

From: [Diane Heirshberg](#)
To: [Marja Ambler](#)
Subject: Re: Opposition to 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, Item V.A. March 8, 2023 APC Meeting
Date: Monday, March 6, 2023 9:27:01 PM

Dear Marja,

Please convey this opposition to the members of the APC and please make this part of the public record.

Thank you,

Diane Becker

Re: Opposition to 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, Item V.A. March 8, 2023 APC Meeting

Dear Members of TRPA's Advisory Planning Commission, Regional Planning Commission and Governing Board,

I oppose the proposed amendments to Washoe County's Tahoe Area Plan to allow single family condominium uses in Special Area 1. TRPA should not look at the proposed Amendment to the Washoe County Tahoe Area Plan as a question of whether to allow formerly commercially zoned property to be developed into mixed use projects consisting of commercial and luxury single family condominiums, instead of the current zoning of mixed commercial and multi-use units that are work force housing, on the basis of whether the change will result in different development standards or different environmental impacts. That is not the issue. The issue is what is best for the Incline Village Crystal Bay community that is in desperate need of workforce housing, and that should be the focus of APC in considering this proposed Amendments. In 2020 when the Tahoe Area Plan allowed for increased height, density and concentration, and reduced coverage requirements in the Town centers to encourage re-development of properties into workforce housing, those changes were accepted by the community. Now those changes are just allowing higher, more dense luxury condominiums, with less coverage requirements, to be built by developers. The intent was to cause workforce housing to be built. Now that will not occur in Special Area 1.

Currently the zoning of Special District 1 does not allow luxury single family condominiums to be built in Special Area 1 and it is in an area zoned for mixed use commercial and work force housing. Before you vote to approve the proposed Amendment, please be clear on what is at issue here. In the long run, Lake Tahoe needs workforce housing or the area is not sustainable as a place for people to live or for tourism. Over ½ of the residences in Incline Village Crystal Bay are already condominiums, mostly luxury, and while that is not to say that we could not benefit from more housing, Incline Village Crystal Bay desperately needs workforce housing.

In 1964 the California Law Review recognized that TRPA would be pressured by the politicians looking for increased tax bases and by the developers looking for greater profits, when it explained at page 571:

“It should be readily apparent that the Lake Tahoe basin does not fit into any one of these counties as part of a cohesive unit. A potential danger is that politicians somewhat removed from Tahoe may be tempted to capitalize on Tahoe's tax base. One of the greatest weaknesses of present county zoning in the basin is its underlying aim-to regulate so long as nothing is done to stop tourists from coming to Tahoe. Increased

development leads to increased business and the county treasuries are filled. While this type of planning may be better than none at all, it falls far short of what is needed to preserve the magnificent natural asset that is Lake Tahoe.”

TRPA needs to consider

What is the problem that needs to be solved: Incline Village Crystal Bay needs workforce housing.

What are the possible solutions? Surely one of the solutions is not to remove the limitation that Special District 1 be only workforce housing. Or at least please get a list of possible solutions for this problem before you lift the limitation.

What are the tradeoffs?

What are the best solutions?

The staff report ignores the vocal expressions of the needs and wants of the Incline Village Crystal Bay community entirely. The change benefits developers and local governments which will receive increased revenues from the change. TRPA has one of its goals to increase workforce housing. I respectfully urge that that should at least be the focus of some analysis by Staff.

Thank you in advance for your consideration of this public comment.

Very truly yours,

Diane Becker

Full Time Incline Village Crystal Bay Resident

March 7, 2023

To: TRPA Advisory Planning Commission

Re: Written Public Comment – TRPA APC Meeting 3-8-23 - **Opposition** to Agenda Item V. A. Possible recommendation on proposed amendments Discussion to Washoe County's Tahoe Area Plan to allow single Possible Action family condominium uses in Special Area 1 of the Incline Village Commercial Regulatory Zone

Dear TRPA APC Chair and Members,

Please make this public comment part of the record and minutes in connection with Agenda Item V.A of your 3-8-23 meeting.

As a resident of Incline Village, NV, I am opposed to the adoption of Agenda Item V.A. as written.

Living just down the street from the "F" traffic rated intersection of Southwood and Hwy 28, as well as the proposed 947 project, I am generally opposed due to the height, scale, and public safety issues as well as additional issues discussed below.

However, I would encourage the APC to delay ruling on this item and encourage Washoe County and the developer of the original 2 parcels (941-947 Tahoe), to work out a process to address more narrowly only the original 2 parcels that started this quagmire in the first place, i.e., Assessor's Parcel Numbers (APN) 132-231-09 and -10.

From the outside looking in, it appears that there seemed to be some sort of misstep connected with the original multi-Family project definition, which has led to a highly controversial and far-reaching Special Area 1 amendment, **which now extends well beyond the original 2 parcels, thereby impacting over 35 parcels** within Special Area 1. It is poor public policy and further erodes public trust to allow 35+ parcels to be affected, because 1 developer or the County somehow procedurally erred.

I am sure if the County and the developer came to an understanding regarding mitigation of the "F" rated intersection as well as modifying the mere 925 sq feet of office space, (obviously in order to be able to minimally claim "mixed commercial"), and took a step further to create deed restrictions to prevent STR's, the TRPA and the County could find a way to negotiate this issue forward, leaving the balance of Special Area 1 and the Area Plan intent and goals in place.

However, the County needs to close the loophole of allowing only 925 feet of office space to meet the definition of "mixed commercial", and the County needs to restrict STR's within future affected projects.

This proposed Area Plan amendment establishes a barrier throughout all of Incline Village Special Area 1, thereby **preventing opportunities** for the construction of long-term rental properties that could assist in alleviating the workforce housing crisis.

In June 2022, TRPA issued a development permit for a mixed-use (multi-family and commercial) development at 941 and 947 Tahoe Boulevard (APN 132-231-09 and 132-231-10) in **Special Area 1** of the Incline Village Commercial Zone.

The permitted project included 40 multi-family units (originally placed in the Washoe Tahoe Area Plan to help provide rental units to help ease the Workforce Housing issue) and **925 square feet of commercial space**, all in compliance with the TAP implementing regulations.

Following permit approval, the developer requested the conversion of the multi-family rental units into owner-occupied condominiums. This request could not be granted because single-family condominium (residential) uses are not permitted in Special Area 1.

So, currently, an original developer request to build multi-family rentals limited to **two parcels (941 and 947 Tahoe Blvd)**, in compliance with current the Tahoe Area Plan, has now disproportionately ballooned into a precedent setting Washoe County proposed amendment and process, which not only will allow a change of use to build single family condominiums (residential) **on the original 2 parcels** in question, but also arbitrarily and capriciously **extends this change in use to up to 35+ parcels throughout the entire** Special Area 1 of the Incline Village Commercial Zone.

This developer driven code change, in essence, seals any likelihood whatsoever that multi-family dwelling rentals will ever be built on any of the **additional 35+ parcels** in Incline Village Special Area 1. Basically, any incentive to build cost achievable rental units, which could support workforce housing, will be eliminated throughout the entire Special Area 1.

This proposed far reaching change is a gift to developers, since they will surely opt to build four story residential condominiums up and down Hwy 28 in the middle of Incline Village, with a minimal amount of commercial space, wiping out many restaurants and shops along highway 28, and increasing the likelihood of **exploding Short Term Rental opportunities in Incline Village**. This, further ensuring that any hope of assisting with alleviating the workforce housing crisis in any way is wiped out.

Sincerely,
Doug Flaherty
Incline Village, NV