

EXHIBIT B

MITIGATION MEASURES TO ORDINANCE 2023-05

The following mitigation measures shall apply to TRPA subdivision approval of a mixed-use structure or structures in Special Area-1 of the Incline Village Commercial Regulatory Zone:

1. Structure(s) shall be designed to accommodate pedestrian-oriented non-residential uses on the ground floor street frontage at a minimum average depth of 40 feet, but in no case less than 25 feet, for a minimum of 60 percent of the ground floor frontage. Adjustment to the location of pedestrian frontage can be approved administratively if site conditions (e.g., slope, lack of right-of-way, etc.) prevent placing it on the street. The mixed-use structure(s) shall have a maximum floor area ratio (FAR) 1.3 not subject to density limits. Unoccupied areas such as basements, parking garages, stairs, and elevator shafts shall be excluded from the FAR calculation.
2. Permissible pedestrian-oriented non-residential uses include, but are not limited to, retail, restaurant, personal services, office, and entertainment uses. Lobbies, gymnasiums and, only until all units are initially sold, project offices may be included if they are open to the public.
3. Structure(s) shall include deed-restricted residential units. Deed-restricted units shall be substantially similar to the project's market rate mix of units, size, and design of units. However, two or more affordable deed-restricted studio units may be substituted for any required larger deed-restricted unit if the combined square footage is similar. In addition to the above stated requirements, deed-restrictions shall meet one of the following alternatives:
 - a. No less than 10 percent of residential units or at least one unit, whichever is greater, shall be deed-restricted affordable or a mix of affordable and moderate-income housing. Where there is an even number of deed-restricted units, affordable and moderate-income housing may be deed-restricted on a 1:1 basis. Where there is an odd number of deed-restricted units, the majority shall be deed-restricted affordable. Deed-restricted units may be built on site or elsewhere within Special Area-1. Deed-restricted units must be built before or concurrently with market rate units.
 - b. No less than 10 percent of residential units or at least one unit, whichever is greater, shall be deed-restricted achievable units. Deed-restricted units must be built concurrently on site. An offsite parcel in Special Area 1 with an equal or greater unit capacity, less any mixed-use space on the first floor, as the project site must be deed-restricted affordable. After building the full unit capacity of affordable housing units on the offsite parcel pursuant to this subsection, TRPA shall, upon the developer's request, release the achievable units from the deed restriction.
4. No TRPA minimum parking requirement. Parking and vehicle access shall be designed to limit conflict with pedestrian circulation along the ground floor frontage.
5. No more than 20 linear feet of the street-fronting façade may be blank or featureless.
6. The ground floor and street frontage shall be designed to promote pedestrian accessibility such as transparent façade, ground floor ceiling height no less than 10 feet, pedestrian-oriented street-facing entry, sidewalks, and other pedestrian improvements.

These requirements shall apply until TRPA adopts an amendment to the Code of Ordinances defining and setting minimum standards for mixed-use development at which time the Code shall apply, and requirements 1, 2, 5, and 6 shall be automatically repealed. Subdivision of structures receiving a mixed-use permit from TRPA on or before June 30, 2023 within Special Area 1, are not required to comply with items 1, 2, 5, and 6, above.