Lower Secline and Brockway Vista Ave which are unpaved or in poor condition in close proximity to the lake. The intent of the project is to pave the existing dirt roads, stabilize road shoulders, formalize parking on unimproved surfaces and install water quality improvements to reduce the quantity of sediment transport.



Basin for Coon Street Clean Water Pipe

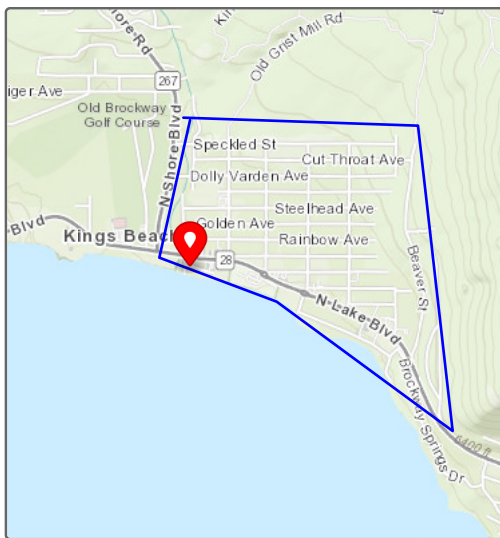
Key Accomplishments

- Acres of SEZ Restored or Enhanced: **0.5 acres**
- Linear Feet of Stream Channel Restored or Enhanced: **1,534 lf**
- Miles of Roads Decommissioned or Retrofitted: **0.5 miles**

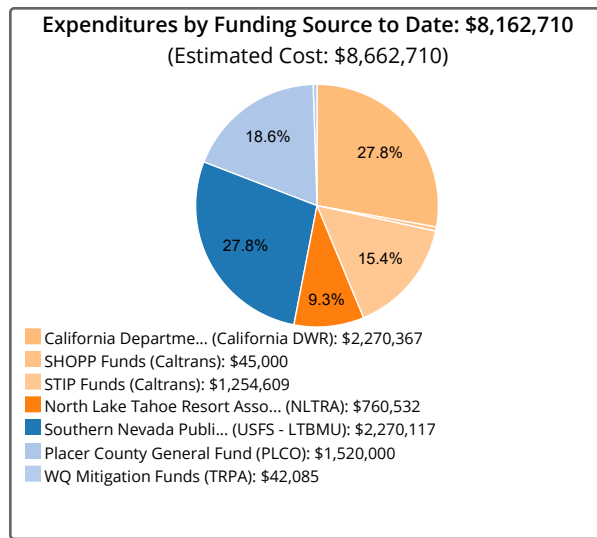
Threshold Categories

- Soil Conservation
- Water Quality

Location



Expenditures



Photos

During



Project Sign for Lower Chipmunk

After



Lower Chipmunk Outfall



Upper Area of Coon Street Water Pipe Project

Project Fact Sheet Data as of 05/17/

STAFF REPORT

Date: May 17, 2023

To: TRPA Governing Board

From: TRPA Staff

Subject: Zacko Enterprises, LLC/Leah & Patrick Higgins, Boatlift Addition and Multi-Parcel Pier Designation, Project Location: 6160 & 6190 W Lake Boulevard, Homewood, Placer County, California, Assessor's Parcel Numbers (APNs) 098-031-006, 098-032-014, 098-031-005, 098-032-013, TRPA File Number ERSP2022-1117

Summary and Staff Recommendation:

The applicant, Zacko Enterprises, LLC and Leah and Patrick Higgins, propose the expansion of an existing pier (recognized under TRPA File #19830179STD) located at 6160 and 6190 West Lake Boulevard, Homewood, Placer County, California. The pier expansion includes adding a 6,000 lb. boatlift. No change to the pier length and width dimensions are proposed as part of the project. The existing pier straddles the littoral parcel boundaries of APNs 098-031-006 and 098-031-005. As part of this project and authorization to expand the existing pier, the pier will be designated as a multiple parcel pier. It is the designation of the multiple parcel pier that prompts Governing Board review and approval. The proposed boatlift and existing pier structure complies with development and location standards for multiple-parcel piers. Staff recommends that the Governing Board make the required findings and approve the proposed project.

Required Motions:

In order to approve the proposed project, the Board must make the following motions, based on the staff summary and evidence in the required:

- 1) A motion to approve the required findings, including a finding of no significant effect; and
- 2) A motion to approve the proposed project subject to the conditions in the draft permit (see Attachment A).

For the motions to pass, an affirmative vote of at least five members from the State of California and at least nine members of the Board is required.

Project Description/Background:

The proposed project involves constructing a new 6,000 lb. boatlift on a legally existing pier (recognized under TRPA File #19830179STD). The pier previously had a boatlift structure that has since been removed above the waterline. The previous boatlift structure was replaced in 2014, under Qualified Exempt Activity Declaration. TRPA has since determined that the original boatlift structure was not legally existing. The applicant received an allocation from the 2020 mooring lottery to construct the boatlift. (TRPA File #MOOR2021-1901, Mooring Allocation #TRPA-20-MOOR-045) The new proposed boatlift and existing pier structure complies with development and location standards for multiple-parcel piers. The project will be using existing pilings for the new boatlift structure. No new pilings are

proposed or approved as part of the project. The lake bottom disturbance of the existing pilings is .64 square feet. As retroactive mitigation, one 1' by 1' rock pyramid will be installed by hand lakeward of elevation 6229' on the lake bottom to serve as fish habitat mitigation.

The existing pier has 170 square feet of visible mass which counts toward the total allowable 400 square feet for multiple-use pier serving two residential units. The total *allowable* visible mass does not include accessory structures such as boatlifts, handrails, and ladders; however, all additional mass added by a project must be mitigated for scenic impacts. The project will add 83.47 square feet of additional visible mass, for a total visual mass of 253.47. The additional visible mass will be mitigated at a ratio of 1:2, or 167 square feet of vegetative screening lakeward of the existing wooden fence.

No further impacts to the lake bottom substrate or beach are proposed or approved as part of the project. No changes to the existing access, land coverage, pier accessories (e.g., swim ladder), or dimensions of the pier structure are proposed or will be approved as part of this project.

Recognition of a Multiple-Parcel/Multiple-Use Pier:

Per TRPA Code section 84.4.3.C.1.b, multiple-use piers include those which serve two or more primary residential littoral parcels. The existing pier straddles the littoral parcel boundaries of APNs 098-031-006 and 098-031-005 and serves the primary use of two residential properties located upland on APNs 098-032-014 and 098-032-013. As part of this project, the pier will be designated as a multiple-use pier.

Per TRPA Code section 84.4.4.E., multiple-use piers shall be deed restricted to extinguish future pier development potential on all parcels served by the pier. As a result of the project, the project area consisting of four parcels (two littoral and two upland parcels) will be deed restricted to one pier. The proposed project complies with design and development standards for multiple-use piers.

The Governing Board may find the pier will be a multiple-parcel/multiple-use pier as it results in both the reduction of shorezone development potential and serves two primary residential littoral parcels, subject to deed restriction provisions.

Regional Plan Compliance:

The proposed project is consistent with the Goal and Policies of the Regional Plan, Shorezone Subelement, in that it complies with the design standards and includes mitigation to ensure no negative impacts to the environmental thresholds. The proposed project is for the expansion of an existing pier and designation as a multiple-parcel pier, which are encouraged by the Regional Plan to reduce overall development potential along the shoreline of Lake Tahoe.

Staff has analyzed the potential environmental impacts of the proposed pier expansion and determined that it will not adversely affect the environment. An analysis of the impact areas is as follows:

- A. Scenic Quality: The proposed project is located within Scenic Shoreline Unit 12, McKinney Bay, which is in attainment with the TRPA Scenic Threshold. Up to 400 square feet of visible mass is allowed for multiple-parcel/use piers serving two primary residential littoral parcels. The allowable visible mass does not include accessory structures such as boatlifts, handrails, and ladders. The existing pier has 170 square feet of visible mass which counts towards the 400 square feet of allowable visible mass. The proposed boatlift will add additional 83.47 square feet of visible mass, for a total of 253.47 square feet.

The project area is located in a Visually Modified scenic character type, requiring mitigation of all additional mass, including accessory structures associated with a pier, at a 1:2 ratio. The project will add 83.47 square feet of additional visible mass. The additional visible mass will be mitigated at a ratio of 1:2, or 167 square feet of vegetative screening lakeward of the existing wooden fence. The proposed boatlift and existing pier structure complies with development and location standards for multiple-parcel piers.

The project area is also located in Scenic Roadway Unit 10, Quail Creek, which is in attainment with TRPA scenic thresholds. All pier materials shall be painted matte medium to dark grey as to not detract from the roadway scenic quality.

- B. Fish Habitat: This project area is located in fish habitat recognized as feed and cover and is in close proximity to spawning areas. The boatlift will utilize existing pilings, therefore no additional disturbance to the lakebed is anticipated or proposed as part of this project. However, to retroactively mitigate the previous installation of these pilings in fish habitat, the applicant will place a rock pyramid in the area adjacent to the pier as discussed previously within this staff summary and in the draft permit. (Refer to Attachment A, draft permit.)

As required by Article 10: *Miscellaneous* of the TRPA Rules of Procedure Section 10.8.E.4.a.iii, the applicant will be required to submit payment of \$600.00 for the addition to a pier to mitigate the impacts of development on fish habitat. (Refer to Attachment A, draft permit.)

- C. Deed Restriction: The shorezone ordinances require that an additional multiple-parcel pier shall extinguish future pier development potential through deed restriction on all parcels served by the pier, including adjacent and non-adjacent parcels, with the exception of the littoral parcel on which the additional pier is permitted. The four parcels associated with the project area (two primary littoral parcels and two upland residential parcels) will be deed restricted against future shorezone development and limited to one pier.
- D. Setbacks: TRPA Code, Section 84.4.3.B, requires that new piers comply with a 40-foot setback from all other piers as measured from the pierhead and 20 feet from the outer-most parcel boundary projection lines associated with the project area. The existing pier complies with these setback requirements.
- E. Public Access: All land area between high and low water shall be accessible to the public. The existing pier is open pilings and would not deter access. As part of a condition of approval, the applicant shall place a sign indicating the allowance of public access and the sign shall remain in perpetuity.

Environmental Review: The applicant completed an Initial Environmental Checklist (IEC) to assess the potential environmental impacts of the project. No significant long-term environmental impacts were identified because the proposed pier complies with the existing Code and incorporates required mitigation (fisheries and scenic). Additionally, the property would be deed restricted limiting the four subject properties to one shared pier. The IEC is available online: <https://parcels.laketahoeinfo.org/AccelaCAPRecord/Detail/ERSP2022-1117> .

Shoreline Review Committee: TRPA facilitates monthly Shoreline Review Committee (SRC) meetings for agencies with permitting jurisdiction along the shoreline and within Lake Tahoe to coordinate the

permitting of projects. The subject project was reviewed and discussed at SRC on April 20, 2023. California State Lands Commission, U.S. Army Corps of Engineers, California Department of Fish and Wildlife, nor Lahontan Regional Water Quality Control Board had received an application for the project as of the date of the SRC meeting. It is typical for an applicant to seek TRPA approval prior to submittal to other agencies with jurisdiction. This is to facilitate a more efficient process with the other jurisdictional agencies. No oppositional comments to the proposed project were provided at the April 20 meeting.

Public Comment: Property owners within 300 feet of the subject site were provided notice of the proposed project. As of the posting of this staff report, no comments were received.

Contact Information: For questions regarding this agenda item, please contact Jennifer Self, Principal Planner, at (775) 589-5261 or jself@trpa.gov.

Attachments:

- A. Draft Permit & Deed Restriction
- B. Proposed Plans

Additional Reference Materials:

The following materials reference in this staff report and/or related to the review of this project can be found online at <https://parcels.laketahoeinfo.org/AccelaCAPRecord/Detail/ERSP2022-1117>.

- Required Findings/Rationale
- 2018 Shorezone Code Conformance Table
- Initial Environmental Checklist

Attachment A
Draft Permit & Deed Restriction

May 24, 2023

Kaufman Edwards Planning
P.O. Box 1253
Carnelian Bay, CA 96140

ZACKO ENTERPRISES, LLC/ LEAH & PATRICK HIGGINS BOATLIFT ADDITION AND MULTI-PARCEL PIER DESIGNATION, 6160 & 6190 W LAKE BOULEVARD, HOMEWOOD, PLACER COUNTY, CALIFORNIA, ASSESSOR'S PARCEL NUMBERS (APNs) 098-031-006/098-032-014/098-031-005/098-032-013, TRPA FILE NUMBER ERSP2022-1117

Dear Applicant:

Enclosed please find the Tahoe Regional Planning Agency (TRPA) permit and attachments for the project referenced above. If you accept and agree to comply with the Permit conditions as stated, please make a copy of the permit, sign the "Permittee's Acceptance" block on the first page the Permit, and return the signed copy to TRPA within twenty-one (21) calendar days of issuance. Should the permittee fail to return the signed permit within twenty-one (21) calendar days of issuance, the permit will be subject to nullification. Please note that signing the permit does not of itself constitute acknowledgement of the permit, but rather acceptance of the conditions of the permit.

TRPA will acknowledge the original permit only after all standard and special conditions of approval have been satisfied. Please schedule an appointment with me to finalize your project. Due to time demands, TRPA cannot accept drop-in or unannounced arrivals to finalize plans.

Pursuant to Rule 11.2 of the TRPA Rules of Procedure, this permit may be appealed within twenty-one (21) days of the date of this correspondence.

Thank you very much for your patience in this matter. Please feel free to call me if you have any questions regarding this letter or your permit in general.

Sincerely,



Jennifer Self
Principal Planner
Permitting & Compliance Department

CONDITIONAL PERMIT

PROJECT DESCRIPTION: Pier Expansion with Boatlift Addition & Multiple Parcel Pier Designation
APNs: 098-031-006 / 098-032-014 / 098-031-005 / 098-032-013
PERMITTEES: Zacko Enterprises, LLC, Leah & Patrick Higgins
FILE #: ERSP2022-1117
COUNTY/LOCATION: Placer/6160 & 6190 W LAKE BLVD, HOMEWOOD, CA

Having made the findings required by Agency ordinances and rules, the **TRPA Governing Board** approved the project on **May 24, 2023**, subject to the standard conditions of approval attached hereto (Attachments Q and S) and the special conditions found in this permit.

This permit shall expire on **May 24, 2026**, without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of pouring concrete for a foundation and does not include grading, installation of utilities or landscaping. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

NO DEMOLITION, CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:

- (1) TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT;
- (2) ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA'S ACKNOWLEDGEMENT OF THIS PERMIT;
- (3) THE PERMITTEE OBTAINS APPROPRIATE COUNTY PERMIT. TRPA'S ACKNOWLEDGEMENT MAY BE NECESSARY TO OBTAIN A COUNTY PERMIT. THE COUNTY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS; AND
- (4) A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.

TRPA Executive Director/Designee _____ Date _____

PERMITTEES' ACCEPTANCE: I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents' and employees' compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I also understand that certain mitigation fees associated with this permit are non-refundable once paid to TRPA. I understand that it is my sole responsibility to obtain any and all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

Signature of Permittee(s) _____ Date _____

(PERMIT CONTINUED ON NEXT PAGE)

FILE NO. ERSP2022-1117

Project Security Posted (1): Amount \$ 5,000 Type Paid _____ Receipt No. _____

Security Administrative Fee (2): Amount \$ _____ Paid _____ Receipt No. _____

Shorezone Mitigation Fee (3): Amount \$ 600 Type Paid _____ Receipt No. _____

Notes:

- (1) See Special Condition 9.F, below.
- (2) Consult the TRPA filing fee schedule for the current security administration fee.
- (3) See Special Condition 9.G, below.

Required plans determined to be in conformance with approval: Date: _____

TRPA ACKNOWLEDGEMENT: The Permittee has complied with all pre-construction conditions of approval as of this date and is eligible for a county building permit:

TRPA Executive Director/Designee

Date

SPECIAL CONDITIONS

1. This permit authorizes the expansion of an existing pier (TRPA File #19830179STD) located at 6160 and 6190 West Lake Boulevard, Homewood, Placer County, California, and designation of the pier as a multiple parcel pier. The existing pier straddles the littoral parcel boundaries of APNs 098-031-006 and 098-031-005. The primary use of the pier are residential dwellings located on APNs 098-032-014 and 098-032-013. The pier expansion includes adding a 6,000 lb. boatlift. The boatlift will be constructed on existing pilings. No new pilings are proposed as part of the project. The applicant received an allocation from the 2020 mooring lottery to construct the boatlift. (TRPA File #MOOR2021-1901, Mooring Allocation #TRPA-20-MOOR-045)

Upon completion of the project, there will be a total of one multi-use pier with one attached boatlift and two mooring buoys associated with the project area, as follows:

Shorezone Structure	Associated APN(s)	TRPA File #	Mooring #
One multi-use pier and one attached boatlift	098-031-006 098-031-005 098-032-014	ERSP2022-1117 MOOR2021-1901 19830179STD	TRPA-20-MOOR-045

	098-032-013		
One mooring buoy	098-031-005 098-032-013	MOOR2009-3023	Mooring # 11418 (Registration #11162)
One mooring buoy	098-031-006 098-032-014	MOOR2009-3302	Mooring # 6082 (Registration #11437)

2. The project was heard before the interagency Shoreline Review Committee on April 20, 2023.
3. The existing pier has 170 square feet of visible mass which counts toward the total allowable 400 square feet for multiple-use pier serving two residential units. The total *allowable* visible mass does not include accessory structures such as boatlifts, handrails, and ladders; however, all additional mass added by a project must be mitigated for scenic impacts. The project will add 83.47 square feet of additional visible mass, for a total visual mass of 253.47. The additional visible mass will be mitigated at a ratio of 1:2, or 167 square feet of vegetative screening lakeward of the existing wooden fence.
4. The pier previously had a boatlift structure that has since been removed above the waterline. The previous boatlift structure was replaced in 2014, under Qualified Exempt Activity Declaration. TRPA has since determined that the original boatlift structure was not legally existing. The project will be using existing pilings for the new boatlift structure. No new pilings are proposed or approved as part of the project. The lake bottom disturbance of the previously existing pilings is .64 square feet. As retroactive mitigation, one 1' by 1' rock pyramid will be installed by hand lakeward of elevation 6229' on the lake bottom to serve as fish habitat mitigation.
5. This permit does not include the approval of modifications to the pier structural supports or decking, additional swim ladders, electrical panels or boxes, handrails, lighting, or other accessory structures. There is one existing swim ladder located on the existing pier.
6. The permit does not verify existing land coverage nor approve additional land coverage on the subject parcels. The project area has two existing buoys associated with the project area as specified in condition 1 of this permit. Locations of the buoys are subject to the original approval in 2009. Locations of the buoys have not be reviewed or approved as part of this permit. This permit does not approve the relocation of buoys nor approve additional moorings associated with the project area.
7. The expanded pier shall comply with all development and location standards in the TRPA Code of Ordinances Chapters 80 through 85.
8. The Standard Conditions of Approval listed in Attachment S shall apply to this permit.
9. Prior to permit acknowledgement, the following conditions of approval must be satisfied:
 - A. The site plan (Sheet 1) for the project area shall be revised to include the following:

1. Location and type of vegetative screening to be planted as mitigation for additional visible mass. Vegetative screening shall be planted lakeward of the existing wooden fence.
 2. Remove "Buoy Notes" section of the site plan. No mooring buoys are verified or approved as part of this permit. Mooring buoys associated with the project area are subject to the original approval referenced in condition 1 of this permit, including location.
 3. Identify which buoy is associated with APNs 098-031-005 and 098-032-013, and which buoy is associated with APNs 098-031-006 and 098-032-014.
 4. Add a notation on the plans that a floating fine mesh fabric screen or other material approved by TRPA shall be installed underneath the pier to capture any fallen materials during construction. The floating screen and caissons may be removed upon project completion and after a satisfactory inspection by TRPA to ensure that all suspended materials have settled.
 5. Add a notation that all pier materials shall be matte medium to dark grey. A TRPA inspector may require alternate colors depending on the background view of the project site.
 6. Add a notation that a public access sign shall be placed on the pier and remain in perpetuity. The sign shall indicate that the land area between high and low water is accessible to the public and where and how the public can access this portion of land. In addition to the requirements set forth in subsection 84.8.5, signs on piers shall not be larger than 12 inches high by 18 inches wide by 2 inches thick, unless otherwise required to meet safety regulations. Signs shall not exceed the standard railing height and shall be mounted on railings or on the pier rim joists.
 7. Add a notation stating the boat lift shall not extend more than four feet above the pier deck.
 8. Add a notation that superstructures, permanent umbrellas, canopies, storage racks for non-motorized watercraft, plant containers, and furniture other than benches shall be prohibited on the pier.
- B. The Permittee shall submit a projected construction completion schedule to TRPA prior to acknowledgment. Said schedule shall include completion dates for each item of construction.
- C. The permittee shall provide underwater photos of the project area indicating the conditions prior to the start of construction and after construction is completed. For the

purposes of this condition, the project area shall include the areas underneath the boatlift, including pilings, and the area where the fish habitat mitigation will be located.

- D. The permittee shall submit an access plan for the amphibian barge and construction related activities associated with this permit. The barge used for the proposed project will not be accessing the water by way of the beach on the subject parcels and will not be parking the barge on the beach for any duration of the project. If any unforeseen project related activity has the potential to impact the backshore, the Permittee shall conduct a Tahoe Yellow Cress (TYC) survey for the subject properties. Surveys shall be conducted during the growing season of June 15th through September 30th prior to commencement of proposed work. If TYC or TYC habitat are present, the Permittee shall submit a TYC avoidance and protection plan to TRPA prior to acknowledgement of this permit.
 - E. The Permittee shall provide a Spill Prevention Plan for the use of any hazardous materials or equipment (i.e., fuel, epoxy glue, other volatile substances, welding and torch equipment, etc.), for construction activities occurring from a barge and/or amphibious vehicle and within the lake. The Plan shall require absorbent sheets/pads to be retained on the barge at all times. A contact list of all emergency response agencies shall be available at the project site at all times during construction.
 - F. The project security required under Standard Condition I.B of [Attachment S](#) shall be \$5,000. Please see [Attachment J](#), Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.
 - G. Pursuant to Section 10.8.5.E.4.a.iii of the TRPA Rules of Procedure, the permittee shall submit a shorezone mitigation fee of \$600 for the addition of a boatlift to an existing pier.
 - I. The Permittee shall provide an electronic set of final construction drawings and site plans for TRPA Acknowledgement.
 - J. The Permittee shall record the provided deed restriction consistent with TRPA Code of Ordinances section 84.4.4.E in regards to the multiple-parcel designation which will extinguish future new pier development on the subject parcels.
10. It is the Permittee's responsibility to receive authorization and obtain any necessary permits from other responsible agencies for the proposed project.
11. The proposed project is located within feed and cover fish habitat in close proximity to fish spawning habitat. No pier demolition or construction shall occur between May 1 and October 1 (spawning season) unless prior approval is obtained from the California Department of Fish and Wildlife, the U.S. Army Corps of Engineers, or the U.S. Fish and Wildlife Service.

12. Disturbance of lake bed materials shall be the minimum necessary. The removal of rock materials from Lake Tahoe is prohibited. Gravel, cobble, or small boulders shall not be disturbed or removed to leave exposed sandy areas before, during, or after construction.
13. Best practical control technology shall be employed to prevent earthen materials to be re-suspended as a result of construction activities and from being transported to adjacent lake waters.
14. The discharge of petroleum products, construction waste and litter (including sawdust), or earthen materials to the surface waters of the Lake Tahoe Basin is prohibited. All surplus construction waste materials shall be removed from the project and deposited only at approved points of disposal.
15. Any normal construction activity creating noise in excess of the TRPA noise standards shall be considered exempt from said standards provided all such work is conducted between the hours of 8:00 A.M. and 6:30 P.M.
16. Prior to security return, the following conditions of approval must be satisfied:
 - A. The permittee shall provide post-construction underwater photos of the same locations of the project area consistent with condition 3.C of this permit.
 - C. The permittee shall provide a photo from Lake Tahoe looking back towards the project area demonstrating vegetative planting to mitigate 83.47 square feet of visible mass and photograph of the installed boatlift.
 - D. All pier materials shall be matte medium to dark grey. A TRPA inspector may require alternate colors depending on the background view of the project site.
 - E. A public access sign shall be placed on the pier and remain in perpetuity. The sign shall indicate that the land area between high and low water is accessible to the public and where and how the public can access this portion of land. In addition to the requirements set forth in subsection 84.8.5, signs on piers shall not be larger than 12 inches high by 18 inches wide by 2 inches thick, unless otherwise required to meet safety regulations. Signs shall not exceed the standard railing height and shall be mounted on railings or on the pier rim joists.
 - F. The project shall result in APN 098-031-005 in compliance with Best Management Practices (BMPs). The applicant will need to coordinate with the TRPA BMP team to demonstrate that no BMPs are required for the parcel or obtain a source control certificate, whichever is appropriate given site conditions.
17. To the maximum extent allowable by law, the Permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board, its Planning Commission, its agents, and its employees

(collectively, TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person or property or (b) to set aside, attack, void, modify, amend, or annul any actions of TRPA. The foregoing indemnity obligation applies, without limitation, to any and all suits, losses, damages, injuries, liabilities, and claims by any person from any cause whatsoever arising out of or in connection with either directly or indirectly, and in whole or in part (1) the processing, conditioning, issuance, or implementation of this permit; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or Permittee.

Included within the Permittee's indemnity obligation set forth herein, the Permittee agrees to pay all fees of TRPA's attorneys and all other costs and expenses of defenses as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees incurred by TRPA for actions arising directly or indirectly from issuance or implementation of this permit. TRPA will have the sole and exclusive control (including the right to be represented by attorneys of TRPA's choosing) over the defense of any claims against TRPA and over this settlement, compromise or other disposition. Permittee shall also pay all costs, including attorneys' fees, incurred by TRPA to enforce this indemnification agreement. If any judgment is rendered against TRPA in any action subject to this indemnification, the Permittee shall, at its expense, satisfy and discharge the same.

END OF PERMIT

RECORDING REQUESTED BY:

Tahoe Regional Planning Agency
Post Office Box 5310
Stateline, Nevada 89449

WHEN RECORDED MAIL TO:

Tahoe Regional Planning Agency
Post Office Box 5310
Stateline, Nevada 89449
Attn: Jennifer Self, Principal Planner
TRPA File No.: ERSP2022-1117

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR SHOREZONE DEVELOPMENT LIMITATIONS (“DEED RESTRICTION”)
TO BE RECORDED AGAINST APNs 098-031-006 and 098-032-014**

This Deed Restriction is made this _____ day of _____, 20_____, by Leah E. Higgins and Patrick Higgins, Trustees of the Higgins Family Trust, under instrument dated December 13, 2001 (hereinafter “Declarants”).

RECITALS

1. Declarants are the owners of certain real property located in Placer County, State of California, described as follows:

Lots 52 AND 52A, McKinney Shores, as shown on the map thereof filed in Book G of Maps, page 25, Placer County Records.

A.P.N. 098-032-013 & 098-031-005

Said parcel was recorded under document number 2016-0030318-00 on April 25, 2016, in the Official Records of Placer County, California, and having Assessor’s Parcel Number 098-032-013 and 098-031-005.

The above parcels are hereinafter collectively referred to as the “Property.”

2. The Property is located in the Tahoe Region as described in the Tahoe Regional Planning Compact (P.L. 96-551, Stat. 3233, 1980), which region is subject to the regional plan and the ordinances adopted by the Tahoe Regional Planning Agency (hereafter “TRPA”) pursuant to the Tahoe Regional Planning Compact.
3. Declarants received approval from the TRPA on May 24, 2024, for a pier expansion and designation of an existing pier as a multiple parcel pier subject to certain conditions contained on said approval, including a condition that the Declarants record a deed restriction permanently assuring that the parcels within the project area shall be limited to one shared pier amongst the four parcels. A second deed restriction shall be recorded against APNs 098-031-006 and 098-032-014.

DECLARATIONS

1. Declarant hereby declares that, for the purposes of satisfying TRPA's May 24, 2023 condition of approval (TRPA file number ERSP2022-1117), the Property identified herein shall be limited to one shared pier, extinguishing the ability for any single parcel within the project area to pursue an additional pier.
2. This Deed Restriction shall be deemed a covenant running with the land, or an equitable servitude, as the case may be, and shall be binding on the Declarant and Declarants' assigns, and all persons acquiring or owning any interest in the property.
3. This Deed Restriction may not be modified or revoked without the prior express written and recorded consent of the TRPA or its successor agency, if any. TRPA shall be deemed and agreed to be a third-party beneficiary of this Deed Restriction, and as such, can enforce the provisions of this Deed Restriction.

///
///
///

IN WITNESS WHEREOF, Declarants have executed this Deed Restriction this the day and year written below.

Declarant's Signature:

Dated: _____

Leah E. Higgins,
Trustee of the Higgins Family Trust, under instrument dated December 13, 2001

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF)
) SS.
COUNTY OF)

On _____ before me, _____ a Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of _____ that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____ (Seal)

Name: _____
(typed or printed)

IN WITNESS WHEREOF, Declarants have executed this Deed Restriction this the day and year written below.

Declarant's Signature:

Patrick Higgins,
Trustee of the Higgins Family Trust, under instrument dated December 13, 2001

Dated: _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF _____)
) SS.
COUNTY OF _____)

On _____ before me, _____ a Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of _____ that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____ (Seal)

Name: _____
(typed or printed)

APPROVED AS TO FORM:

_____ Dated: _____
Jennifer Self, Principal Planner
Tahoe Regional Planning Agency

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF NEVADA)
) SS.
COUNTY OF DOUGLAS)

On _____ before me, _____ a Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Nevada that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____ (Seal)

Name: _____
(typed or printed)

RECORDING REQUESTED BY:

Tahoe Regional Planning Agency
Post Office Box 5310
Stateline, Nevada 89449

WHEN RECORDED MAIL TO:

Tahoe Regional Planning Agency
Post Office Box 5310
Stateline, Nevada 89449
Attn: Jennifer Self, Principal Planner
TRPA File No.: ERSP2022-1117

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR SHOREZONE DEVELOPMENT LIMITATIONS (“DEED RESTRICTION”)
TO BE RECORDED AGAINST APNs 098-031-006 and 098-032-014**

This Deed Restriction is made this _____ day of _____, 20_____, by Zacko Investments II, LLC, a California limited liability company (hereinafter “Declarants”).

RECITALS

1. Declarants are the owners of certain real property located in Placer County, State of California, described as follows:

LOTS 51 AND 51A OF MCKINNEY SHORES, AS SHOWN ON THE MAP OF SAID MCKINNEY SHORES, FILED IN THE OFFICE OF THE COUNTY RECORDER OF PLACER COUNTY, CALIFORNIA, JUNE 26, 1961, AND OF RECORD IN BOOK G OF MAPS AT PAGE 25.

Said parcel was recorded under document number 2015-0099774-00 on November 16, 2015, in the Official Records of Placer County, California, and having Assessor’s Parcel Number 098-031-006 and 098-032-014.

The above parcels are hereinafter collectively referred to as the “Property.”

2. The Property is located in the Tahoe Region as described in the Tahoe Regional Planning Compact (P.L. 96-551, Stat. 3233, 1980), which region is subject to the regional plan and the ordinances adopted by the Tahoe Regional Planning Agency (hereafter “TRPA”) pursuant to the Tahoe Regional Planning Compact.
3. Declarants received approval from the TRPA on May 24, 2024, for a pier expansion and designation of an existing pier as a multiple parcel pier subject to certain conditions contained on said approval, including a condition that the Declarants record a deed restriction permanently assuring that the parcels within the project area shall be limited to one shared pier amongst the four parcels. A second deed restriction shall be recorded against APNs 098-031-005 and 098-032-013.

DECLARATIONS

1. Declarant hereby declares that, for the purposes of satisfying TRPA's May 24, 2023 condition of approval (TRPA file number ERSP2022-1117), the Property identified herein shall be limited to one shared pier, extinguishing the ability for any single parcel within the project area to pursue an additional pier.
2. This Deed Restriction shall be deemed a covenant running with the land, or an equitable servitude, as the case may be, and shall be binding on the Declarant and Declarants' assigns, and all persons acquiring or owning any interest in the property.
3. This Deed Restriction may not be modified or revoked without the prior express written and recorded consent of the TRPA or its successor agency, if any. TRPA shall be deemed and agreed to be a third-party beneficiary of this Deed Restriction, and as such, can enforce the provisions of this Deed Restriction.

///
///
///

IN WITNESS WHEREOF, Declarants have executed this Deed Restriction this the day and year written below.

Declarant's Signature:

Zacko Investments II, LLC

Dated: _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF)
) SS.
COUNTY OF)

On _____ before me, _____ a Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of _____ that the foregoing paragraph is true and correct.

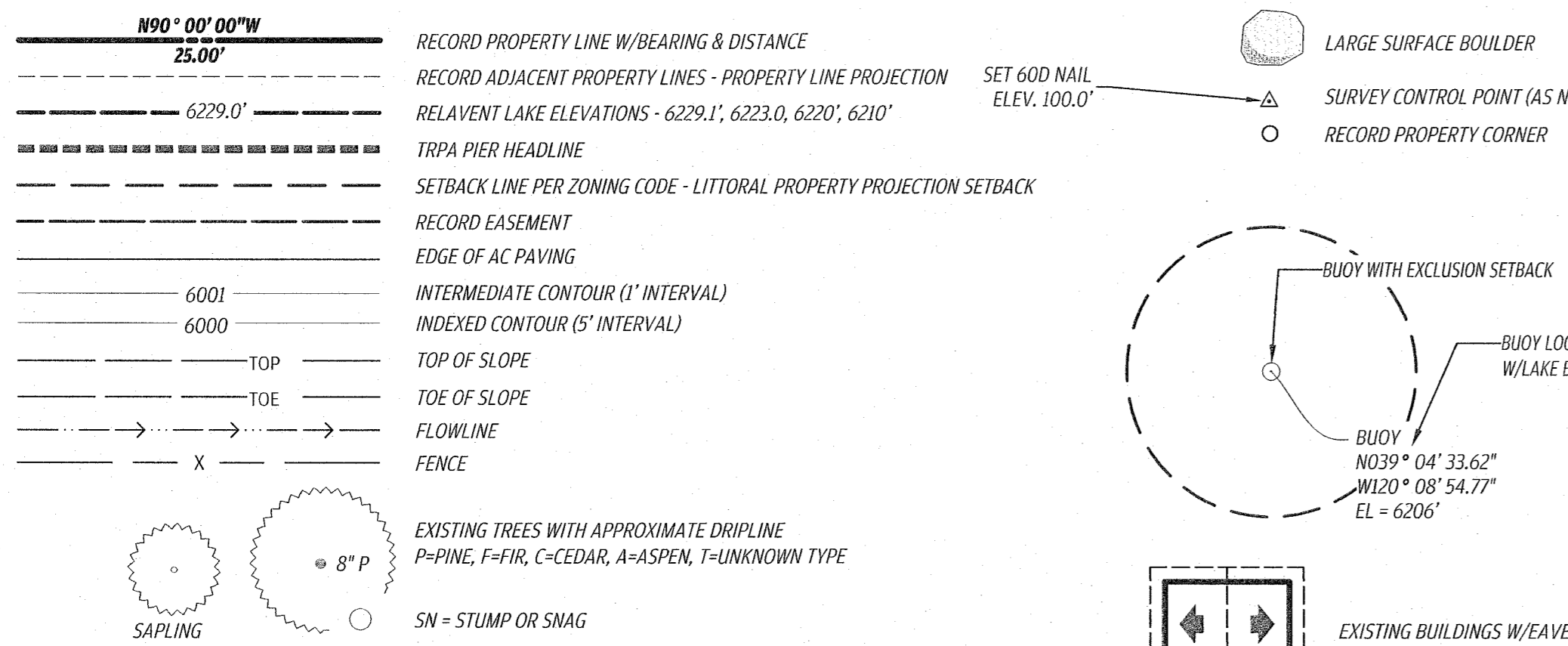
WITNESS my hand and official seal.

Signature: _____ (Seal)

Name: _____
(typed or printed)

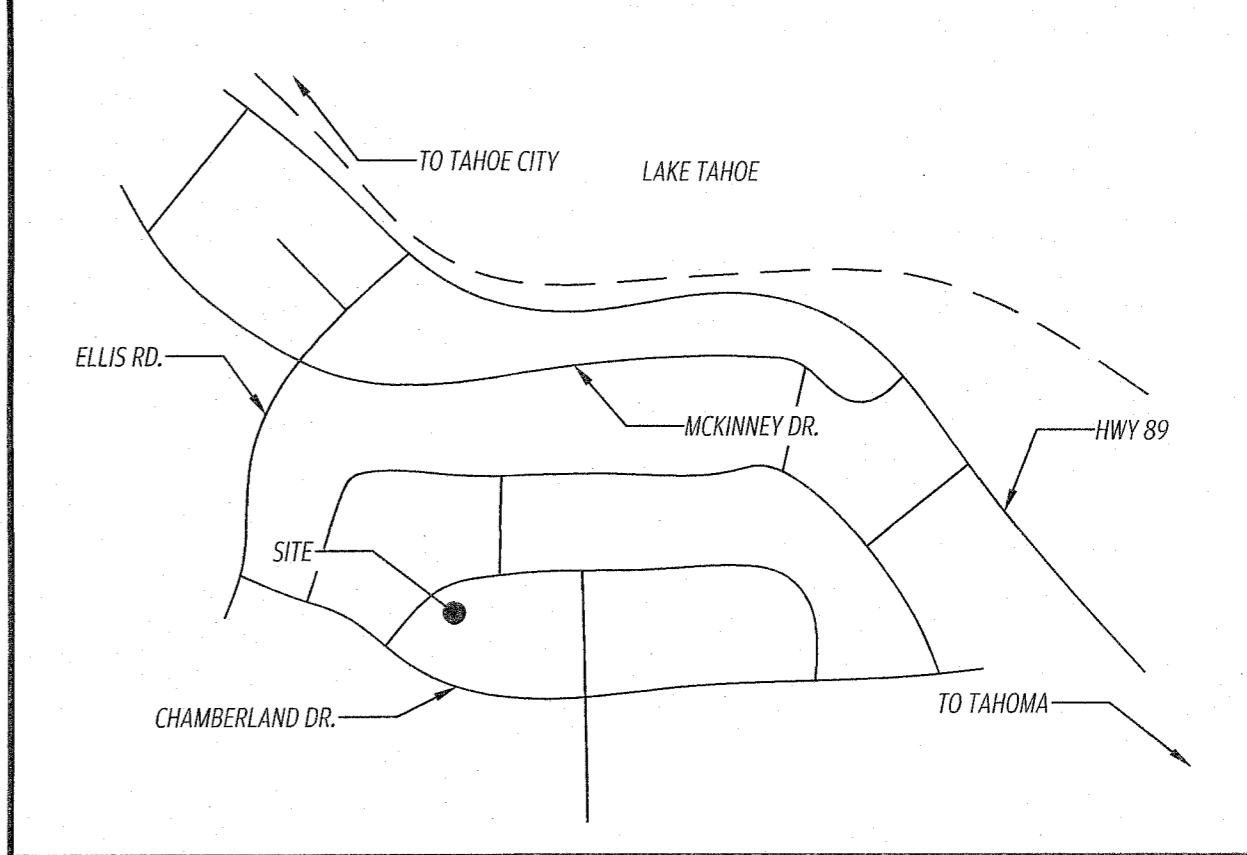
Attachment B
Proposed Plans

LEGEND:



NOTES:

- VERTICAL DATUM BASED ON FIELD MEASUREMENTS OF LAKE TAHOE AND SHOULD BE VERIFIED PRIOR TO USE IN ANY DESIGN. DATUM = LAKE TAHOE DATUM. HORIZONTAL DATUM IS STATE PLANES, CALIFORNIA ZONE II.
- THE BOUNDARY SHOWN HEREON IS TAKEN FROM RECORD DATA ROTATED TO GRID COORDINATES. PROFESSIONAL LAND SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP, TITLE EVIDENCE, OR ANY OTHER FACTS WHICH AN ACCURATE & CURRENT TITLE SEARCH MAY DISCLOSE.
- THE TOPOGRAPHY SHOWN HEREON MEETS THE STANDARDS OF THE AMERICAN CONGRESS OF SURVEYING & MAPPING WITH 90% OF THE CONTOURS TO BE WITHIN PLUS OR MINUS ONE HALF OF A CONTOUR INTERVAL.
- NO INVESTIGATION CONCERNING THE LOCATION OF OR EXISTENCE OF UNDERGROUND UTILITY SERVICE LINES TO THIS PROPERTY WAS MADE AS A PART OF THIS SURVEY.
- NO MAPPED STREAM MOUTH PROTECTION ZONES WERE WITHIN 300' OF SUBJECT PROPERTY.
- ALL UTILITY LOCATIONS MUST BE FIELD VERIFIED PRIOR TO ANY DESIGN OR CONSTRUCTION.
- DATE OF FIELD WORK AUGUST 3, 2021.
- BUILDING SETBACKS AND COVERAGE CALCULATIONS BASED ON PLACER COUNTY ZONING ORDINANCE AND THE TRPA AND MUST BE VERIFIED DIRECTLY WITH THE RELEVANT GOVERNING BODY PRIOR TO USE IN ANY DESIGN.
- THE DIGITAL DATA AND SURVEY CONTROL POINTS CONTAINED WITHIN THIS SURVEY ARE THE PROPERTY OF THE PROFESSIONAL LAND SURVEYOR. THE CLIENT NAMED ON THE TITLE SHEET IS PERMITTED A SINGLE-USE LICENSE FOR SAID DATA AND CONTROL POINTS FOR A PERIOD OF 2 YEARS FROM THE DATE OF FIELD WORK OUTLINED IN NOTE #6.
- THIS SURVEY SHALL NOT BE USED IN ANY DESIGN DOCUMENT, SUBMITTAL, OR FOR CONSTRUCTION UNLESS STAMPED AND SIGNED BY PROFESSIONAL LAND SURVEYOR.
- THE PROFESSIONAL LAND SURVEYOR ASSUMES NO LIABILITY IN THE USE TO THE DATA CONTAINED IN THIS SURVEY IF ANY EDITS ARE MADE TO SAID INFORMATION.



VICINITY MAP
NOT TO SCALE

ABBREVIATIONS:

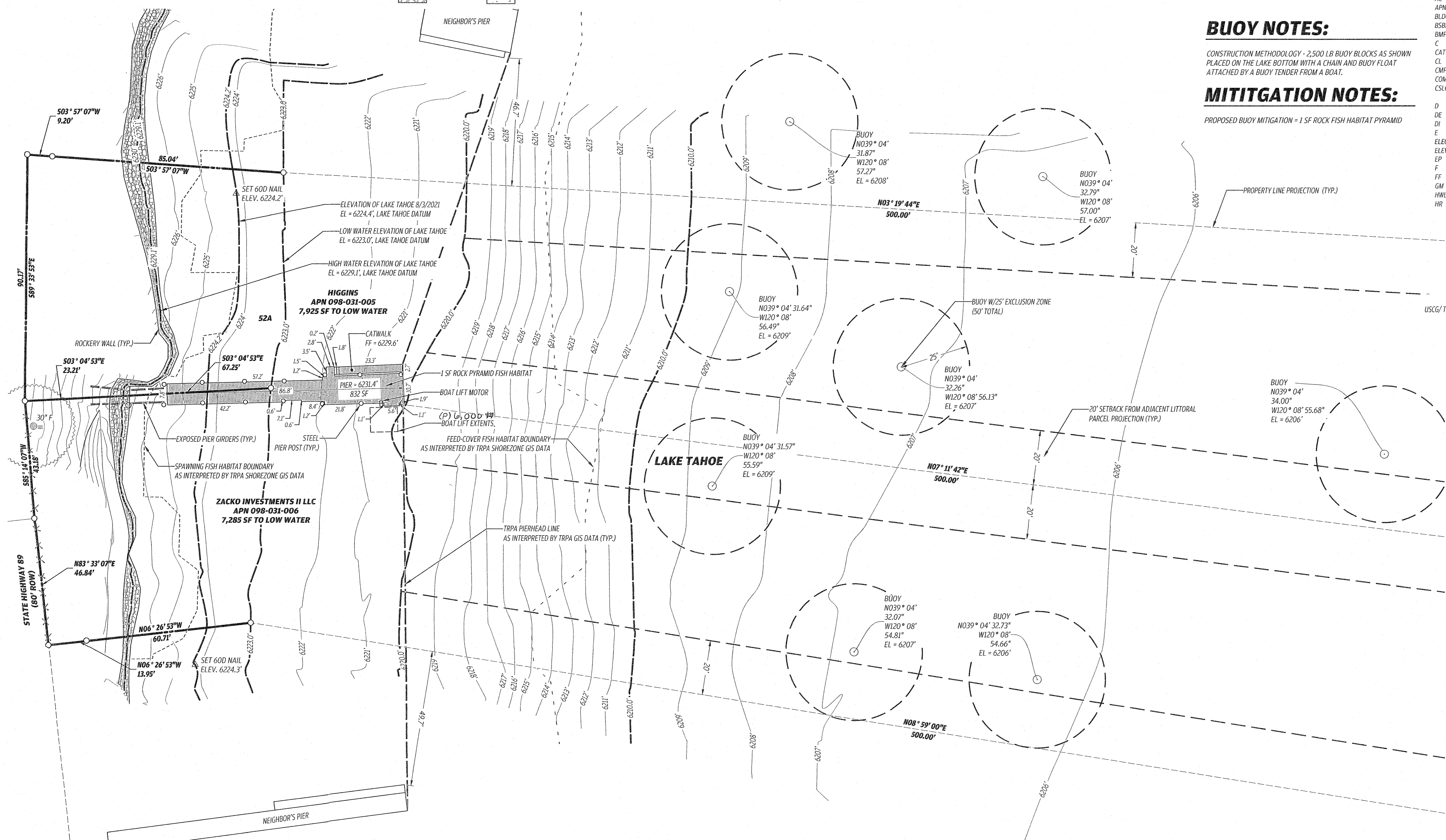
A	ASPEN	ICV	IRRIGATION CONTROL VALVE
AE	ACCESS EASEMENT	L	LENGTH
AC	ASPHALT CONCRETE	LF	LINEAR FEET
APN	ASSESSORS PARCEL NUMBER	LWL	LOW WATER LINE
BLOG	BUILDING	MPE	MULTI-PURPOSE EASEMENT
BSBL	BUILDING SETBACK LINE	N	NORTH
BMP	BEST MANAGEMENT PRACTICE	NAPOTS	NOT A PART OF THIS SURVEY
C	CEDAR	OHV	OVERHEAD WIRES
CATV	CABLE TELEVISION	P	PINE
CL	CENTERLINE	PP	POWER POLE
CMP	CORRUGATED METAL PIPE	PUE	PUBLIC UTILITY EASEMENT
COM	COMMUNICATIONS	R	RADIUS
CSLC	CALIFORNIA STATE LANDS COMMISSION	RE	RECREATION EASEMENT
D	DELTA ANGLE	ROW	RIGHT OF WAY
DE	DRAINAGE EASEMENT	S	SOUTH
DI	DRAINAGE INLET	SE	SEWER EASEMENT
E	EAST	SF	SQUARE FEET
ELEC	ELECTRICAL	SS	SANITARY SEWER
ELEV	ELEVATION	SSE	SNOW STORAGE EASEMENT
EP	EDGE OF PAVEMENT	SSCO	SANITARY SEWER CLEANOUT
F	FIR	SSMH	SANITARY SEWER MANHOLE
FF	FINISH FLOOR	ST	STREET
GM	GAS METER	T	TREE
HWL	HIGH WATER LINE	TBM	TEMPORARY BENCHMARK
HR	HEIGHT REDUCTION	TELE	TELEPHONE
		USCOE	UNITED STATES ARMY CORE OF ENGINEERS
		W	WEST, WATER
		WM	WATER METER
		WV	WATER VALVE

BUOY NOTES:

CONSTRUCTION METHODOLOGY - 2,500 LB BUOY BLOCKS AS SHOWN PLACED ON THE LAKE BOTTOM WITH A CHAIN AND BUOY FLOAT ATTACHED BY A BUOY TENDER FROM A BOAT.

MITIGATION NOTES:

PROPOSED BUOY MITIGATION = 1 SF ROCK FISH HABIT PYRAMID





Mail

PO Box 5310
Stateline, NV 89449-5310

Location

128 Market Street
Stateline, NV 89449

Contact

Phone: 775-588-4547
Fax: 775-588-4527
www.trpa.gov

STAFF REPORT

Date: May 17, 2023
To: TRPA Governing Board
From: TRPA Staff
Subject: APC Membership Appointments

Summary and Staff Recommendation:

Staff recommends Governing Board approve two-year appointments for the Tahoe Basin Fire Chiefs primary representative, Chad Stephen and primary alternate, Scott Lindgren and secondary alternate, Jim Drennan.

Required Motion:

In order to approve the proposed APC appointments, the Board must make the following motion, based on the staff report:

- 1) A motion to appoint to the Advisory Planning Commission Tahoe Basin Fire Chiefs Chad Stephen (primary) and Scott Lindgren and Jim Drennan (alternates).

In order for motion to pass, an affirmative vote of any eight Board members is required.

Background:

The Tahoe Regional Planning Agency Compact provides for a two-year term for appointments to the Advisory Planning Commission, which term may be renewed. The Tahoe Basin Fire Chiefs nominated Chad Stephen (primary) and Scott Lindgren and Jim Drennan (alternates) and advanced those recommendations to TRPA for action.

Contact Information:

For questions regarding this agenda item, please contact Julie Regan, at (775) 589-5237 or jregan@trpa.gov.

TAHOE REGIONAL PLANNING AGENCY
TRPA RESOLUTION NO. 2023 –

RESOLUTION IN SUPPORT OF LAKE TAHOE WILDFIRE AWARENESS CAMPAIGN,
MAY – OCTOBER, 2023

WHEREAS, wildfire is a growing threat that significantly impacts Lake Tahoe’s environmental, economic, and social well-being; and

WHEREAS, TRPA is a founding member and active partner on the Tahoe Fire and Fuels Team, which includes all local fire protection districts, the states through various agencies including the California Tahoe Conservancy and the Nevada Division of Forestry, the USDA Forest Service, and local governments at Lake Tahoe; and

WHEREAS, in 2021, the 220,000-acre Caldor Fire crossed the Sierra Nevada, burning nearly 10,000 acres in the Tahoe Basin and prompted the evacuation of approximately 30,000 Lake Tahoe residents; and

WHEREAS, partners have worked collaboratively to treat more than 70,000 acres of forest for hazardous fuels reduction since the Angora Wildfire of 2007, and more than 92,000 acres overall; and

WHEREAS, years of coordinated work by property owners and Tahoe Fire and Fuels Team partners to thin forests, create defensible space, harden homes, and prepare for wildfire, combined with the heroic work of firefighters, saved Lake Tahoe communities from the Caldor Fire; and

WHEREAS, residents must prepare to survive future wildfire by ensuring proper management of vegetation surrounding the home and appropriate home construction and maintenance to resist ignition; and

WHEREAS, residents need to work together to prepare their homes and communities to survive wildfire and commit to becoming fire adapted; and

WHEREAS, residents can save precious time in an evacuation by preparing a “go-bag” and family evacuation plan ahead of time;

NOW, THEREFORE BE IT RESOLVED, that the Tahoe Regional Planning Agency adopts this resolution to support the Lake Tahoe Wildfire Awareness Campaign theme “Protect Our Home, Prepare for Wildfire” from May to October 2023 as a means for education and a call for residents of the Lake Tahoe Region to work together to be ready for wildfire.

Passed and adopted this 24th day of May 2023, by the Governing Board of the Tahoe Regional Planning Agency, by the following vote:

Ayes:
Nays:
Abstain:
Absent:

Cindy Gustafson, Chair
Tahoe Regional Planning Agency
Governing Board



Mail

PO Box 5310
Stateline, NV 89449-5310

Location

128 Market Street
Stateline, NV 89449

Contact

Phone: 775-588-4547
Fax: 775-588-4527
www.trpa.gov

STAFF REPORT

Date: May 17, 2023
To: TRPA Governing Board
From: TRPA Staff
Subject: Tahoe Keys Control Methods Test Project Update

Summary and Staff Recommendation:

Staff and partners from the Tahoe Keys Property Owners Association, and the League to Save Lake Tahoe are providing an update on the Tahoe Keys Control Methods Test (CMT) Project, which began implementation in May 2022.

The CMT is an innovative test to determine what treatment methodologies to control invasive aquatic plants are best suited to treat the entirety of the Tahoe Keys in the future. The update focuses on why the CMT is crucial to the long-term health of the lake, the process and steps to get to implementation, followed by a summary of activities that took place during the first year, what was observed, and the plan for the second year of the project. The update will also include partner perspectives and activities that complement the work of the CMT.

The first year of the CMT tested two methods, referred to as Group A, that have the potential to provide a significant knockback of weeds by 75%. Those methods include approved aquatic herbicides, and ultraviolet light, used in combination and independently. In addition, the use of laminar flow aeration is being assessed for its ability to alter conditions within the Tahoe Keys to make them less suitable for weed growth. The update will describe experiences and challenges of implementation, results from water quality monitoring, and the observed aquatic weed response to treatments.

The second year of the test is estimated to start in late Spring of 2022. TKPOA representatives will describe how the information obtained in the first year is informing how follow-up, Group B treatments will be used to maintain the knockback achieved in the first year. Group B methods consist of only non-herbicidal methods.

The update will conclude with perspectives from the League and describe how additional efforts in and around the Keys work in concert with the CMT, such as bubble curtains, boat back-up stations, AIS treatments offshore of the Tahoe Keys, and a new pilot project in the East Channel to prevent fragment spread being implemented in coordination with the Tahoe Keys Marina.

This item is for informational purposes and no action is required.

Contact Information:

For questions regarding this agenda item, please contact Dennis Zabaglo, at (775) 589-5255 or dzabaglo@trpa.gov.



Mail

PO Box 5310
Stateline, NV 89449-5310

Location

128 Market Street
Stateline, NV 89449

Contact

Phone: 775-588-4547
Fax: 775-588-4527
www.trpa.gov

STAFF REPORT

Date: May 17, 2023
To: TRPA Governing Board
From: TRPA Staff
Subject: Lake Tahoe Destination Stewardship Plan and Sustainable Recreation Update

Summary and Staff Recommendation:

Staff will provide an update on the Lake Tahoe Destination Stewardship Plan and sustainable recreation projects in the Environmental Improvement Program.

The Lake Tahoe Destination Stewardship Plan draws upon insight and direction from 17 organizations and community input, which laid the groundwork for the 16-month planning process. Most of all, it draws inspiration from all those who care about safeguarding the Lake Tahoe Basin for future generations. The plan developed a shared vision and four strategic pillars to guide collaborative actions to put in place the plan's vision. The plan includes 21 objectives and 32 priority actions that will create a more sustainable recreation and tourism economy for the greater Tahoe Region.

The final Lake Tahoe Destination Stewardship Plan will be released in June 2023. A Destination Stewardship Council will be formed to oversee implementation of the stewardship plan and implement priority actions.

Sustainable recreation is an Environmental Improvement Program (EIP) focus area with action priorities of improving public access to Lake Tahoe and improving public recreation facilities. TRPA staff will conclude the presentation with an update on upcoming sustainable recreation EIP projects.

This item is for informational purposes and no action is required.

Project Description/Background:

Tahoe is a place of aesthetic, cultural, and environmental contrasts. Spanning two states, encompassing diverse communities, and embodying a wide range of perspectives, this stewardship plan has been meticulously designed for and by the Tahoe community.

With more than 2 million unique visitors spending nearly 17 million visitor days in the region, including 4 million 'untethered' visits generating more than \$4.5 billion in direct spending last year, much is at stake. With a local population of about 54,000 in the Basin and another 17,000 in Truckee, protecting the quality of the Tahoe experience while advancing the needs of the region's communities and its visitor and recreation-based economy is a major challenge. It will take an all-hands-on-deck approach and epic collaboration to achieve a harmonious balance of interests.

The Lake Tahoe Destination Stewardship Plan bears the fruit of countless hours of collaboration, engagement, and knowledge sharing. It is a testament to the dedication and perseverance of all involved, and it showcases the necessity of cross-sector collaboration for addressing the Lake Tahoe region's complex challenges. As the work of this plan unfolds, it is essential to remember that its success hinges upon the continued engagement and commitment of all stakeholders to work together in pursuit of a shared vision for the Lake Tahoe region.

Sustainable Recreation Project Implementation

The EIP partnership implements projects that will advance threshold attainment including sustainable recreation. The goal of sustainable recreation is to provide high-quality outdoor recreation experiences while preserving and restoring the outstanding natural and cultural resources of the Lake Tahoe Basin. Recreation EIP projects need to be well-planned, designed, and coordinated amongst the EIP partnership to achieve the goals of sustainable recreation and destination stewardship.

There are a variety of EIP projects planned that will advance sustainable recreation and transportation initiatives. The following list is a snapshot of projects to be implemented throughout the Lake Tahoe Basin within the next five years:

Van Sickle Bi-State Park Phase Two and Three:

The Van Sickle Bi-State park is managed by the Nevada Division of State Parks and the California Tahoe Conservancy. This project will add a visitor center, improved parking, and a multi-use path, improving the recreation facilities at this popular bi-state park located in the Tourist Core Area Plan and South Shore Area Plan.

Spoooner Frontcounty Improvement Project Phase Two:

Nevada Division of State parks will be implementing Phase two which will build upon improvements made during phase one and includes improved picnic areas, a group even pavilion, improved pathways, interpretive and wayfinding signage, improved parking, and water quality improvements.

Dennis Machida Memorial Trail:

This project is a continuation of the Greenway Multi-Use Trail. The project will extend the trail from Herbert Avenue to Ski Run Boulevard, making an important connection to the multi-use trail system in South Lake Tahoe. The trail system builds and enhances the trail network in South Lake Tahoe reducing reliance on the automobile, while also providing recreation opportunities.

Meeks Bay Restoration Project:

The USDA Forest Service Lake Tahoe Basin Management Unit is implementing this multi-benefit project. In addition to restoring the Meeks Creek lagoon the project will improve the campgrounds, provide better circulation, make connections to existing multi-use trails, and provide accessible access to Lake Tahoe.

Kings Beach Day Use Area Rehabilitation and Erosion Control Project:

The California Department of Parks and Recreation is implementing this project to improve the recreation facilities at the day use recreation area. Improvements include water quality improvements and improved walkways that meet accessibility standards and provide better access to Lake Tahoe.

Contact Information:

For questions regarding this agenda item, please contact Devin Middlebrook, Government Affairs Manager, at (775) 589-5230 or dmiddlebrook@trpa.gov



Mail

PO Box 5310
Stateline, NV 89449-5310

Location

128 Market Street
Stateline, NV 89449

Contact

Phone: 775-588-4547
Fax: 775-588-4527
www.trpa.gov

STAFF REPORT

Date: May 17, 2023
To: Governing Board
From: TRPA Staff
Subject: Tahoe Regional Trails Strategy Update

Summary and Staff Recommendation:

Tahoe's system of 585 miles of dirt trails, managed by four different land managers and maintained by a coalition of trail stewardship organizations, is enjoyed by hikers, bikers, equestrians, dirt bikers, rock climbers, backpackers, and backcountry enthusiasts year-round. For the first time ever, land managers, trail stewardship organizations, and trail users came together to develop a comprehensive vision and strategy for the future of trails at Lake Tahoe, known as the Tahoe Regional Trails Strategy. Staff will provide an informational presentation on the multi-year planning effort to develop the Regional Trails Strategy and what it means for Tahoe's dirt trails moving forward.

This item is for informational purposes and no action is required.

Project Description/Background:

Beginning in 2020, TRPA staff convened a steering committee made up of key trail partners to create a long-term vision for a connected and accessible trail network for the Lake Tahoe Basin. The key goal for creating a Strategy document was to take a regional perspective to trail planning and building, to break through individual silos that have long been present, and to build coordination between agencies to enhance implementation of priorities and objectives. TRPA, as the regional convener, facilitated the planning process to help establish trail priority projects in the EIP. Partners that participated on the steering committee included:

- Washoe Tribe of Nevada and California
- Forest Service Lake Tahoe Basin Management Unit
- Tahoe Area Mountain Biking Association
- Tahoe Fund
- Tahoe Rim Trail Association
- California State Parks, Nevada State Parks
- California Tahoe Conservancy
- Achieve Tahoe

After nearly two and half years, the final Strategy outlines priority trail and trailhead improvements, decommissioning projects, and maintenance projects in the basin over the next 15 years. Implementation details of singular projects, including specific trail alignments and environmental

review, are the responsibility of the land manager. Projects were rated and prioritized based on a set of goals and objectives developed by the steering committee and public, which included:

- **Environmental sustainability:** Projects should be sustainable and culturally respectful. Projects that could be accessed without a car (via transit or paved path connection) and did not cross sensitive wildlife habitat scored higher.
- **Equitable:** Improve trail options and accessibility for all, especially for people with disabilities, underserved communities, and tribal members. Projects that would provide multi-use access, were located near a Community Priority Zone, and would be constructed to allow people with physical disabilities scored higher.
- **Connected:** Create a seamless, connected, and navigable trail system. Projects that would create connections to the existing dirt trail and paved path network scored higher.
- **Enjoyable:** Create a positive experience for Tahoe's diverse set of trail users. Projects that would provide scenic vistas, lead to points of interest, or provide a unique experience scored higher.
- **Feasibility:** Ensure the long term feasibility of the trail system through ongoing coordination of priorities, resources, and funding. Projects that would be constructed by one land manager, had broad public support, and did not have conflicts with private property owners scored higher.

Over the next 15 years, partners are expected to implement approximately 53 new miles of trail connections, reroute four miles of existing trails to more sustainable alignments, formalize seven miles of social trails, improve trailhead amenities at 26 locations, and add six new trailheads. New trail connections such as the Emerald Bay to Meeks Bay connector and conceptual Incline Lower Connector, will provide access for mountain bikers to legally circumnavigate the lake outside of wilderness areas designated for hikers and equestrians. Trail reroutes such as the Tahoe Meadows Interpretive Loop will improve accessibility for people with disabilities and create loop trail options.

Until now, there has not been a collaborative priority list of dirt trail projects for the region. With the completion of this strategy, the five-year priority list of projects will be adopted into the EIP and the steering committee will be formalized as an EIP working group to set annual priorities and leverage funding for trails.

More information on the Regional Trails Strategy can be found at tahoetrailsplan.org.

Contact Information:

For questions regarding this agenda item, please contact Alyssa Bettinger, Senior Planner, at (775) 589-5301 or abettinger@trpa.gov or Kira Smith, Senior Transportation Planner, at (775) 589-5236 or ksmith@trpa.gov.



Tahoe In Brief

Tahoe Regional Planning Agency (TRPA) Governing Board Monthly Report

May 2023

TRPA CALENDAR AT-A-GLANCE

MAY 2023

- May 10: TRPA Advisory Planning Commission Meeting
- May 24: TRPA Governing Board Meeting

JUNE 2023

- June 2: Lake Tahoe Destination Stewardship Plan Launch
- June 14: TRPA Advisory Planning Commission Meeting
- June 14: Local Government and Housing Committee Meeting
- June 28: TRPA Governing Board Meeting

JULY 2023

- July 12: TRPA Advisory Planning Commission Meeting
- July 26: TRPA Governing Board Meeting

AUGUST 2023

- August 9: TRPA Advisory Planning Commission Meeting
- August 23: TRPA Governing Board Meeting at the North Tahoe Event Center in Kings Beach, CA. (Note that a walking tour may be part of this meeting.)

Potential agenda items June to September could include:

- Washoe County Area Plan amendment
- TRPA's Transportation Equity Study
- Tahoe Living Phase 2: density, height, and coverage amendments informational hearings.
- Tahoe Valley and Tourist Core Area Plan amendments
- Climate Smart Code Update
- Climate Resilience Dashboard
- Homewood Master Plan amendment

TRPA STRATEGIC INITIATIVES

(TRPA staff is reporting on these six initiatives in the existing format until the Governing Board updates priorities in June.)

A graphic with an orange header and a light blue body. The header contains the text 'TRPA STRATEGIC INITIATIVES' in white. To the right of this text is a white box with orange text: 'Set by the Governing Board, these strategic initiatives reflect the agency's commitment to protect Lake Tahoe's environment while improving regional transportation, increasing diverse housing options, and facilitating community revitalization.' The body of the graphic contains a bulleted list of six initiatives.

TRPA STRATEGIC INITIATIVES

Set by the Governing Board, these strategic initiatives reflect the agency's commitment to protect Lake Tahoe's environment while improving regional transportation, increasing diverse housing options, and facilitating community revitalization.

- **Building Resiliency: Climate Change and Sustainability**
- **Keeping Tahoe Moving: Transportation and Destination Stewardship**
- **Tahoe Living: Housing and Community Revitalization**
- **Restoration Blueprint: Environmental Improvement Program Implementation**
- **Measuring What Matters: Thresholds and Monitoring Update**
- **Digital First: Innovation**

KEEPING TAHOE MOVING: TRANSPORTATION & DESTINATION STEWARDSHIP STRATEGIC INITIATIVE

This initiative includes an update of the Regional Transportation Plan/Sustainable Communities Strategy, which encompasses greenhouse gas (GHG) reduction, the work of the Bi-State Consultation on Transportation, destination stewardship planning, and ongoing transportation corridor planning.

TRPA Seeking Public Feedback

Staff is releasing surveys for the [Active Transportation Plan](#) and [Vision Zero Safety Strategy](#) this month. Vision Zero is seeking to hear about the public's traffic safety concerns in their community for all transportation modes. The Active Transportation Plan is looking to learn how people feel biking and walking around Tahoe, including perceived barriers. These surveys will be sent out in the Transportation E-News, posted on social media, and shared with the public at in-person outreach events this spring through summer.

Next Steps for State Route 89 Corridor

The Cascade to Meeks Trail Feasibility Study is complete and agency partners are moving on to the next phase of planning for the corridor focused on D.L. Bliss and Emerald Bay State Parks. The USDA Forest Service identified funding to conduct an in-depth environmental analyses of the trail, transit, and parking management. TRPA will continue to lead the multi-agency steering committee, public engagement, and outreach for this project.

Transportation Equity Study

The final transportation equity study policy recommendations and action items will be presented to the Governing Board at the June meeting. If endorsed, TRPA staff will work to incorporate policies into the Public Participation Plan update (expected late 2023) and the Regional Transportation Plan update (expected 2025).

TRPA Staff Contact: Michelle Glickert, Principal Transportation Planner & Transportation Planning Program Manager
775-589-5204, mglickert@trpa.gov

Associated Working Group(s)/Committee(s):

- Bi-State Consultation on Transportation
- Transportation Performance Technical Advisory Committee
- Tahoe Transportation Implementation Committee
- Lake Tahoe Destination Stewardship Plan Core Team and Executive Team
- Lake Tahoe Destination Stewardship Coordinating Committees
- Regional Trails Plan Steering Committee

Website(s):

- <https://www.trpa.gov/transportation/#programs>
- <https://www.trpa.gov/programs/sustainable-recreation/>
- <https://stewardshiptahoe.org/>

Newsletter: Sign up to receive news by sending an email to enews@trpa.gov and put "Transportation" or "Destination Stewardship" in the subject line.

TAHOE LIVING: HOUSING & COMMUNITY REVITALIZATION STRATEGIC INITIATIVE

This initiative addresses strategies for implementing affordable and achievable workforce housing as a key component of healthy, sustainable communities in the region. The Tahoe Living initiative implements the Regional Plan, the Regional Transportation Plan/Sustainable Communities Strategy, the Regional Housing Needs Allocation, and other identified regional housing needs.

Land Use Code Innovation to Promote Affordable and Workforce Housing: Height, Density, and Coverage Development Right Standards Amendments

The Tahoe Living Working Group provided input on proposed amendments for height, density, and land coverage for deed restricted multi-family housing at its meeting on April 21, 2023. Staff will provide a briefing on the update to the Local Government and Housing Committee at its meeting on June 14, 2023. Over the summer, staff will be conducting public outreach on the proposals and working with a code technical committee to finalize the proposal.

Regional Early Action Planning Grants (2.0)

TRPA is a finalist for the “Higher Impact Transformative” (HIT) allocation of the REAP program and will participate in an interview with the State of California on the Lake Tahoe proposal this month. If awarded, the funds will be used to advance the Tahoe Living Housing and Community Revitalization Priority Actions, and to update several of TRPA’s programs with respect to social equity, environmental sustainability, and housing choice and affordability.

TRPA Staff Contact: Karen Fink, Housing Program Manager/Housing Ombudsperson
775-589-5258, kfink@trpa.gov

Associated Working Group(s)/Committee(s):

- Tahoe Living Working Group
- TRPA Governing Board Local Government & Housing Committee

Website(s):

- Meeting materials are posted on the Tahoe Living Working Group page: <https://www.trpa.gov/tahoe-living-housing-and-community-revitalization-working-group-2/>
- Tahoe Housing Story Map: <https://storymaps.arcgis.com/stories/62ae9110d85c43ecb381eb3f3ccec196>

Newsletter: Sign up to receive housing news by sending an email to enews@trpa.gov and put “Housing” in the subject line.

RESTORATION BLUEPRINT: ENVIRONMENTAL IMPROVEMENT PROGRAM

This initiative focuses on accelerating the pace and scale of Environmental Improvement Program (EIP) implementation to keep pace with current threats and to build resiliency to climate change. The EIP has a proven track record over 25 years. This bi-state, cross-boundary restoration partnership

has implemented more than 700 projects to improve the environmental and economic health of the Tahoe Basin. To build on the program’s success, TRPA staff are accelerating project implementation on multiple fronts including streamlining EIP project permitting



by “Cutting the Green Tape,” augmenting program funding, and building partnerships at the national and regional levels.

Green Infrastructure Planning

TRPA released a Green Infrastructure Planning request for proposals on May 8. The request solicits all interested professionals for conceptual planning, stakeholder outreach, and preliminary design of multiple benefit stormwater green infrastructure in two South Lake Tahoe watersheds.

Watercraft Inspection Stations

Watercraft inspection stations typically open for the boating season on May 1 of each year. However, due to significant snowfall over the winter, stations are on a delayed opening schedule. Program staff have worked diligently to coordinate snow removal at station sites to ensure safe and effective operations. The Meyers station opened on May 4 and the Spooner station opened May 12. The Alpine Meadows station is planning to open before the Memorial Day weekend.

Tahoe Keys Control Methods Test

TRPA staff are coordinating with the contractors performing the Tahoe Keys monitoring tasks, as well as UV light treatments in preparation for year two of the test. The Tahoe Keys Property Owners Association is planning treatments for year two that will only include non-herbicidal methods with the goal of maintaining the knockback of weeds that was achieved during year one of the test. TRPA staff and partners will provide an update to the Governing Board at the May 2023 meeting.

TRPA Staff Contact: Kimberly Chevallier, Deputy Director and Chief Partnerships Officer
775-589-5263, kchevallier@trpa.gov

Associated Working Group(s)/Committee(s):

- Governing Board Environmental Improvement Program Committee
- Tahoe Interagency Executives Steering Committee

Website(s):

- EIP Project Tracker: <https://eip.laketahoeinfo.org/>
- Cutting the Green Tape: <https://resources.ca.gov/Initiatives/Cutting-Green-Tape>

DIGITAL FIRST: INNOVATION INITIATIVE

This initiative recognizes the agency’s unique ability to address external events, technology changes, and pursue continuous improvement. It involves significantly improving the ability of the agency to provide services in a “digital first” way by rethinking processes and using innovative technology.

Project Permitting

See tables on the next pages for permitting details.

TRPA Applications by Project Type through March 31, 2023

TRPA Applications by Project Type	2021	2022	2023 YTD
Residential Projects	242	267	83
Commercial Projects	11	18	14
Recreation/Public Service Projects	44	48	16
Environmental Improvement Projects	13	5	4
Shorezone/Lakezone Projects	130	66	5
Buoy and Mooring Projects	48	15	6
Grading Projects	37	35	11
Verifications and Banking	427	379	72
Transfers of Development	55	59	11
Other	142	233	42
Grand Total	1,149	1,125	264

Completeness Review Performance

	<u>February 28, 2023</u>	<u>March 31, 2023</u>	<u>April 30, 2023</u>
Completeness Reviews Finished During Period	82	74	66
Reviewed within 30 Days of Submission	82	74	66
Over 30 Days from Submission	0	0	0
Percent Over 30 Days	0%	0%	0%
Files with Completeness Over 30 Days	N/A	N/A	N/A
Applications Not Yet Reviewed for Completeness	32	31	46
Under 30 Days Since Submission	32	30	46
Over 30 Days Since Submission	0	1	0
Percent Over 30 Days	N/A	3%	N/A
Files with Completeness Over 30 Days	N/A	ALLOC2023-0189 (Allocation; 35 days)	N/A

Application Review Performance

	<u>February 28, 2023</u>	<u>March 31, 2023</u>	<u>April 30, 2023</u>
Issued Permits	56	60	76
Issued within 120 Days of Complete Application	49	50	63
Issued over 120 Days from Complete Application	7	10	13
Percent Over 120 Days	13%	17%	17%
Files with Issued Permits - Over 120 Days:	MOOR2021-1896 (Mooring Permit; 194 days)	MOOR2021-1798 (Mooring Permit; 277 days)	ERSP2021-0715 (Shore-Lakezone; 347 days)
	MOOR2021-1690 (Mooring Permit; 188 days)	MOOR2021-0768 (Mooring Permit; 226 days)	ERSP2022-1316 (Res Dwelling; 273 days)
	MOOR2021-1823 (Mooring Permit; 187 days)	MOOR2021-1819 (Mooring Permit; 212 days)	ERSP2022-1124 (Shore-Lakezone; 245 days)
	MOOR2021-1831 (Mooring Permit; 158 days)	MOOR2022-0268 (Mooring Permit; 182 days)	ERSP2022-0043 (Shore-Lakezone; 242 days)
	MOOR2021-1822 (Mooring Permit; 143 days)	ERSP2022-1029 (Shore-Lakezone; 182 days)	MOOR2021-1830 (Mooring Permit; 191 days)
	MOOR2021-1845 (Mooring Permit; 138 days)	MOOR2021-1299 (Mooring Permit; 180 days)	ERSP2021-1854 (Shore-Lakezone; 189 days)
	ERSP2022-0939 (Residential; 126 days)	MOOR2022-1668 (Mooring Permit; 161 days)	MOOR2021-1839 (Mooring Permit; 178 days)
		MOOR2021-1891 (Mooring Permit; 158 days)	ERSP2022-0045 (Shore-Lakezone; 174 days)
		ERSP2021-0044 (Sign; 143 days)	MOOR2021-1844 (Mooring Permit; 145 days)
		SUBD2022-1184 (Subdivision, 131 days)	MOOR2022-1831 (Mooring Permit; 132 days)
			ERSP2022-1956 (Shore-Lakezone; 124 days)
			ERSP2018-0499-01 (Shore-Lakezone; 123 days)
			ERSP2022-1501 (Conversion; 121 days)

	<u>February 28, 2023</u>	<u>March 31, 2023</u>	<u>April 30, 2023</u>
Applications in Review	97	80	72
Under 120 Days in TRPA Review	82	79	72
Over 120 Days in TRPA Review	15	1	0
Percent Over 120 Days	15.5%	1.3%	0%

Files In Review - Over 120 Days:

MOOR2021-1798 (Mooring Permit; 267 days)	MOOR2021-1820 (Mooring Permit; 289 days)	N/A
MOOR2021-1820 (Mooring Permit; 258 days)		
MOOR2021-0768 (Mooring Permit; 218 days)		
MOOR2021-1075 (Mooring Permit; 218 days)		
MOOR2022-1635 (Mooring Permit; 166 days)		
ERSP2022-1772 (Shore-Lakezone; 161 days)		
MOOR2022-1579 (Mooring Permit; 158 days)		
MOOR2022-1808 (Mooring Permit; 152 days)		
MOOR2022-1668 (Mooring Permit; 151 days)		
MOOR2021-1847 (Mooring Permit; 137 days)		
MOOR2021-1869 (Mooring Permit; 137 days)		
ERSP2022-0065 (Shore-Lakezone; 132 days)		
MOOR2022-1826 (Mooring Permit; 127 days)		
MOOR2022-1834 (Mooring Permit; 127 days)		
MOOR2022-1835 (Mooring Permit; 127 days)		

	<u>February 28, 2023</u>	<u>March 31, 2023</u>	<u>April 30, 2023</u>
Applications Requiring Additional Info. From Applicants for TRPA Review	104	121	118

For detailed information on the status of any application listed here please contact Wendy Jepson, Permitting and Compliance Department Manager, at wjepson@trpa.gov or Tiffany Good, Permitting Program Manager, at tgood@trpa.gov.

UPCOMING ADDITIONAL ITEMS OF INTEREST

Finance Department

The Department of the Interior has approved the agency's FY2023 indirect cost rate, with no audit issues. This allows TRPA to recover indirect costs on those grants that allow it.

Governing Board Retreat



The TRPA Governing Board held a day-long retreat on April 27, 2023 at the Tahoe Center for Environmental Science building on the campus of the University of Nevada, Reno at Lake Tahoe. The goals of the retreat were to review progress on Regional Plan implementation, evaluate strategic priorities and upcoming projects, and continue to strengthen working relationships among board members and staff.



STAFF REPORT

Date: May 17, 2023

To: TRPA Governing Board

From: TRPA Staff

Subject: Endorsement of Retreat Strategic Priorities

Summary and Staff Recommendation:

In the April TRPA Governing Board retreat, staff provided an overview of [Regional Plan progress](#) since the 2012 Regional Plan Update (RPU). Based on the 10-year review and the 2023 environmental scan, staff recommend the following strategic priorities to continue to attain and maintain thresholds, advance meeting the Regional Plan goals, and to accelerate meeting performance measures.

The strategic priorities and preliminary assignment of staff resources identified in this staff report are proposed for the 2023/2024 Annual Work Plan. Staff recommends the Governing Board formally endorse these priorities and direct staff to prepare the 2023/2024 Annual Work Plan and budget accordingly.

Discussion

Staff distilled the Board's retreat discussions into the Strategic Priorities listed below:

1. **Tahoe Living** – To meet our affordable housing and environmental redevelopment goals, TRPA will expand efforts to design and incentivize complete communities with affordable and workforce housing, complete transportation systems, and complete stormwater infrastructure components. In addition, staff will continue to modernize and adapt development rights, fees, and code to meet the current needs of the basin.
2. **Keeping Tahoe Moving** – To meet our Transportation and Recreation goals, the agency will focus transportation planning, funding, and data collection in areas with high visitation. This includes integrating equitable transportation system improvements (e.g., peak congestion monitoring, parking capacity, reservation systems, public and private regional and local transit services, etc.), addressing public services and safety (e.g., broadband, evacuation, etc.), and updating our thresholds and performance measures.
3. **Restoration and Resiliency** – To build on the success of the Environmental Improvement Program and to accelerate threshold attainment, we must increase the pace, scale, and funding for implementation of environmental improvement projects and continue building climate resiliency (e.g., implement collaborative funding strategies, climate smart Code of Ordinances amendments, biomass environmental and policy review, infrastructure resiliency projects, etc.). Staff will also

implement updates to thresholds and performance measures to ensure our goals are driving EIP priorities and are aligned well throughout the EIP partnership.

Based on Governing Board feedback, staff have integrated Measuring What Matters (Threshold Update) into the three strategic priorities above. Although previously considered a stand-alone priority, the Board identified the need for measures, monitoring, and reporting to be more clearly integrated into the priorities and core activities. This will be based on the framework prepared by the Tahoe Science Advisory Council and the plan-do-check-adjust adaptive management approach.

The total full time equivalent (FTE) staff available for the 2023/2024 strategic priorities includes 5.0 general fund FTE available from 2022/2023 priorities and staff with funding dedicated to that priority (i.e., staff funded exclusively to prepare the Regional Transportation Plan are included in the FTE assigned to the Keeping Tahoe Moving priority). The total FTE assigned to priorities is 9.0 FTE.

These strategic priorities, along with the core activities that occur in every department to meet Agency mandates and funding requirements will be used to prepare the 2023/2024 Annual Work Program for Governing Board consideration in June 2023. Once the Work Plan is approved, any changes in the priorities shall only be made by formal action of the Governing Board to ensure that the Agency stays focused on the established agency priorities.

Contact Information:

For questions regarding this agenda item, please contact John Hester, Chief Operating Officer and Deputy Executive Director, at (775) 848-6824 or jhester@trpa.gov.



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STAFF REPORT

Date: May 17, 2023
To: TRPA Governing Board
From: Julie Regan, Executive Director
Subject: Executive Director Six-Month Performance Update

Summary and Staff Recommendation:

This item is for informational purposes and no action is required.

Project Description/Background:

Following a robust search and the Board's hiring decision, I stepped into the position as TRPA's Executive Director on November 28, 2022. It's been an active six months and I'm grateful for the opportunity to offer this summary of our collective achievements to date and the challenges ahead.

The specific terms spelled out in our employment agreement call for the following items to be discussed at the six-month mark.

- Satisfactory support of Governing Board operations including regular communications, monthly meetings, and an annual priority-setting session that results in an annual agency work plan and budget;
 - Progress on or completion of the core activities and initiatives in the approved work plan consistent with the approved budget, unless the Governing Board approves revisions to the work plan and/or budget;
 - Demonstration of the core competencies which all TRPA employees have included in their performance plans; and
 - Input from stakeholders and partner agencies that demonstrates a good faith effort at communication, coordination, and collaboration.
1. Governing Board operations including regular communications, monthly meetings, and an annual priority-setting session that results in an annual agency work plan and budget.

In order to accomplish task number one, I felt it was imperative to do an internal assessment of the organization and I made it my immediate priority to meet with all 70 members of TRPA staff. We are fortunate to have an incredible team of talented professionals who are all committed to TRPA's mission to protect Lake Tahoe and support our communities. Staff members shared their commitment to the Agency with me, their joy in making positive contributions to Lake Tahoe, and their respect for co-workers and the positive work environment we have at TRPA. Staff members also expressed concerns about office technology challenges, the Agency's lack of competitiveness in salary and retirement benefits, and workload pressures resulting in burnout from hiring freezes over the years. Our Executive

Team and I have committed to addressing these challenges through our upcoming work plan and budget in step with board direction.

Over the last six months, I've also focused on improving the open and transparent flow of communication with the Governing Board through the following mechanisms:

- Executive Director updates and Tahoe In Brief monthly board reports
 - Email updates (10 since late November)
 - One-on-one meetings and phone calls with board members
 - Staff/board/public workshops (Transportation equity workshop in Feb., strategic planning workshop in April).
 - The April Governing Board retreat summary is covered in another agenda item. The Board is on track to adopt the priorities, work plan, and budget in June.
2. Progress on or completion of the core activities and initiatives in the approved work plan consistent with the approved budget, unless the Governing Board approves revisions to the work plan and/or budget;

By working together as a team, we've accomplished a great deal over the last six months and are on track to meet and exceed the expectations of the overall Agency work plan. Here are highlights of some of the significant results:

- Restructured Agency operations to backfill my former position and promote multiple staff members from within the organization. Provided a smooth transition of leadership resulting in a zero staff vacancy rate – there are currently no open positions at TRPA.
- Worked with Nevada Governor Lombardo's office, Board members, and the Legislature to restore TRPA's operational funding to the full one-third share as called for in the Bi-State Compact. This marks the first time in 15 years that Nevada's full contribution has been achieved. California's appropriation remained whole despite the significant budget shortfall the State is experiencing.
- Honored four departing Governing Board members for their service and onboarded three new members. Facilitated smooth committee assignment shifts including chair and vice chair replacements.
- Vetted major policy areas including housing/land use, biomass, sustainable recreation, transportation equity, and transportation funding.
 - Board and staff together created the opportunity for the South Tahoe Refuse to pursue an application for a small-scale waste to energy biofuel pilot project.
 - Re-activated the Tahoe Living Working Group. Staff members are working tirelessly to advance housing goals in the Region in collaboration with community stakeholders. Our team, in partnership with El Dorado County and the City of South Lake Tahoe, advanced to the next round for a \$2.4 million grant from California's Housing and Community Development office.
- Led a collaborative partnership and internal restructuring to deliver key legislative results. Achieved record **appropriations under the Lake Tahoe Restoration Act**, setting another record of **more than \$30.9 million** for restoration projects through September 30, 2023. Passage of the Water Resources Development Act, which included two key priorities for the Tahoe Basin, authorizes an additional \$25 million for the U.S. Army Corps of Engineers to continue funding restoration projects within the basin. Team TRPA also played a vital role with our congressional

delegation in their work to extend the authorization of the Lake Tahoe Restoration Act for another 10 years plus (bill just cleared the US Senate Energy and Natural Resources Committee) and to execute a \$5.5 million agreement with the USDA Forest Service to distribute fiscal 2023 funds to priority EIP projects. We also participated in more than six hearings during the NV Legislative session and numerous Capitol Days in Sacramento to raise Tahoe's profile alongside partners in the California Tahoe Alliance.

- Our federal legislative successes are not only thanks to the tireless efforts of our allies in Congress, including Senators Feinstein, Catherine Cortez Masto, Jacky Rosen, and Alex Padilla, and Rep. Mark Amodei, but the long hours of advocacy by "Team Tahoe" which includes the TRPA, our state and local government partners, the non-stop work of our non-profit allies in the basin and the support of Tahoe's private sector. We are proud to collaborate with our partners for the benefit of Lake Tahoe.
 - Completed three area plan amendments and vetted two amendments in Washoe and Placer Counties. Managed two mitigation fund releases passing \$2.7 million to the Nevada Division of State Lands and El Dorado County for environmental projects. Brought forward the MPO overall work plan, transportation funding program amendments, \$11 million awarded through the Regional Grants Program, and developed transportation performance metrics and a safety strategy.
 - Found solutions, through board/staff/partner collaboration, to major projects which had lingered such as the Lily Lake Trail retroactive permit and the Latitude 39 project. These projects also daylighted multiple challenges to resolve going forward regarding sustainable recreation and VMT implementation.
 - Completed the Waldorf Astoria Lake Tahoe project revision with a unanimous vote of the Governing Board.
 - Renewed focus on community engagement is both challenge and opportunity for the future.
 - Operating teams successfully managed the building during a record snow year and Finance delivered a clean financial audit.
 - Legal staff shepherded multiple challenges and a significant improvement in the rules of procedure to allow continued remote meetings.
 - Improved review times in Permitting and Compliance, moved forward with our permit efficiency project, and created a new public service team to enhance information services.
 - Hit key milestones in year one of the Tahoe Keys Weeds Test project and myriad other EIP projects in partnership with the Tahoe Interagency Executive Steering Committee.
3. Demonstration of the core competencies which all TRPA employees have included in their performance plans;

I have been mindful of the qualities that staff, board members, and stakeholders said they wanted to see in TRPA's next Executive Director and have worked diligently to live up to those expectations. The Agency's core competencies of self development, collaborative relationships and teamwork, initiative and results focus, communication, people and Agency leadership, critical thinking, and continuous improvement have also been guideposts in my new position. I've scoured leadership articles and books, interviewed successful leaders, collaborated with Executive team members, and vetted concepts with board members to develop my skills and push forward.



Word cloud from the Executive Director recruitment materials.

4. Input from stakeholders and partner agencies that demonstrates a good faith effort at communication, coordination, and collaboration.

I am proud to report that TRPA is enjoying a renewed spirit of collaboration with multiple partners as a result of outreach and engagement over the last six months, particularly with the California Tahoe Conservancy and the Tahoe Transportation District. Examples of other key stakeholder engagement work includes engagement with the following:

- Washoe Tribal Chair Serrell Smokey
- USFS Forest Supervisor and staff
- CA Tahoe Conservancy Director and staff
- NV Division of State Lands Administrator and Staff
- Tahoe Science Advisory Council
- All 6 local government representatives
- Lake Tahoe Visitors Authority
- CA Natural Resources Agency Secretary and Staff, NV Dept. of Natural Resources and Staff
- League to Save Lake Tahoe, Tahoe Fund, Tahoe Prosperity Center, Parasol Foundation
- Tahoe Chamber, North Tahoe Community Alliance (formerly North Lake Tahoe Resort Association), Travel North Tahoe Nevada
- NDOT Director and staff, CalTrans staff
- California Attorney General’s office
- North Tahoe Preservation Alliance
- Lahontan Regional Quality Control Board, NDEP

Contact Information:

Thank you for the opportunity to provide highlights of the last six months. For questions regarding this agenda item, please contact Julie Regan, Executive Director, at (775) 589-5237 or jregan@trpa.gov.



STAFF REPORT

Date: May 17, 2023
To: TRPA Governing Board
From: TRPA Staff
Subject: Executive Director Compensation Increase

Summary and Staff Recommendation:

In accordance with the signed offer letter for the position of Executive Director, Ms. Regan is eligible for a 2.5% pay increase after completing an initial 6-month evaluation period.

Required Motion:

In order to approve the compensation increase, the Board must make the following motion, based on the staff report:

- 1) A motion to increase the Executive Director’s salary from \$195,037.00 to \$199,929.60.

In order for motion to pass, an affirmative vote of at least any eight board members is required.

Background:

In October 2022, the Governing Board voted to approve Julie Regan as the Executive Director. In November 2022, the Governing Board voted to authorize the Chair to execute an offer of employment for Ms. Regan, which included eligibility for a 2.5% pay increase upon completion of an initial 6-month review period. See Attachment A.

If approved, the pay increase will take effect on May 28th, the beginning of the pay period in which Mrs. Regan will have completed her first six (6) months in the position.

Contact Information:

For questions regarding this agenda item, please contact Angela Atchley, Human Resources and Organizational Development Director at (775) 589-5238 or aatchley@trpa.gov.

Attachment:

- A. Executive Director Offer Letter

Attachment A

Executive Director Offer Letter



November 16, 2022

Julie Regan
711 W. Spear Street
Carson City, NV 89703

RE: OFFER OF EMPLOYMENT

Dear Julie,

I am pleased to offer you the position of Executive Director with the Tahoe Regional Planning Agency and hope that you will accept this offer. This position is offered at an annualized salary of \$195,037. Your anticipated start date is November 28, 2022. The Executive Director position is a full-time exempt position with the following benefits, evaluation criteria, and separation options.

Benefits

TRPA's excellent employee benefit package includes the following:

- 10.77 hours of Paid Time Off (PTO) accrued per pay-period for sick and personal time away
- 13 paid holidays
- Money Purchase Pension Plan – in lieu of Social Security, the Agency contributes a dollar amount equal to eight percent of your annual salary towards your retirement. This plan has immediate participation and 100% vesting
- Supplemental Retirement Plan – the Agency contributes a dollar amount equal to 5.54 percent of your annual salary towards your retirement. This plan has immediate participation and 100% vesting
- Group Health Insurance: Medical, Dental, and Vision
- Employer Paid Life Insurance and Short-Term Disability
- Long-Term Disability (Voluntary)
- 457(b) Deferred Compensation Retirement Plan (Voluntary)
- Medical and Dependent Care Flexible Spending Accounts (Voluntary)

Evaluation Criteria

The initial evaluation will be conducted no later than six months after the start date and will include review of your personal development plan, work plan and priorities, and organizational adjustments including replacement of your current external affairs position. With the initial evaluation you will be eligible for up to a 2.5% increase. Subsequent evaluations will be conducted annually. The criteria for those evaluations are: 1.) satisfactory support of Governing Board operations including regular communications, monthly meetings, and an annual priority-setting session that results in an annual agency work plan and budget, 2.) progress on or completion of the core activities and initiatives in the approved work plan consistent with the approved budget unless the Governing Board approves revisions to the work plan and/or budget, 3.) demonstration of the attached core competencies which all TRPA employees have included in their performance plans, and 4.) input from stakeholders and

partner agencies that demonstrates a good faith effort at communication, coordination, and collaboration.

Separation Options

The options that the Governing Board can employ for separation are: 1.) immediate separation with no additional compensation if the separation is "with cause" which is defined as unsatisfactory performance based on agreed upon performance measures from the annual work plan and/or other GB requested initiatives, dishonesty, incompetence, willful misconduct, any breach of fiduciary duty involving personal profit, intentional failure to perform stated duties, or willful violation of any law, rule or regulation (other than traffic violations or similar offenses), or final cease-and-desist order; 2.) no additional compensation upon voluntary resignation or retirement; and 3.) 16 weeks full compensation if separated without cause. In all cases you will receive full payment for hours of previously accrued sick time and accrued Paid Time Off.

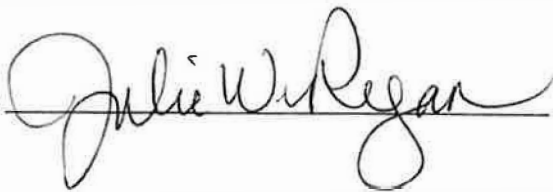
If you accept this offer, please sign below, and return this letter to Angela Atchley no later than close of business, Friday, November 25th. If you have any questions, please feel free to contact John Hester at (775) 589-5219 or jhester@trpa.gov, or Angela Atchley at (775) 589-5238 or aatchley@trpa.gov.

Sincerely,



Cindy Gustafson, Chair
Governing Board
Tahoe Regional Planning Agency

Acceptance:



Date:

11-16-22

AGENDA ITEM NO. VIII.A.4



STAFF REPORT

Date: May 17, 2023
To: TRPA Operations and Governance Committee
From: TRPA Staff
Subject: Quarterly Treasurer’s Report

Summary and Staff Recommendation:

Since we cancelled the Operations and Governance Committee for April, this report will cover four months (Jan – April) instead of the normal quarterly period.

Inflation and fear of a recession are having an impact on the yield curve. Currently short-term rates of 1 year and less have higher returns than 2-year Treasuries. We continue to stay short with 64% of our investments in liquid pools (LAIF/LGIP/MM Funds), 85% of our investments mature less than 1 year, 15% in the 1to 3-year category, and only 1% (one security) over 3 years.

There were no unusual Treasury events during this four-month period. The attachment shows our investments broken down by investment type and maturity. It also lists each individual investment in the Principal Group Investment Pool. I have also included comparable returns.

This item is for informational purposes and no action is required.

Investments:

There were six maturities during the period, five Treasuries and one JP Morgan Chase note totaling \$2.8M. One US Treasury for \$0.4M matured on 4/30 but has not cleared and is still shown on the report. and nine acquisitions during the quarter. There were no rating changes. Only 33% of the investments are rated with the balance in investment pools. Most of those, 29%, are rated AAA by Moody’s. Please note we are focusing on Moody’s ratings now instead of Standard and Poor. For some reason, when we switched from Wells Fargo to Principle Group, the S&P ratings are slow to populate in our report. Since the Moody’s rating is shown for more investments than S&P, we will feature that going forward. Moody’s does carry an AAA rating on Treasuries, while S&P does not rate them.

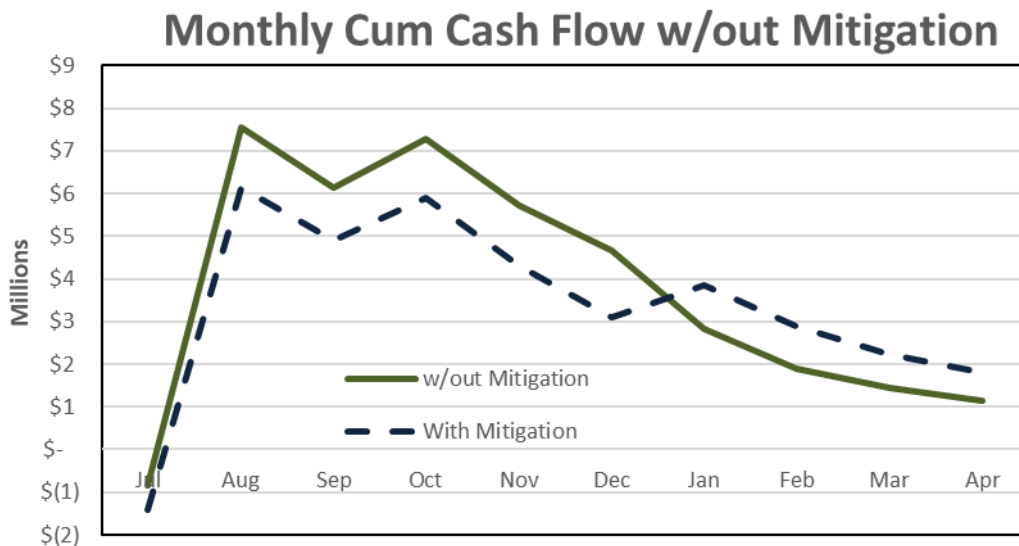
TRPA Investments total \$31.7M, down from \$34.8M at the beginning of the fiscal year. This is due to spending down the State funds received in the first quarter of the fiscal year. The unrealized loss decreased from \$182K to \$49K. The maturity of the pool increased from 12.6 months to 13.5 months, but we still only have 1% of the pool in securities that mature in more than three years. We are still staying short with only one small Home Depot note in the 3–5-year category. As a reminder, the bulk of the investments are mitigation funds and securities held for other parties. This cash is not available for TRPA use.

Please see the attachment for a breakout of the ratings. All securities in the portfolio meet the rating and term requirements of our Investment Policy. All securities are at least A- (S&P) or A3 (Moody's). We have three with an S&P A- rating, but only one with a Moody's A3 (and it is one of the three S&P rated A- securities, a Huntington Bank note for \$250K). The current breakdown by type and maturity is:

	BELOW 1	1 TO 3	3 TO 5	Total	% of Pool	Policy
CA State Investment Pool	18,560,611			18,560,611	58%	No Limit
NV State Investment Pool	1,177,520			1,177,520	4%	No Limit
Treasuries	5,070,547	4,071,278	-	9,141,825	29%	< 75 %
Corporate	1,366,771	650,923	191,600	2,209,294	7%	< 20%
Money Market Fund	654,282			654,282	2%	< 20%
Totals	26,829,732	4,722,201	191,600	31,743,533	100%	
% of Pool	85%	15%	1%			

Cash Flow

Cash flow was a negative \$3.5M for the four months, normal since we receive the State allocations in advance. Cash flow will be negative most months through the end of the year. Total receipts for the quarter were \$4.6M. Disbursements were \$8.2M, higher than prior years. This includes a \$2.6M transfer of Excess Coverage Mitigation funds to NDSL. Without that, our cash flow would have been negative \$1.9M. All expenditures were within budget.



For questions regarding this agenda item, please contact Chris Keillor, Finance Director, at (775) 589-5222 or ckeillor@trpa.gov.

STAFF REPORT

Date: May 17, 2023

To: TRPA Regional Plan Implementation Committee

From: TRPA Staff

Subject: Informational Presentation on Proposed Amendments to the Tahoe Valley Area Plan

Summary and Staff Recommendation:

The City of South Lake Tahoe (the City) will provide an overview of the proposed amendments to the Tahoe Valley Area Plan (TVAP). This item is for informational purposes and no action is required. Staff has not reviewed any of the proposed changes for conformance with the Regional Plan and Code of Ordinances. Staff requests comments from the Regional Plan Implementation Committee (RPIC) before beginning the hearing process for final consideration of the area plan amendment by the City Council and TRPA.

This item is for informational purposes and no action is required.

Project Description/Background:

Since the 2012 Regional Plan Update, TRPA has encouraged local jurisdictions to develop area plans to replace the former local planning documents: plan area statements and community plans. Area plans are collaborative documents which become a component of both the Regional Plan and the local jurisdiction's general or master plan. Area plans enable TRPA to focus on regional issues and empower local jurisdictions to define and manage their own local land use.

Originally adopted by the TRPA Governing Board in 2015, the TVAP is one of two area plans within the City. The plan encompasses the area known as the "Y" in South Lake Tahoe that is primarily made up of commercial and tourist uses, with limited residential. The proposed amendments focus on changes to facilitate workforce housing, economic development and activation of town centers, and increased transportation opportunities within the area plan boundary. The scope of amendments range from updating language to be consistent with recently amended TRPA and state regulations, and City goals, to increasing housing opportunities and community equity in appropriate areas. The City intends to consider the policy amendments listed below. More details on each of these policies can be found in Attachment A.

Policy amendments under consideration (presented below in categories and in more detail within Attachment A):

- **Residential density:** Increase residential density to 60 units per acre in town centers, paired with a minimum density of 8 units per acre.
- **Streamlined permitting:** Streamline permitting for affordable housing projects.

- **Design standards:** Implement design standards for residential projects, ADUs and new commercial construction or major commercial façade improvements.
- **Permissible uses:** Update permissible uses to encourage employee, senior, and affordable housing.
- **Parking:** Reduce parking requirements where feasible.
- **Area Plan boundary:** Amend the area plan boundary to include parcels on high capability land that are adjacent to town centers.
- Other miscellaneous cleanup

City staff held a stakeholder meeting on February 1, 2023. A summary of comments from the meeting can be found in Attachment B. The conceptual amendments were then presented to the City Planning Commission on February 23, 2023. The amendments await a formal hearing from the City Council, as well as TRPA Advisory Planning Commission, RPIC, and Governing Board.

Based on RPIC’s direction, the City will work with TRPA staff to further develop the amendment package before bringing it back to the Advisory Planning Commission and RPIC for recommendations before the Governing Board makes a final determination on the proposed amendments. Local governments are encouraged to propose amendments unique to their jurisdiction provided they conform with the Regional Plan and Code of Ordinances. At this point in the process, TRPA staff has not reviewed any of the proposed changes for conformance with the Regional Plan and Code of Ordinances. Should there be inconsistencies that have regional implications (i.e., beyond the jurisdiction proposing the amendments) staff will recommend those proposals not be approved when the amendments come through the formal adoption process.

Environmental Review:

City staff are currently preparing an IEC and CEQA analysis for the amendment package.

Regional Plan Compliance:

The proposed area plan amendment will be reviewed in conformance to the Regional Plan and environmental thresholds by the RPIC and Advisory Planning Commission (APC). Recommendations of the APC and RPIC will then be considered by the Governing Board in determining whether to find the area plan amendment in compliance with the Regional Plan.

Contact Information:

For questions regarding this agenda item, please contact Alyssa Bettinger, Senior Planner, at (775) 589-5301 or abettinger@trpa.gov.

Attachments:

- A. 2023 Tahoe Valley Area Plan Amendments Project Description
- B. Tahoe Valley Area Plan Stakeholder Workshop Participant Feedback

Attachment A
2023 Tahoe Valley Area Plan Amendments Project Description



2023 TAHOE VALLEY AREA PLAN AMENDMENTS, PROJECT DESCRIPTION

The City of South Lake Tahoe intends to amend the Tahoe Valley Area Plan (TVAP). The purpose of the amendments ranges from general improvements and a need for greater consistency with recently amended TRPA regulations, state regulations, and City goals, to increasing housing opportunities and community equity in appropriate areas. Summarized below are the more significant policy and regulatory amendments that the City intends to consider.

LAND USE, COMMUNITY DESIGN, AND HOUSING

Residential Density

In order to improve the effectiveness of Housing policies and achievement of Housing goals within the adopted TVAP, the City is considering increasing allowed density for multi-family developments to 60 units per acre, as well as setting minimum density of 8 units per acre for multifamily developments in and around town centers. The current multifamily dwelling density maximums are lower than Tourist Accommodation allowable densities, despite the TRPA determination that TAUs have larger environmental impacts with respect to Vehicle Miles Traveled and carrying capacity of the Tahoe Basin. The currently low maximum densities for multi-family residential development do not allow for affordable housing projects to be eligible and competitive for grants and financing available through state and federal programs. Financially feasible residential projects at the current allowable density ranges tend to be resulting in development of low density, large market rate units. Allowing higher densities for multifamily developments will provide more opportunity for much needed housing in areas close to amenities, and make affordable housing more feasible for developers.

The City is proposing a maximum density of 60 units per acre for multi-family residential development, based on the commodity conversion rate of 1:1.5 between TAUs and RUUs, and a minimum density of eight units per acre. This potential amendment will not change the total full build out potential of the Region due to limitations on development established by TRPA growth management regulations nor will they change the criteria necessary to earn bonus units under the existing Transfer of Development Rights (TDR) program. The proposed amendment also does not include changes to coverage or height limitations, requiring the additional density to be accommodated within the current building envelope. The amendment would allow more concentration of development within Town Centers and increase feasibility of infill and

environmental redevelopment projects in these areas. In addition, the City is requesting that the allowed density bonus referenced in TRPA Code of Ordinances 31.4.1 be applicable to all properties where multi-family residential is an allowed use, including properties within Area Plans.

Proposed amendments will also include a requirement to mitigate any reduction in density from existing conditions.

These changes are directed by Programs 2-8 and 1-4 of the City's General Plan Housing Element and anticipated to be under review by the state Housing and Community Development Department with expected implementation by December 2023.

Consistency with California State Law

Amendments will incorporate requirements of recent California state laws.

- AB 68: Accessory dwelling units (ADUs) shall be allowed and applicable design standards added. The Area Plan will include a reference to the ADU Ordinance contained in the City Code to expand its applicability to properties within Area Plans, and TRPA Code of Ordinance requirements for ADUs.
- AB 682: Shared housing or co-living projects are eligible for density bonuses when a number of the units are low or very low income. These changes will be incorporated along with the applicability of density bonuses.

Residential Design Standards

Currently all projects within the TVAP are required to meet the same design standards, which were developed with commercial and mixed use projects in mind. Appendix C should be amended to include standards applicable to purely residential projects. Proposed standards would be consistent with City Code 6.85, Residential Development and Design Standards. These standards were adopted in compliance with California SB 35 and SB 330.

To provide individuals, family members, caregivers, and/or anyone acting on behalf of the person with disabilities reasonable accommodation in rules, policies, practices, and procedures that may be necessary to ensure equal access to housing as feasible the city proposes to establish criteria for residential projects that would allow for modification of the TCAP standards. These modifications would address any needs for accommodation by persons with disabilities for additional land coverage for necessary site improvements beyond the additional land coverage allowances for Americans with Disabilities Act (ADA) improvements in Chapter 30 of the TRPA Code of Ordinances.

Currently, affordable housing projects require a higher level of decision maker consideration than market rate housing projects (TRPA Code Section 2.2). Proposed amendments would include new criteria for residential project review levels that treat affordable housing equal to market rate housing, exempting residential projects up to three units and residential projects that comply with objective development and design standards from discretionary and public hearing procedures.

Permissible Uses

The City will reevaluate Appendix C's Table 1, Permitted Uses By Land Use District, and Table 2, List of Primary Uses and Use Definitions, and consider the following adjustments.

- Incorporate employee housing under *multiple-family dwelling* and *multi-person dwelling*, definitions. By allowing affordable housing projects in commercial zones the City will further align with AB-2011 and SB-6.
- Define shared housing or co-living projects in compliance with AB-682 and allow them where *multiple-family dwelling* and *multi-person dwelling* uses are allowed.
- Specify that residential care facilities (group homes) of all sizes are allowed by right in all residential districts (CA Health & Safety Code 1267.8, 1267.9, & 1267.16, 1568.083 - 1568.0831, 1569.82 – 1569.87, 1518, 1520.5, 1566 - 1566.8, 1567.1, 1267.9; 1760 – 1761.8, and 11834.23).
- Amend definitions to treat employee housing that serves six or fewer persons as a single-family structure and permitted in the same manner as other single-family structures of the same type in the same zone (CA Employee Housing Act).
- Specify that transitional and supportive housing are allowed without a conditional use permit or other discretionary action in districts that allow residential development (CA Health and Safety Code Section 50675.2).
- Identify where legal nonconforming uses exist and consider if these uses should be allowed.
- Clarify use definitions; for example, indoor sauna, spa, and hottub facilities are currently included in the use description for both *Amusements & Recreation* and *Personal Services*.
- Designate between large and small *Amusement & Recreation* uses. Currently the use category has no distinction for facilities of different sizes or capacities. The City is considering adding clarifying language such as what is included in *Privately owned assembly and entertainment*, which specifies the use is for facilities with a capacity of greater than 300 people.

Housing related permissible use changes are directed by Programs 2-8 and 1-4 of the City's General Plan Housing Element and anticipated to be under review by the state Housing and Community Development Department with expected implementation by December 2023.

REVITALIZATION AND ECONOMIC DEVELOPMENT

To increase implementation of economic development, revitalization, and environmental improvement goals and policies within the adopted TVAP, the City is pursuing amendments to increase opportunities for events, outdoor dining, accessory uses and sustainable infrastructure in appropriate locations.

Designated Special Events Area

The City is pursuing designating The Crossings, the TJ Maxx/Blue Zone center, and the Tahoe Valley Greenbelt as special event areas. Events meeting specific criteria would be allowed without obtaining a Special Event or Temporary Activity permit.

Commerical Floor Area and Outdoor Dining

The City would like to reduce barriers associated with establishing outdoor dining in appropriate areas. Although outdoor seating is currently not considered Commercial Floor Area (CFA), outdoor dining is. Outdoor dining and seating provide opportunities to create more active streetscapes but are distinguished from indoor seating by their less intensive use due to seasonal weather in the Tahoe Region. The City is proposing to exempt outdoor dining areas from CFA requirements similar to the current application of the regulation to outdoor seating.

Advertising for Accessory Uses

The City is proposing to amend sign regulations to allow independent signage for accessory uses. No changes to the maximum sign area or number of signs allowed for a property are proposed.

Coverage Exemptions for Sustainable Infrastructure

A goal of the City of South Lake Tahoe is to remove barriers to sustainable infrastructure and achieve compliance with AB 1236 which requires ministerial permitting for EV charging stations and limits the ability to deny a permit to specific findings of adverse impact to public health or safety. Coverage has been a limiting factor where existing developments wish to install electric vehicle charging stations. Exempting EV charging infrastructure from counting towards coverage would allow for increased access to charging stations. Mitigation measures such as retiring coverage elsewhere in the watershed or allowing a percentage over maximum coverage for EV charging stations to be transferred to the site will be explored.

Policy Amendments

City staff is recommending to amend or add the following policies:

- Clarify when CFA is required for recreation based primary uses and what areas of recreational facilities are exempt from CFA
- Identify that Barton facilities in the town center – healthcare district are public service uses and exempt from CFA requirements
- Encourage vertical mixed-use projects in the Town Center – Core District

DEVELOPMENT AND DESIGN STANDARDS

In order to provide more clarity on expectations for architectural design of new construction and more enforceable objective standards, the City is proposing amendments that will incorporate aspects of the South Lake Tahoe Design Guidelines into the TVAP Development and Design Standards.

Commercial Design Standards

Through amendments to Appendix C, objective design standards are proposed for new construction and major façade improvements. These design standards will heavily draw from the South Lake Tahoe Design Guidelines (2016), which will be directly referenced in the TVAP. These standards will target include, but are not limited to:

- Requiring building modulation to be achieved by requiring a change in surface/wall depth, change in building height, covered outdoor seating area, columns/pilars, or similar elements of visual interest at a certain frequency. Providing specific objective standards.
- Specifying % of building façade area where use of natural materials is required.
- Requiring dumpster enclosures to match the colors and materials of the primary structure.

Existing standards that are proposed to be modified are:

- More flexibility for roof pitch, allowing a minimum of 3:12 (previously 5:12).
- Flexibility in corner build and building frontage standards where these standards are not desirable, such as where an SEZ or other natural features that should be retained exists.

Parking

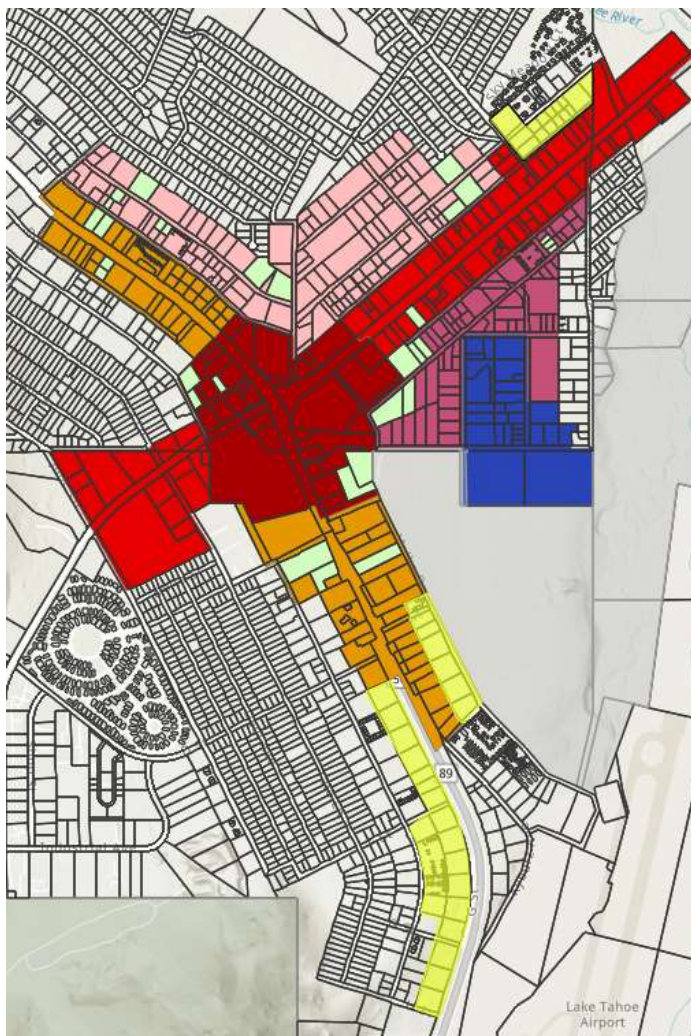
A recent California law prohibits local governments from enforcing minimum parking requirements for residential and commercial projects within one-half mile of a major transit stop. While the City of South Lake Tahoe currently does

not have major transit stops as defined by the California Public Resource Code Section 21064.3, in anticipation of improved transit services, we will evaluate our current parking standards for compliance with the intention of this law. The City also intends to require a greater number of bicycle parking spaces and provide additional parking reductions where projects are located in Town Centers and provide contribution to transit service and/or pedestrian and bicycle infrastructure improvements.

GENERAL IMPROVEMENTS

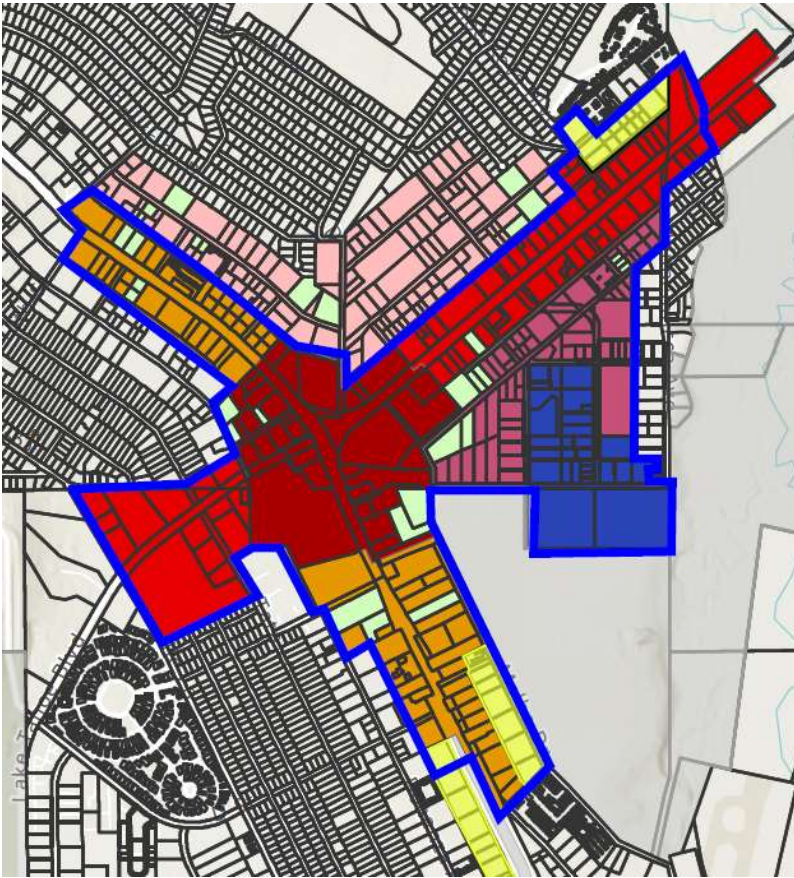
Boundary Amendments

The City will explore amending borders of the TVAP and zoning districts within the TVAP, where appropriate. The primary goal of these adjustments is to include high capability parcels in close proximity to Town Centers where multifamily residential uses are allowed so that they may be eligible to utilize substitute standards and incentives to develop or redevelop. Parcels under consideration for incorporation into the TVAP are largely located in Plan Area



Statement 114, Bonanza, including Special Area #1.

Three proposed areas for incorporation are highlighted in yellow.



The proposed Town Center is outlined in blue and includes two of the added areas.

Code Corrections and Consistency

General improvements that will be made to the TVAP include correcting City Code and TRPA Code references, incorporating amendments implemented by TRPA through Ordinance 2021-01, and referencing new TRPA policies that support these proposed amendments. TRPA Code of Ordinances 31.4.6 will be referenced to ensure that legal, non-conforming tourist and residential densities can be maintained and managed pursuant to that section. The TVAP will codify the TRPA interpretation that commercial and residential/tourist mixed-use projects are allowed to use the full parcel area in determining density, regardless of commercial floor footage on the parcel. Commercial floor area shall also be the maximum allowable in that district.

Right of Way Improvements and Complete Streets Consistency

Transportation and Circulation Policies will be amended to reflect current areas of focus, and align with and progress the City's Complete Streets Program. We will incorporate recent mobility improvement concepts from TRPA's Active Transportation Plan and Lake Tahoe Unified School District's Safe Routes to

School Master Plan. In this effort, the City intends to work alongside TRPA as the Active Transportation Plan is updated.

Implementation efforts will be updated to account for completed projects, and identify new areas of support, such as implementation of TRPA's SR 89 Recreation Corridor Management Plan.

Green Incentive Program Updates

The City will be reviewing the green building incentives to ensure the current incentive are still feasible for staff and identifying previous measures which are now required rather than optional based on California Building cCode updates and city ordinances. Staff will also look to incorporate new policies and certification programs that have been implemented or seen success since the plans initial adoption.

During the City's public outreach and public review processes additional amendments may be identified for consideration. City staff will work closely with TRPA staff to ensure continuity and open communication throughout the process.

Attachment B
Tahoe Valley Area Plan Stakeholder Workshop Participant Feedback

Stakeholder Workshop

Tahoe Valley Area Plan: 2023 Updates

Participant Feedback - Wednesday, February 1, 2023

Increasing Housing Opportunities: Density

- Concern over the toll higher densities will have on utilities.
- Higher densities would be more realistic with allowable height increases.
- Must consider balancing between housing needs and wants
 - a. Concerns that higher densities and the lack of a larger building envelope would lead to developers creating units that are too small to be desirable by renters.
- Parking: reduced parking could lead to larger structure, but there may be a greater need for more parking in multi-family/multi-person dwellings
- Setting a minimum density requirement: general support and realization that parcels in town center should be utilized to a higher potential.

Increasing Housing Opportunities: Permissible Uses

- General agreement that multi-family, multi-person, and employee housing are functionally the same and should be allowed consistently.
- May be necessary to change use definitions to consolidate these uses.
- Participants were supportive of onsite employee housing and making this easier. I.e. accessory, mixed-use

Increasing Housing Opportunities: Boundary Changes

- Agreement that housing should be incentivized in other areas, but still close to amenities and town center.
- Regarding the parcels shown along EBR, there was concern over the highway frontage: safety, traffic
 - a. Interest in requiring a buffer, green median between new residential developments and EBR.
 - b. When possible, require access to be off Bonanza, side streets.
- Need for biking/walking access
- Required mixed-use (commercial/residential) was suggested along EBR, no consensus on support.
- Provide affordable housing mitigation based on jobs/wages
 - a. Fee or employee housing unit required per CFA or x number of employees

Activating Town Centers: Boundary Changes

- Improvement of public transit consistency and connectivity, route should be reliable and consistent.
- Change of density impact area

- VMT mitigation should be analyzed to allow for more credit towards projects in the Town Center.
- Suggestion to establish certain parcels as retired SEZ/open space to mitigation expansion of commercial uses.
- Suggestion to incorporate additional parcels on Melba Dr. (existing: multifamily and mobile home parks), so that the Gateway district connects EBR and Melba

Activating Town Centers: Outdoor Dining

- Retain parking by redesigning outdoor area/patios, ie. raised patios above parking.
- Minimize use of gas outdoor heaters or find eco-friendly alternatives such as electric heaters.

Activating Town Centers: Special Event Area

- Support for designating event area, review and permitting would be deferred to a community entity.
 - a. No suggestions regarding an oversight committee
 - b. Possible business district forming in the future could take on role.
- Proposal to incorporate land of Tahoe Valley Campground in the future for special event use, expansion of the greenway.
- Interest in using James Ave. as an event area.

Increasing Transportation Opportunities: Infrastructure

- Underground roads/pedestrian connectivity at the Y
- Improvement of pedestrian crossings at the Y
- Install traffic calming measures along EBR to further encourage alternative transportation, provide safer pedestrian crossings.
- Proposed parking hub at Tahoe Valley Campground area or T.J. Maxx shopping center, opportunity for “park once” implementation.

Increasing Transportation Opportunities: Parking

- Desire to remove/limit “Parking for Customers Only” practice.
 - a. Explore incentives to encourage shared parking between businesses.
 - b. Research how to reduce barriers to shared parking, ie. liability is a concern for business owners.
- Extending Lake Link or similar micro transit system to the Y, connect to current Lake Link area.
- Utilize vacant lots as parking areas in both commercial and residential areas
- Implement a parking hub similar to the design of the Kings Beach parking district.

STAFF REPORT

Date: May 17, 2023

To: TRPA Regional Plan Implementation Committee

From: TRPA Staff

Subject: Informational Presentation on Proposed Amendments to the Tourist Core Area Plan

Summary and Staff Recommendation:

The City of South Lake Tahoe (the City) will provide an overview of the proposed amendments to the Tourist Core Area Plan (TCAP). This item is for informational purposes and no action is required. Staff has not reviewed the proposed amendments for conformance with the Regional Plan and Code of Ordinances. Staff requests comments from the Regional Plan Implementation Committee (RPIC) before beginning the hearing process for final consideration of the area plan amendment by the City Council and TRPA.

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Project Description/Background:

Since the 2012 Regional Plan Update, TRPA has encouraged local jurisdictions to develop area plans to replace the former local planning documents: plan area statements and community plans. Area plans are collaborative documents which become a component of both the Regional Plan and the local jurisdiction's general or master plan. Area plans enable TRPA to focus on regional issues and empower local jurisdictions to define and manage their own local land use.

Originally adopted by the TRPA Governing Board in 2013, the TCAP is one of two area plans within the City. The plan encompasses the Stateline and Ski Run area of South Lake Tahoe, which is the main tourist hub and has traditionally had the highest concentration of services and density within the City. The proposed amendments focus on changes to facilitate workforce housing development, economic development and activation of town centers, and increased transportation opportunities within the area plan boundary. The scope of amendments range from updating language to be consistent with recently amended TRPA and state regulations, and City goals, to increasing housing opportunities and community equity in appropriate areas. The City intends to consider the policy amendments listed below. More details on each of these policies can be found in Attachment A.

Policy amendments under consideration (presented below in categories and in more detail within Attachment A):

- **Residential density:** Increase residential density to 60 units per acre in town centers, paired with a minimum density of 8 units per acre.
- **Streamlined permitting:** Streamline permitting for affordable housing projects.

- **Design standards:** Implement design standards for residential projects, ADUs and new commercial construction or major commercial façade improvements.
- **Permissible uses:** Update permissible uses to encourage employee, senior, and affordable housing.
- **Parking:** Reduce parking requirements where feasible.
- **Area Plan boundary:** Amend the area plan boundary to include three underutilized parcels that could benefit from incorporation into the area plan.
- **Zoning change:** Rezone one parcel from recreation to tourist center mixed use to accommodate higher density housing opportunities.
- Other miscellaneous cleanup

City staff held a stakeholder meeting on February 1, 2023. A summary of comments from the meeting can be found in Attachment B. The conceptual amendments were then presented to the City Planning Commission on February 23, 2023. The amendments await a formal hearing from the City Council, as well as TRPA Advisory Planning Commission, RPIC, and Governing Board.

Based on RPIC’s direction, the City will work with TRPA staff to further develop the amendment package before bringing it back to RPIC and the Advisory Planning Commission for recommendation before the Governing Board makes a final determination on the proposed amendments. Local governments are encouraged to propose amendments unique to their jurisdiction provided they conform with the Regional Plan and Code of Ordinances. At this point in the process, TRPA staff has not reviewed any of the proposed changes for conformance with the Regional Plan and Code of Ordinances. Should there be inconsistencies that have regional implications (i.e., beyond the jurisdiction proposing the amendments) staff will recommend those proposals not be approved when the amendments come through the formal adoption process.

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Regional Plan Compliance:

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Contact Information:

For questions regarding this agenda item, please contact Alyssa Bettinger, Senior Planner, at (775) 589-5301 or abettinger@trpa.gov.

Attachments:

- A. 2023 Tourist Core Area Plan Amendments Project Description
- B. Tourist Core Area Plan Stakeholder Workshop Participant Feedback

Attachment A
2023 Tourist Core Area Plan Amendments Project Description



CITY OF
SOUTH LAKE TAHOE

2023 Tourist Core Area Plan Amendments *Project Description*

The City of South Lake Tahoe intends to amend the Tourist Core Area Plan (TCAP) and submit a formal area plan amendment application to TRPA in the near future. The purpose of the amendments range from general improvements and a need for greater consistency with recently amended TRPA regulations, state regulations, and City goals, to increasing housing opportunities and community equity in appropriate areas. Summarized below are the more significant policy and regulatory amendments that the City intends to pursue.

LAND USE, COMMUNITY DESIGN AND HOUSING

Residential Density

In order to improve the effectiveness of Housing policies and achievement of Housing goals within the adopted TCAP, the City is pursuing increasing allowed density and setting minimum density standards for multifamily developments in and around town centers as follows:

- A maximum density of 60 units per acre for multi-family residential development, based on the commodity conversion rate of 1:1.5 between TAUs and RUUs, and currently allowed density for tourist accommodation units at 40 units per acre. The current multifamily dwelling density maximums are lower than Tourist Accommodation allowable densities, despite the TRPA determination that TAUs have larger environmental impacts with respect to Vehicle Miles Traveled and carrying capacity of the Tahoe Basin. The current densities allowed for multi-family residential development do not allow for affordable housing projects to be eligible and competitive for grants and financing available through state and federal programs, resulting in development of low density, large market rate units. The City is also proposing to establish a minimum density of eight units per acre for multi-family projects, consistent with the City's General Plan. Allowing higher densities for multifamily developments and requiring a minimum density, without changing coverage and height limitations is intended to increase opportunities to develop affordable housing and drive private developments to smaller and higher density market rate units. These changes will provide more opportunity for much needed housing in areas close to amenities, allow more concentration of development within Town Centers and increase feasibility of housing, infill and environmental redevelopment projects in these areas .
- Allowing density bonus referenced in TRPA Code of Ordinances 31.4.1 be applicable to all properties where multi-family residential is an allowed use, including properties within Area Plans.
- Required housing mitigation for any reduction in density from existing conditions.

These changes are directed by Programs 2-8 and 1-4 of the City's General Plan Housing Element and anticipated to be under review by the state Housing and Community Development Department with expected implementation by December 2023.

Mixed-use Development

The City proposes to create incentives that encourage production of housing in areas where residential use is appropriate to the setting and where mixed-use projects could address job and housing needs. The incentives would include alternative parking requirements and streamlined permitting.

This change is directed by Program 1-1 of the City's General Plan Housing Element and anticipated to be under review by the state Housing and Community Development Department with expected implementation by December 2023.

Housing Accommodations

Reasonable Accommodations for Persons with Disabilities: To provide individuals, family members, caregivers, and/or anyone acting on behalf of the person with disabilities reasonable accommodation in rules, policies, practices, and procedures that may be necessary to ensure equal access to housing as feasible the city proposes to establish criteria for residential projects that would allow for modification of the TCAP standards. These modifications would address any needs for accommodation by persons with disabilities for additional land coverage for necessary site improvements beyond the additional land coverage allowances for Americans with Disabilities Act (ADA) improvements in Chapter 30 of the TRPA Code of Ordinances.

Employee and Workforce Housing: To comply with the State Employee Housing Act the City will allow employee housing in the same locations as multi-family and multi-person residential projects (see "Permissible Uses" description below) and clarify employee housing does not need to be developed by the specific employer.

Residential Care Facilities: For consistency with California State Law, the City will specify that residential care facilities (group homes) of all sizes are allowed by right in all residential districts (see "Permissible Uses" description below).

These changes are directed by Programs 4-1, 4-2, 2-2 and 1-6 of the City's General Plan Housing Element and anticipated to be under review by the state Housing and Community Development Department with expected implementation by December 2023.

Consistency with California State Law

AB-68: Allows accessory dwelling units as part of multi- and single- family residential properties. Clarify ADUs are subject to the South Lake Tahoe City Code. Define and clarify the difference between an accessory dwelling unit and TRPAs secondary units.

AB-682: Shared housing or co-living projects are eligible for density bonuses when a number of units are low or very low income. Update permitted uses and definitions to include shared housing or co-living and identify where they are allowed and when density bonus can be used.

Permissible Uses

The City will reevaluate Appendix C's Table 1, Permitted Uses By Land Use District, and Table 2, List of Primary Uses and Use Definitions, and consider the following adjustments:

- The City is proposing that where one of the following is currently allowed, all shall be allowed uses: *multiple-family dwelling*, *multi-person dwelling*, and *employee housing*.
- Define residential care facilities (group homes) and allowed by right in all residential districts.
- Define shared housing or co-living projects in compliance with AB-682 and shall be allowed where the following uses are allowed: *multiple-family dwelling*, *multi-person dwelling*, and *employee housing*.
- Incorporate employee housing into the definitions of multi-family dwelling and multi-person dwelling.
- Identify where legal nonconforming uses exist and consider if these uses should be allowed.
- Clarify use definitions; for example, indoor sauna, spa, and hottub facilities are currently included in the use description for both *Amusements & Recreation* and *Personal Services*.
- Designate between large and small *Amusement & Recreation* uses. Currently the use category has no distinction for facilities of different sizes or capacities. The City is considering adding clarifying language such as what is included in *Privately owned assembly and entertainment*, which specifies the use is for facilities with a capacity of greater than 300 people.
- Include eating and drinking as an allowed use in TSC-MU rather than a special use.

Traffic and Circulation

Parking: The City will be proposing alternative parking standards in an effort to decrease the need for parking infrastructure and continue to allow more flexible parking standards and shared parking for mixed-use and other housing projects. This will be implemented through one or more of the following:

- Encouraging rental housing developers to unbundle parking and rent parking spaces separately from the units.
- Allowing housing developers to pay an in-lieu fee to support public transportation access to the project site in-lieu of some of the parking requirements.
- Decrease in parking requirements for qualifying projects located within a distance of a transportation hub.
- Creating objective standards for variances to the established parking standards.

These changes are directed by Program 1-3 of the City's General Plan Housing Element and anticipated to be under review by the state Housing and Community Development Department with expected implementation by December 2023.

Complete Streets: Staff will review and update complete street policies and maps to match implementation feasibility including the following:

- Update “Proposed Improvements Section” with short list of projects originally identified that have been completed and a new list of Implementation Projects.
- Update Figures and implementation projects for consistency with the TRPA Active Transportation Plan.
- Establish a policy for complete street connections between TCAP and Lake Tahoe.

Pedestrian and Bicycle Infrastructure: Staff will review and update project requirements for pedestrian and bicycle infrastructure including:

- Update policies and standards to clarify requirements for sidewalk and trail maintenance/snow removal.
- Policy requiring frontage improvements consisting of sidewalk, drainage, and lighting improvements with new construction, additions of floor area, or significant remodels involving site work, unless waived by the Public Works Director.
- Policy requiring off-site sidewalk connections to existing sidewalk. Establish a value of off-site (beyond frontage) improvements and/or contribution to transit that would trigger an allowed automatic reduction in parking requirement. Further reduction in parking requirement would require permanent deed restriction regarding parking management.

REVITALIZATION AND ECONOMIC DEVELOPMENT

Commercial Floor Area and Outdoor Dining

The City would like to reduce barriers associated with establishing outdoor dining in appropriate areas. Although outdoor seating is currently not considered Commercial Floor Area (CFA), outdoor dining is. Outdoor dining and seating provide opportunities to create more active streetscapes but are distinguished from indoor seating by their less intensive use due to seasonal weather in the Tahoe Region. The City is proposing to exempt outdoor dining areas from CFA requirements similar to the current application of the regulation to outdoor seating.

Advertising for Accessory Uses

The City is proposing to amend sign regulations to allow independent signage for accessory uses. No changes to the maximum sign area or number of signs allowed for a property are proposed.

Electric Vehicle Charging Stations & Sustainable Infrastructure

A goal of the City of South Lake Tahoe is to remove barriers to sustainable infrastructure and achieve compliance with AB 1236 which requires ministerial permitting for EV charging stations and limits the ability to deny a permit to specific findings of adverse impact to public health or safety. Coverage has been a limiting factor where developments wish to install electric vehicle charging stations. Exempting EV charging infrastructure from counting towards coverage would allow for increased access to charging stations. Mitigation measures

such as retiring coverage elsewhere in the watershed or allowing a percentage over maximum coverage for EV charging stations to be transferred to the site will be explored.

CFA Policy Clarification

Add a CFA policy clarifying that certain areas of recreation based primary commercial uses are exempt from CFA allocation. Examples include:

- The area of play in an indoor tennis court
- The area of water in an indoor swimming pool,
- The area for skating in an indoor roller- or ice-skating rink
- The area dedicated to a climbing wall/climbing wall pit in a climbing gym
- The play area of a miniature golf course

DEVELOPMENT AND DESIGN STANDARDS

Residential Standards and Review

The development and design standards generally do not differentiate between commercial and residential uses. These project types are often substantially different in form and design as they serve different purposes. Staff will be establishing different residential standards throughout the design standards, primarily by referring to the City Code Section 6.85 for Residential Development and Design Standards. These standards were adopted in compliance with California SB 35 and SB 330.

Currently, affordable housing projects require a higher level of decision maker consideration than market rate housing projects (TRPA Code Section 2.2). Proposed amendments would include new criteria for residential project review levels that treat affordable housing equal to market rate housing, exempting residential projects up to three units and residential projects that comply with objective development and design standards from discretionary and public hearing procedures.

Objective Design Standards (Commercial)

The current design standards address site design, building orientation and design, pedestrian access, bicycle parking, landscaping, lighting, signage, parking, driveway and loading spaces. However, project aesthetic and visual quality is provided by the City's Design Guidelines. The Guidelines currently provide a visual tool to guide project applicants on how to meet the required design standards in a manner that meets the desired aesthetic of the community. As part of Area Plan amendments staff will look to incorporate the concepts created in the Design Guidelines into objective standards to ensure that all projects meet the visual quality the City and TRPA is striving for. The objective standards may include, but would not be limited to, restricting the percent of stucco used, requiring minimum number of authorized materials, and requiring architectural features such as overhead canopies or brackets and overhangs. Staff will also be reviewing and updating established design standards if they do not sufficiently work toward addressing the Area Plan and General Plan goals and policies such as bicycle parking and pedestrian access.

Commercial Roof Pitch Requirements

Currently the Area Plan only allows for a roof slope of 5:12 to 12:12. Staff will be proposing criteria that allows for deviation from this standard when specific standards or findings can be made. Staff will also assess other aspects of height and roof standards to see what allowed flexibility can be added. The goal of this amendment would be to provide additional architectural opportunity for properties where the lots size, location, orientation, or use is restricted by the current standards.

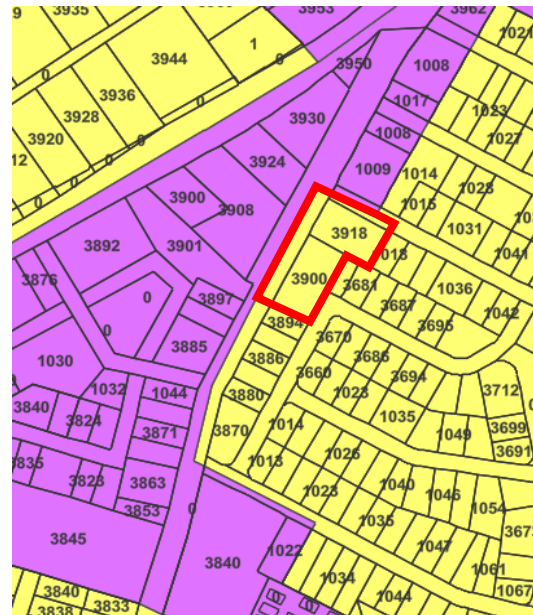
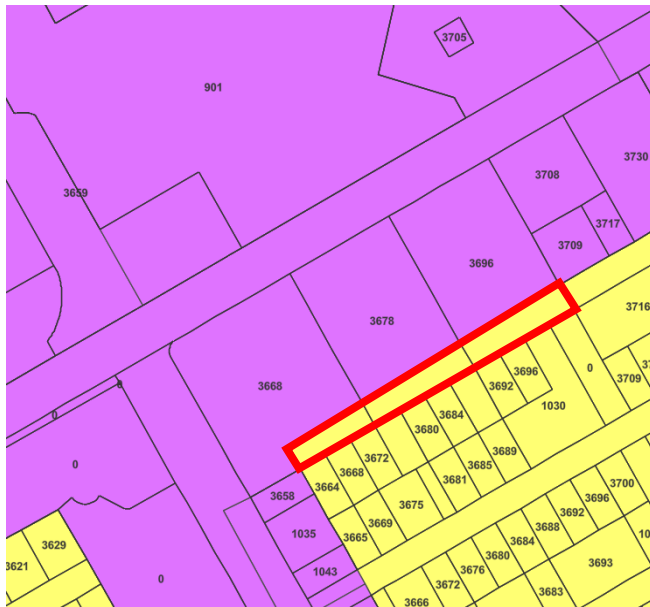
Signage

Currently the Area Plan does not allow for the advertising of accessory uses. Staff is proposing to update the signage criteria to allow for accessory uses to have signage if they are within the allocated Base Reference Budget. The inclusion of accessory use signage will not increase the overall allowable signage in the area but will allow for business to advertise the diverse uses they offer. Additionally, throughout the signage requirements staff will be adding/modifying the text language to provide clarity where needed.

GENERAL IMPROVEMENTS

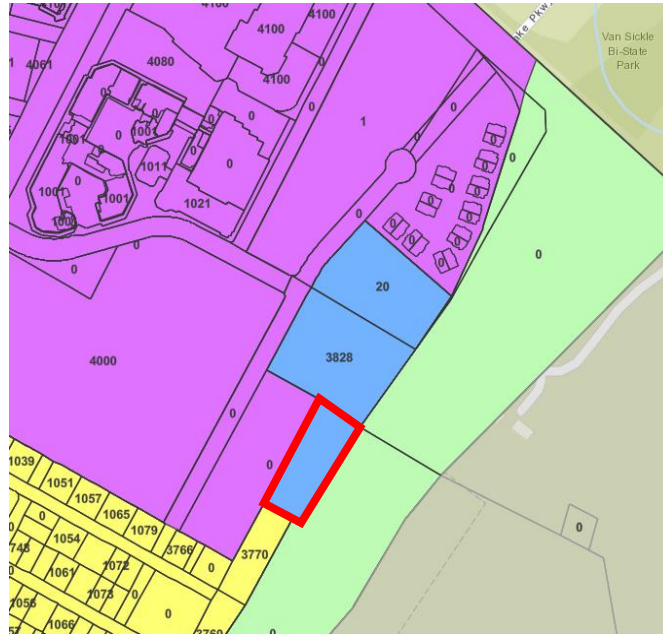
Area Plan Boundary Expansion Opportunities

Area Plans provide a unique opportunity for development. As part of the amendment process staff will be assessing parcels which boarder the area plan to see if underutilize properties may benefit from incorporation into the area plan. Areas currently being assessed for incorporation are shown below in red:



Zoning Changes

As part of the Area Plan amendment, staff will be processing a zoning amendment application to rezoning the area identified in red below from recreation to tourist center mixed use to accommodate higher density housing opportunities.



Green Incentive Program Updates

The city will be reviewing the green building incentives to ensure the current incentive are still feasible and identifying previous measures which are now required rather than optional based on California Building Code updates and city ordinances. Staff will also look to incorporate new policies and certification programs that have been implemented or seen success since the plans initial adoption.

Code Corrections and Consistency

General improvements that will be made to TCAP include correcting City Code and TRPA Code references and incorporating amendments implemented by TRPA through Ordinance 2021-01.

During the City's public outreach and public review processes additional amendments may be identified for consideration. City staff will work closely with TRPA staff to ensure continuity and open communication throughout the process.

Attachment B
Tourist Core Area Plan Stakeholder Workshop Participant Feedback

Stakeholder Workshop

Tourist Core Area Plan: 2023 Updates

Participant Feedback – Wednesday, February 1, 2023

Increasing Housing Opportunities: Density

- General consensus that a minimum density requirement would make sense
- Potential impacts to parking needs are concerning; however, support for development incentives/alternatives and increase in alternative transportation options increases support
- Increase in density also creates an increased opportunity for Vacation Home Rental and potential for those properties to act similar to hotels
- Concerns around affordability of these potential housing units for local residents
- Question regarding how coverage plays a part in constructing increased density; discussion around how area plans provide additional opportunity under TRPA regulation
- Should be an overall increase in vertical parking configurations
- Current disconnect in the park once theory; it isn't used because there isn't sufficient transportation options (e.g., frequent transit)
- Lake Link proving an encouraging model, but not enough. Should be expanded to other parts of the City
- Parking issues will require a cultural shift
- Mammoth trolley as a good example for the City; several fixed route services that cross paths so several points to be picked up nearby with varying times so never a long wait; it is easy, affordable and has an app that gives route updates/times
- Increased density supported with good transportation availability
- TTD funding from the City could be used for more programs similar to Lake Link
- Explore requirements for mixed income projects
- Inclusionary housing
- Public frequently expresses concerns about additional high end and unaffordable housing in this area
- Preserving recreational zones/areas (e.g., Van Sickle Bi-State Park)

Increasing Housing Opportunities: Permissible Uses

- Clarification of "Employee Housing" definition and use
- Special Use Permit for employee housing seems like an undue burden, housing should be allowed
- Ensure preservation of open space/recreation
- Employee housing allowed in recreation seems unusual and needs to be clear who the developer is of the employee housing; employee housing for individuals who work for the open space makes sense but not for another area of town; should be relatively limited ability to develop employee housing in recreation zoned areas

Increasing Housing Opportunities: Boundary Changes

- Current Area Plan boundary is unusual, further boundary changes should be explored to create a more intuitive boundary; especially around Pioneer Trail and leading to Heavenly Ski Resort CA Base Lodge
- Opinion that neighborhood off of Moss Rd. should not be incorporated into the TCAP area

Activating Town Centers: Outdoor Dining

- Expand for more outdoor dining opportunities which can be used year round
- Can have significant impacts to parking and other businesses in certain locations; effective transportation option is key

Activating Town Centers: Permissible Uses

- Eating and drinking should be an allowed use throughout the Area Plan
- Provide flexibility for amusement and recreation uses so not all need Special Use Permits; some of the uses within the definition make sense, others large scale uses may need special attention
- Smaller business types should be “Allowed Use”
- Create improvements to public art standards

Increasing Transportation Opportunities: Infrastructure

- Implement a transit system similar to the design of the Mammoth Lake Trolley, extending to the Y
- Improve bus transit system efficiency similar to the North Shore (TART)
- Improve fixed transit routes to destinations
- Shifting investment to improving transit system
- Proposed a change of transit agency (remove TTD)
- Promote bike/walk access, businesses to maintain snow removal
- Potential for a pay-in system for snow removal to lift burden on property owners
- Improve/encourage/accommodate public transportation to minimize parking issues
- Provide more transportation options/contributions
- Need for reliable bus transit times

Increasing Transportation Opportunities: Parking

- Expanding parking in Ski Run area (Vail/Heavenly Ski Resort)
- Enforcing a time limit for parking (e.g., 2 hour minimum)
- Density increase could have an impact on parking enforcement
- Propose a parking hub or central parking areas, especially for day visitors/single destination
- Improve bus system connections
- Need to accommodate for recreational toys/items and families with gear
- Manage boat trailer parking
- Parking enforcement on Lake Pkwy
- Manage snow storage
- Expand parking garages for Heavenly Village and Ski Run
- Recommend Vail to provide a designated parking garage/hub at Cal Base Lodge
- Address community needs vs. landlord opinion for residential parking
- Provide more parking spaces and zones for electric bikes and scooters
- Parking garage management (e.g., signage showing where spaces are full or open)

STAFF REPORT

Date: May 17, 2023

To: TRPA Regional Plan Implementation Committee

From: TRPA Staff

Subject: Informational Presentation on Proposed Regulatory Code Amendments to Support Climate-Smart Communities

Project Summary:

TRPA seeks to integrate climate adaptation and resiliency into all aspects of its work to protect and enhance Lake Tahoe's natural and human environments. In October 2022, the TRPA Governing Board directed staff to develop amendments to the Code of Ordinances to incorporate climate-smart regulations. Over the last six months, a group of graduate students from the UC-Davis Environmental Policy and Management (EPM) Policy Clinic team worked with staff to research and develop priority code amendments through a collaborative public engagement process.

The Policy Clinic team will provide an informational overview of the research and present recommended code amendment language addressing four (4) policy areas: traffic reduction associated with temporary events, regulations for electric vehicle chargers, regulations for solar energy generation, and standards to reduce light pollution.

This item is for informational purposes and no action is required.

The EPM Policy Clinic Team:

The Policy Clinic team is made up of second-year students pursuing a MS degree in Environmental Policy and Management at UC-Davis. The team includes:

- **Diana C. Giraldo**
- **Kamryn Kubose**
- **Thomas McNairn**
- **Michael Macon**
- **Flor Rizo**

Jacob Stock, AICP, Senior Long-Range Planner, is the TRPA project manager for the partnership and proposed Code update. The Policy Clinic team also worked closely with Devin Middlebrook and Kira Smith to research and develop the proposed amendments.

Background:

During the summer of 2022, MS student Kamryn Kubose completed a research project exploring best practices for climate-smart communities. Her project resulted in a 100-page memo covering: traffic

congestion; energy conservation; energy generation; zero-emissions vehicles; waste diversion; sustainable construction and development; water conservation; carbon sequestration, forestry practices, and vegetation; adaptation and resilience; and workforce housing. She and her TRPA supervisors presented to the TRPA Governing Board in October 2022, who then directed staff to develop regulatory code amendments that support climate-resilient practices.

Kamryn’s research and the Governing Board’s subsequent direction formed the basis for the EPM Policy Clinic team’s work to develop proposed code language, beginning in January 2023. These recommended amendments represent the first phase of Climate Smart amendments to the Code of Ordinances and policy updates.

Project Description:

The Policy Clinic team researched and developed priority code amendments and policy recommendations in four (4) regulatory focus areas: vehicle miles traveled (VMT) reduction for temporary events, electric vehicle (EV) charging infrastructure, solar energy generation, and dark sky standards. The team developed the regulatory language in close collaboration with TRPA staff through an iterative process in which interested stakeholders with technical knowledge of regulatory implementation provided crucial input.

The EPM team began the project by reviewing the key regulatory issues identified by the Governing Board last year. The initial research served as a tool to narrow the list of key issues to the four priority areas listed above. The team benefited from weekly virtual meetings with TRPA staff, an in-person site tour, and three stakeholder meetings.

Based on their research and stakeholder outreach, the Policy Clinic team and TRPA staff developed proposed code amendment language and policy recommendations along with training and educational materials aimed at aiding implementation.

Participation and Outreach:

The Policy Clinic team created an Outreach and Participation strategy that defined and detailed how and with whom the team would engage through the stakeholder outreach process. In coordination with TRPA staff, the team developed a list of interested parties involved in implementing TRPA regulatory language, including local jurisdictions, the US Forest Service, architectural/engineering consulting firms, and the Washoe Tribe. Workshops engaged with interested parties with a high level of technical knowledge to identify implementation barriers, gather expertise and opinions, and refine the proposed regulatory language. The team conducted three “working group” technical workshops to receive feedback on the code language and regulatory approaches.

Recommended Code Updates:

The Policy Clinic team and TRPA staff propose regulatory and policy amendments in four focus areas: traffic reduction associated with temporary events, electric vehicle (EV) charging, solar energy generation, and standards to reduce light pollution. The specific proposed regulatory and policy language is detailed in a table of amendments (Attachment A). Based on RPIC’s input and direction, TRPA staff will complete any necessary revisions along with Regional Plan conformance and environmental documentation before bringing a full amendment package to the Advisory Planning Commission and RPIC for a formal recommendation to the Governing Board.

Traffic Reduction Associated with Temporary Events

Tahoe experiences many temporary events and activities throughout the year, attracting visitors to the Basin but causing traffic congestion and pollution. To reduce reliance on personal vehicles and incentivize alternate modes of travel, TRPA should work with local partners to ensure that temporary events prepare a transportation plan supporting non-motorized transportation. Temporary event transportation plans should include a map of fixed-route public transit stops, pedestrian access, and bike access. The plan should also consider including bike valet, shuttle services, or rideshare drop-off locations and include strategies for encouraging alternatives to personal automobiles. TRPA may consider including a temporary event transportation plan as a submittal requirement for temporary use permits.

Electric-Vehicle (EV) Charging

The increased use of electric vehicles (EV) in the basin has created the need for electric vehicle charging standards. The code changes propose to formally codify definitions for electric vehicle chargers and installation features. Chargers should also be defined as accessory uses in all land use types to streamline installation. Additionally, to remove barriers to installation, up to five EV chargers per parcel should be partially exempt from coverage limits. Finally, to increase the development of accessible chargers, parking areas with a minimum of twenty spaces should be required to include an EV parking space capable of supporting a universal charger in ten percent of the lot. TRPA may consider applying the same requirements to redeveloped parking lots.

Solar Energy Generation

To remove barriers to installing solar energy systems, several requirements for solar energy systems should be updated. These include qualified exemptions for rooftop solar, general standards to minimize reflectivity in scenic corridors, and setback requirements for solar mounting structures. Additionally, ground-mounted solar should be allowed a limited coverage reduction like that provided to bear boxes across the Tahoe Basin. Finally, all solar energy systems should not be counted against the scenic score if in compliance with the updated general design standards including standards aimed at limiting reflectivity, removing uncertainty for property owners while ensuring that scenic quality is preserved.

Dark Sky Requirements

Outdoor lighting requirements should be updated to minimize light pollution, glare, and sky glow, and to promote dark skies. This includes standards limiting light output, utilizing cutoff shields, and promoting 'cooler' temperature lighting.

Contact Information:

For questions regarding this agenda item, please contact Jacob Stock, at (775) 589-5221 or jstock@trpa.gov

Attachments:

- A. Draft Climate Code Amendments Table

Attachment A

Draft Climate Code Amendments Table

ATTACHMENT A

DRAFT CLIMATE CODE LANGUAGE

Traffic reduction associated with temporary events

Code	Draft language	Approach	Notes
22.7.6.A	Rewrite 22.7.6 as 22.7.6.A	N/A	
22.7.6.B	A temporary event transportation plan must include a map of fixed route public transit stops, pedestrian access, and bike access. The plan must consider including bike valet, shuttle services, or rideshare drop off locations and include strategies for encouraging the use of alternatives to personal automobiles.	Temporary activity Transportation plan as part of temporary use permit. Define transportation plan requirements.	See City of South Lake Tahoe additional requirements for temporary events (CSLT Code, 6.55.230.A.c.i).
22.7.6.B	For each criterion listed below that is not provided by the event, the temporary event permit fee will increase. <ul style="list-style-type: none"> ● Bike valet ● Shuttle plan ● Rideshare drop off ● Pedestrian access ● Bike access 		Alternate option.

Electric vehicle (EV) charging

Code	Draft language	Approach	Notes
90.2	<p>"Electric vehicle charger" means off-board charging equipment used to charge an electric vehicle.</p> <p>"Electric vehicle charger level 2" means a 208-240 volt electric vehicle charger.</p> <p>"Electric vehicle charging space" means a parking space intended for use of EV charging equipment and charging of electric vehicles. The minimum length of each EV space shall be 18 feet. The minimum width of each EV space shall be 9 feet.</p> <p>"Electric vehicle charging station" means one or more electric vehicle charging spaces served by electric vehicle charger(s) or other charging equipment allowing charging of electric vehicles. See also "Electric Vehicle Supply Equipment (EVSE)."</p> <p>"Electric vehicle direct current (DC) fast charger" means a 400-volt or greater electric vehicle charger.</p> <p>"EV Capable" Installation of the enclosed conduit that forms the physical pathway for electrical wiring to protect it from damage and adequate panel capacity to accommodate future installation of a dedicated branch circuit and charging station(s).</p> <p>"EV Installed" EV Ready plus installation of a minimum number of Level 2 or DC electric vehicle supply equipment (EV chargers).</p> <p>"EV Ready" EV Capable plus installation of dedicated branch circuit(s) or electrical pre-wiring, circuit breakers, and other electrical components, including a receptacle (240-volt outlet) or blank cover needed to support future installation of one or more charging stations.</p> <p>"Universal EV Charger" Electric vehicle charging station that is compatible with all electric vehicles, regardless of the input.</p>	Define electric vehicle charging stations in code	
21.3.1	A. Accessory uses such as garages, green houses, homeowner association offices, art studios, workshops, swimming pools, storage structures, tennis courts, dog runs, emergency facilities, hope occupations, accessory dwelling units,	Accessory use definition	

	<p>electric vehicle stations, and other uses listed in the definition of a “primary use” as accessory.</p> <p>B. Accessory uses such as garages, parking lots, swimming pools, tennis courts, bars and restaurants, equipment rental, maintenance facilities, laundries, gymnasiums, coin operated amusements, meeting rooms, managers quarters, child care facilities, emergency facilities, employee facilities other than housing, accessory dwelling units, restricted gaming (Nevada only), electric vehicle stations, and other uses listed in the definition of a “primary use” as accessory.</p> <p>C. Accessory uses such as garages, parking lots, emergency facilities, maintenance facilities, employee facilities other than housing, accessory dwelling units, restricted gaming (Nevada only), storage buildings, electric vehicle stations, and other uses listed in the definition of a “primary use” as accessory.</p> <p>D. Accessory uses such as garages, accessory dwelling units, electric vehicle stations, and emergency facilities.</p> <p>E. Accessory uses such as garages, emergency facilities, childcare, related commercial sales and services such as ski shops, pro shops, marine sales and repairs, parking lots, maintenance facilities, swimming pools, tennis courts, employee facilities other than housing, accessory dwelling units, outdoor recreation concessions, bars and restaurants, electric vehicle stations, and other uses listed in the definition of a “primary use” as accessory.</p>		
34.4.1	<p>Ten (10) percent of the total number of parking spaces on a building site with a minimum of 40 (forty) spaces provided for all types of parking facilities shall be electric vehicle charging spaces (EV spaces) capable of supporting future EVSE. Electrical load calculations shall demonstrate that the electrical panel service capacity and electrical system, including any on-site distribution transformer(s), have sufficient capacity to simultaneously charge all EVs at all required EV spaces at a minimum of 40 amperes. EV spaces will count toward the total amount of parking spaces.</p> <p>1. The development of EVSE applies to new development and redevelopment when the project requires a permit.</p>	EV capable language for commercial, multi-family and hotel/motels with more than 40 units	Borrowed from Cal Green.

	<p>2. The following are exempt from the above requirement:</p> <p>a. Deed-restricted housing</p>		
30.4.6. G	<p>1. Public Universal EV chargers are exempt from coverage standards regardless of the land use types unless located in a stream environment zone (SEZ).</p> <p>2. Public Universal EV chargers are exempt from coverage standards given there are less than 5 chargers within a parcel, regardless of the land use type. The coverage exemption for each EV charger will be equal to or less than the average footprint of a level 2 charger or DC fast charger, or 2 square feet per charger, whichever is less.</p>	Coverage approach	

Solar energy generation

Code	Draft language	Approach	Notes
90	<p>Definitions</p> <p>“Solar energy system” means any solar collector or other solar energy device or any structural design feature of a building whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.</p> <p>“Solar Collector” means a device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.</p> <p>“Photovoltaic (PV) Systems” means an active solar energy system that converts solar energy directly into electricity. See also “Solar Panel.”</p> <p>“Active solar energy system” means a solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a solar collector to another medium using mechanical, electrical, or chemical means.</p> <p>“Passive solar energy system” means a solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger. Examples of passive solar may include skylights or passive solar water heating systems such as flat-plate collectors.</p> <p>“Solar Mounting Devices” means racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.</p> <p>“Solar Reflectivity” is the ability of a material to reflect solar energy from its surface back into the atmosphere</p>	<p>Define solar panels (PV) and related energy storage equipment, passive solar</p>	

<p>2.3.6.A.12</p>	<p>Installation of Roof-mounted PV Systems The installation of Photovoltaic (PV) systems on the rooftops of existing structures provided:</p> <ul style="list-style-type: none"> a) Solar mounting devices do not extend beyond the rooftop perimeter and do not intrude into setback standards established in 36.5.4 b) Structure does not create height greater than that allowed by Table 37.4.1-1 and exception 37.4.3.A c) If the structure is located inside of a Scenic Travel Corridor, the Shoreland, or visible from Lake Tahoe, then solar panels shall be constructed of non-reflective materials to minimize glare 	<p>Qualified exemption for rooftop solar energy systems. Require predictable scenic threshold standards when in scenic threshold travel routes and shoreland.</p>	<p>Qualified exempt if it is outside of scenic corridors, otherwise, we point to the building standards with specifications for nonreflective materials. Solar panel material can significantly reduce reflectivity.</p>
<p>21.3.1</p>	<p>A. Accessory uses such as garages, green houses, homeowner association offices, art studios, workshops, swimming pools, storage structures, tennis courts, dog runs, emergency facilities, home occupations, accessory dwelling units, solar energy systems, and other uses listed in the definition of a “primary use” as accessory.</p> <p>B. Accessory uses such as garages, parking lots, swimming pools, tennis courts, bars and restaurants, equipment rental, maintenance facilities, laundries, gymnasiums, coin operated amusements, meeting rooms, managers quarters, childcare facilities, emergency facilities, employee facilities other than housing, accessory dwelling units, restricted gaming (Nevada only), solar energy systems, and other uses listed in the definition of a “primary use” as accessory.</p> <p>C. Accessory uses such as garages, parking lots, emergency facilities, maintenance facilities, employee facilities other than housing, accessory dwelling units, restricted gaming (Nevada only), storage buildings, solar energy systems, and other uses listed in the definition of a “primary use” as accessory.</p> <p>D. Accessory uses such as garages, accessory dwelling units, solar energy systems, and emergency facilities.</p>	<p>Define solar energy systems as accessory use</p>	

	E. Accessory uses such as garages, emergency facilities, childcare, related commercial sales and services such as ski shops, pro shops, marine sales and repairs, parking lots, maintenance facilities, swimming pools, tennis courts, employee facilities other than housing, accessory dwelling units, outdoor recreation concessions, bars and restaurants, solar energy systems , and other uses listed in the definition of a “primary use” as accessory.		
Table 21.4-A	<p>Power generating</p> <p>Establishments engaged in the generation of electrical energy for sale to consumers, including biofuel facilities, hydro facilities, gas facilities, solar facilities, and diesel facilities. Outside storage or display is included as part of the use. The use does not include biofuel facilities accessory to a primary use. Transmission lines located off the site of the power plant are included under "Pipelines and Power Transmission." Electrical substations are included under "Public Utility Centers."</p>	Expand primary use “Power Generating” to include solar facilities.	
30.4.6.F	<p>F. Exemption for Ground Mounted Solar Energy Systems for Residential Use</p> <p>Land coverage underlying ground mounted solar energy systems on a solar mounting device anchored to a below grade concrete base shall not be included in calculation of land coverage if the solar collectors are elevated at least 18 inches off the ground. The base supporting ground mounted solar shall count toward the coverage calculation. This exemption shall apply only to residential parcels on non-sensitive lands provided the solar energy systems meet all applicable requirements of this Code.</p> <p>a) Applicants seeking a coverage reduction for ground mounted solar energy systems must demonstrate that roof mounted solar is infeasible or that ground mounted solar will require the removal of fewer trees.</p>	Provide coverage exemption for ground mounted solar	

36.5.4.A.1	Decks (except decks for off street parking), stairs, canopies, building, solar mounting structures , or roof overhangs shall not intrude into the 20-foot setback established in this subparagraph.		
37.4.3.A.	Chimneys, flues, vents, antennas, solar energy systems , and similar appurtenances may be erected to a height ten percent greater than the otherwise permissible maximum height of a building, or a height of six feet, whichever is less.	Expand the height exemptions to include solar energy systems.	
61.1.4.C.1	TRPA may approve the removal of healthy trees on the applicant's property provided TRPA finds that the trees unreasonably impede the operation of an active or passive solar energy system and that the solar energy system is properly located so as to minimize the need for tree removal, and provided it does not cause a reduction in the scenic score for the property pursuant to section 66.3.4. TRPA will prioritize tree removal for solar systems that support human health and safety.	Expedited tree removal for installation of solar panels and equipment related to healthcare service projects, for energy storage (Table 21.4-A).	
66.3.4.D	Solar Energy Systems Solar energy systems shall not be counted against the scenic score if the system is found to comply with Sec. 36.6.1.C		

Standards to reduce light pollution

Code	Draft Language	Approach	Notes
36.8.1.E.1	<p>a. Exterior lighting should be minimized to protect dark sky views, yet adequate to provide for public safety, and should be consistent with the architectural design.</p> <p>b. Exterior lighting should utilize cutoff shields that extend below the lighting element to minimize light pollution of stray light. Light shall be directed downward with no light emitted above the horizontal plane of the fixture.</p> <p>c. Overall levels should be compatible with the neighborhood light level. Emphasis should be placed on a few, well placed, low-intensity lights.</p> <p>d. Lights should not blink, flash, or change intensity except for temporary public safety signs.</p> <p>e. Total outdoor light output shall not exceed fifty thousand (50,000) lumens per developed commercial acre, and ten thousand (10,000) lumens for parcels one-half (acre), or larger in size in residential areas. Parcels smaller than one-half (½) acre shall be permitted five thousand (5,000) lumens of lighting regardless of parcel size. Total outdoor light output of any multifamily residential development including five (5) or more separate lots or units shall not exceed twenty thousand (20,000) lumens of lighting per developed acre.</p> <p>f. All exterior lighting shall utilize light sources with correlated color temperature not to exceed 3,000 Kelvin (K).</p>	Update TRPA's lighting standards, include color temperature, shielding,	Taken from area plan language and updated to better reflect dark sky requirements.
13.5.3.F.5	The standards set in 36.8.1.E.1 must be met.	Bolster area plans requirements. Point to 36.8.1	

STAFF REPORT

Date: May 17, 2023

To: TRPA Regional Plan Implementation Committee

From: TRPA Staff

Subject: Proposed Regional Definition and Minimum Standards for Mixed-Use Development

Summary and Staff Recommendation:

Following concerns raised by the Advisory Planning Commission (APC) and Regional Plan Implementation Committee (RPIC) about the lack of specificity in the definition of mixed-use development, TRPA staff researched best practices to define and set minimum standards for mixed-use development that could apply at the regional level. Staff will present these best practices and requests that the RPIC discuss and provide suggestions for further refining these standards.

This item is for informational purposes. No action is required at this time.

Discussion/Background:

On June 22, 2022, TRPA staff issued a permit for a mixed-use development on 941 and 947 Tahoe Boulevard in Incline Village on properties designated as Special Plan Area 1 in the Tahoe Area Plan. The approved project included 40 residential units and 925 square feet of off-street office space as the non-residential component of the mixed-use project. On March 8 and March 22, 2023, respectively, the APC and RPIC considered a proposed area plan amendment to allow subdivision of buildings in Special Area 1 of Incline Village’s commercial town center. Both bodies questioned the amount of non-residential square footage and indicated that there needed to be a more specific definition and minimum standards for mixed-use development. Staff reviewed literature on best-practices in mixed-use regulation and compared approaches to regulating mixed-use development from across the United States. In general, mixed-use zoning aims to create vibrant, walkable neighborhoods that offer a range of amenities and services within a compact, pedestrian-friendly environment. Staff found that plans and codes typically address the following six factors related to mixed-use developments.

1. Defining the “Mix of Mixed-Use”

Given the goal of activating streetscapes in town centers, TRPA should consider following the lead of jurisdictions across the United States and requiring non-residential uses to be located on the ground floor or street frontage of a mixed-use development. To accommodate horizontal mixed-use developments with multiple structures, these requirements could be applied to the entire permitted development, rather than a specific structure.¹ There are a few methods that codes use to define the location and “mix” of mixed-use:

¹ “Mixed-Use Development.” *Complete Communities Toolbox*.
<https://www.completecommunitiesde.org/planning/landuse/mixed-use-development/>

- a) **Proportion of Ground Floor:** Some codes require that mixed-use developments dedicate a minimum portion of their ground floor to non-residential uses, allowing residential units to occupy the remaining floors. For example, the City of Baltimore requires that at least 60 percent of a mixed-use development's ground floor is dedicated to non-residential uses.² In the City's Business Main Street district, Boulder requires that the entire ground floor of a mixed-use building is used for commercial, office, institutional, or service uses.³

This method remains relatively simple and is not highly prescriptive, while still ensuring that an adequate mix of non-residential uses are accessible to the public on the ground floor. Jurisdictions that use this method also define the types of non-residential uses appropriate for mixed-use development.

- b) **Proportion of Building Frontage:** Some jurisdictions regulate the mix and location of non-residential uses by requiring that non-residential uses occupy all or a portion of a defined street frontage in mixed-use developments. For example, the City of Santa Monica requires that street frontage at a minimum average depth of 40 feet and no less than 25 feet, or a minimum of 60 percent of ground floor, is dedicated to commercial uses.⁴ Santa Monica combines this requirement with a scaled floor area ratio (FAR) which allows for more intensive development with the addition of deed-restricted affordable housing and/or other defined community benefits.⁵ San Diego requires more loosely that ground floor space facing primary street frontages be designed for pedestrian-oriented uses including retail, restaurants, personal services, and offices.⁶

This method further defines where non-commercial uses should be located, making code requirements more prescriptive, but ensuring that non-residential uses are oriented toward the street where they will encourage an active pedestrian environment.

- c) **Floor Area Ratio (FAR):** FAR is used for defining the maximum intensity of mixed-use development based on the mix of residential and non-residential uses vs. density which simply uses the number of units and does not address non-residential uses and intensity. FAR is the ratio of floor area to parcel area. As an example, a FAR of .50 means that ½ of a parcel can be covered with a one-story building, or ¼ of a parcel can be covered with a two story building, etc. Allowing a greater FAR can be used as an incentive to influence the mix of uses. For example, the City of Los Angeles allows increased FAR for projects with greater residential mix and

² Baltimore, MD City Code. Art. 32 Sec. 12-208. <https://perma.cc/23MS-2Q4F>; Adams, T., Rosenbloom, J., Duerksen, C. "Mixed-Use Zoning." *Sustainable Development Code*. <https://sustainablecitycode.org/brief/mixed-use-zoning/>

³ City of Boulder, CO Code of Ordinances. Sec. 9-2-11. <https://library.municode.com/co/boulder>

⁴ City of Santa Monica, CA Municipal Code. Sec. 9.11.030. https://library.qcode.us/lib/santa_monica_ca/pub/municipal_code/item/article_9-division_2-chapter_9_11-9_11_030

⁵ Ibid.

⁶ City of San Diego Consolidated Municipal Code. Sec. 131.0423. <https://www.sandiego.gov/city-clerk/officialdocs/municipal-code>

defined community benefits like daycare facilities.⁷ The same approach could be used to incentivize non-residential uses and/or affordable housing.

FAR is a simple and non-prescriptive method to define residential and non-residential mix with the added benefit of addressing density and building mass. As noted earlier in the example of Santa Monica, a scaled FAR system can incentivize a range of other desired benefits including deed-restricted affordable housing. However, without standards for ground floor or street frontage, a FAR-based system for mixed-use development does not define the location of non-residential uses and can lead to a use mix that fails to achieve the goal of street activation.

To achieve the region's goals for mixed-use development in active town centers, staff recommends considering code language like that found in the City of Santa Monica Municipal Code. This method of defining mixed-use combines scaled FAR with non-residential uses oriented to the street. Code language should define a base FAR for mixed-use development which may increase with the addition of a larger percentage of affordable housing units and uses with a defined community benefit. TRPA should consider applying the same FAR scale to residential-only development, setting a base FAR and allowing for increased floor area as the proportion of deed-restricted affordable housing increases. TRPA should also consider setting a minimum requirement that ground floor street frontage in mixed-use development be designed for pedestrian-oriented, non-residential uses. Developers could be permitted to include lobby space as a non-residential use where retail is not viable. This approach will encourage street activation, address building mass and density, and incentivize additional community benefits including affordable housing and pedestrian improvements.

2. Permitted Uses

With different uses collocated in the same development, use compatibility is particularly important. While most codes establish permitted uses for mixed-use developments, they do so with varying levels of specificity. For example, the City of Austin defines appropriate non-residential uses broadly as pedestrian-oriented uses including, but not limited to, retail, restaurant, personal services, and office uses.⁸

Given TRPA's regional mandate, a broad, flexible definition of allowed pedestrian-oriented uses, like that found in the City of Austin's Land Development Code, is appropriate. This approach has the added benefit of being nimble and responsive to new uses as they emerge and allowing staff flexibility to judge the compatibility of a proposed use. This approach also allows local jurisdictions the opportunity to further specify desired uses in their town centers or uses with community benefit that may warrant FAR incentives.

3. Affordable Housing

The 2016 Regional Housing Needs Assessment estimates that Tahoe faces a total unmet workforce housing demand ranging from 4,100 to 12,160 household units, the equivalent of anywhere between 8.5 to 25 percent of the region's total existing housing stock. Of that unmet need, roughly half comes

⁷ Los Angeles Municipal Code. Sec. 13.09.

https://codelibrary.amlegal.com/codes/los_angeles/latest/lapz/0-0-0-12143

⁸ City of Austin, TX Land Development Code. Sec. 25.4.3.3.

https://library.municode.com/tx/austin/codes/land_development_code

from households making less than 80 percent of the area median income (AMI).⁹ Many jurisdictions require that mixed-use projects include an affordable component. The City of Santa Monica requires that at least 10 percent of units in an owner-occupied development are deed-restricted for the lowest income households, allowing for developers to build a larger proportion of units at a higher workforce price-point or receive density bonuses for building more than the minimum affordable units.¹⁰ Additionally, Placer County's Employee Accommodation Ordinance sets a precedent in the Basin for mitigating the impact of new market-rate housing on workforce housing needs by requiring that no less than 10 percent of new units are affordable.¹¹ To address housing needs TRPA should consider requiring that a minimum proportion of owner-occupied units in a mixed-use development are deed-restricted affordable.

4. Density

A higher density of units can help to support the economic viability of mixed-use development. Higher densities also allow for more residents and customers to live and work within a relatively small area, creating an environment that encourages pedestrian trips. Mixed-use regulations using a scaled FAR system, as discussed above, would do away with the need for density minimums when combined with TRPA's other dimensional standards and growth management tools, and would allow developers more flexibility to design viable, active mixed-use projects. As stated above, TRPA should consider exempting mixed-use development from local density standards and addressing mixed-use density through FAR.

5. Parking

Parking policy is an often-overlooked linchpin of viable, active mixed-use development. Burdensome parking minimums can contradict the goal of creating active, pedestrian-oriented development while making development restrictively expensive by diverting valuable developable land to low-value parking. Additionally, parking location can mean the difference between pedestrian-oriented mixed-use and car-oriented development.

Many communities across the United States are eliminating parking minimums for new development. By reducing the amount of space dedicated to parking, developers are encouraged to build more densely and incorporate a mix of uses that can support each other, creating a more vibrant and walkable community. In partnership with local governments or, if necessary, at a regional scale, elimination of parking minimums for mixed-use development should be considered. Eliminating parking minimums for mixed-use development will support the goal of encouraging active transportation and streetscapes and reduce development costs, thereby increasing affordability. Many jurisdictions have found that developers will still build the parking necessary to meet the demands of their project without minimum parking standards.¹² Additionally, shared parking agreements and the alternative transportation options afforded by mixed-use development can reduce the overall demand for parking.

⁹ BAE Urban Economics. "Regional Workforce Housing Needs Assessment." August, 2016.

<http://ttcf.net/wp-content/uploads/2020/04/FINAL-RHS-Executive-Summary.pdf>

¹⁰ City of Santa Monica, CA Municipal Code. Sec. 9.64.050.

https://library.qcode.us/lib/santa_monica_ca/pub/municipal_code/item/article_9-division_6

¹¹ Placer County. "Affordable Housing and Employee Accommodation Ordinance and Fee." July 1, 2022.

<https://www.placer.ca.gov/6954/Affordable-Employee-Housing-Ordinance-Fee>

¹² Gould, C. "Parking reform Legalized Most of the New Homes in Buffalo and Seattle." *Sightline*. April 13, 2023. https://www.sightline.org/2023/04/13/parking-reform-legalized-most-of-the-new-homes-in-buffalo-and-seattle/?utm_source=Sightline+Newsletters+II&utm_campaign=1c4fe9e45c-

6. Design Standards

While detailed design standards should be left to local jurisdictions, staff research has found that certain key standards are crucial for ensuring viable, pedestrian-oriented mixed-use development consistent with local urban design. TRPA should consider setting minimum design standards for mixed-use development, allowing local jurisdictions to adopt alternative standards if they choose. Standards could include:

- Development must be designed in the mountain modern or old Tahoe architectural styles.
- Blank visible exterior walls must be detailed with murals or other approved detail.
- The ground floor must have a minimum ceiling height of 15 ft.
- A minimum of 70 percent of the façade fronting a commercial street must be transparent.
- Sidewalks along a commercial street must be a minimum width of 10 ft.

RECOMMENDATION:

It is important that TRPA consider all factors that contribute to appropriate mixed-use development, however, some requirements may be more appropriately addressed in local area plans. To reflect the best practices described above, it is recommended that TRPA consider regional standards including the proportion of residential and non-residential uses, permitted uses, mix of affordable and market-rate units, density, parking, and some minimum design requirements. Local jurisdictions may choose to adopt their own more detailed standards or alternate standards through the area planning process. This approach will ensure that mixed-use development meets minimum standards to activate town centers while allowing local jurisdictions autonomy to establish standards that match the character of their communities if they choose.

Staff recommends that TRPA consider developing regional standards for mixed-use development including the following components:

- Scaled FAR that increases with the inclusion of additional deed-restricted affordable housing units or other community benefits. TRPA should consider applying a similar scaled FAR system to encourage a greater mix of affordable housing in residential-only development using a base and maximum FAR.
- Ground floor street frontage designed for pedestrian-oriented, non-residential uses. This should include specific minimum standards for the depth of street frontage and proportion of ground floor area dedicated to non-residential uses.
- Broadly defined non-residential uses appropriate for mixed-use development that are pedestrian-oriented including, but not limited to, retail, restaurant, personal services, and office uses.
- Require a minimum proportion (8.5-25%) of owner-occupied units to be deed-restricted affordable and establish deed-restriction requirements that recognize the equal need for units above and below 80% AMI.
- Exempt mixed-use development from parking minimums.
- Establish minimum design standards detailed above.

Contact Information:

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