

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

GoToWebinar

October 28, 2020

Meeting Minutes

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Yeates called the meeting to order at 9:45 a.m.

Members present: Ms. Aldean, Mr. Beyer, Ms. Berkbigler, Mr. Bruce, Mr. Cashman, Mr. Anderson for Mrs. Cegavske, Ms. Faustinos, Ms. Gustafson, Mr. Hicks, Mr. Lawrence, Ms. Novasel, Mr. Rice, Mr. Yeates

Members absent: Ms. Laine

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF AGENDA

Mr. Yeates deemed the agenda approved as posted.

IV. APPROVAL OF MINUTES

Ms. Aldean made a motion to approve the September 30, 2020 minutes as presented.
Motion carried.

V. TRPA CONSENT CALENDAR

1. September Financials
2. Release of Placer County Operations and Maintenance (O&M) Mitigation Funds (\$20,000) for maintenance of west shore stormwater treatment facilities

Ms. Aldean said the Operations and Governance Committee recommended approval of items one and two.

Public Comments & Questions

None.

Ms. Aldean moved approval of the consent calendar.

Ayes: Ms. Aldean, Mr. Beyer, Ms. Berkbigler, Mr. Bruce, Mr. Cashman, Mr. Anderson for Mrs. Cegavske, Ms. Faustinos, Ms. Gustafson, Mr. Lawrence, Ms. Novasel, Mr. Rice, Mr. Yeates

Absent: Ms. Laine

Motion carried.

VI. ADMINISTRATIVE MATTERS

A. Resolution recognizing former Governing Board member Larry Sevison, Placer County Representative

Mr. Yeates read the resolution into the record.

Ms. Marchetta said on behalf of TRPA staff, we respect and appreciate Mr. Sevison for those many years of service and is standing proof that there are people that get better with age! Larry has one of the longest tenures with TRPA's Governing Board and no one has the breadth of experience in the range of issues and there's no other that has been involved in so many of TRPA's important policy decisions for Lake Tahoe. That institutional history of process and issues and how we got things done and why, was beyond valuable. He's set so many unreachable records for us. Larry may have been the only board member who was on the board for most if not all of the seven attempts to approve a shoreline program. He was also involved in the Regional Plan Update in the 1980s and then again in 2012. What we loved best was his kind heart and sense of humor and constant unending support for staff.

Board Comments & Questions

Ms. Aldean said someday when we return to having in person meetings, she'll miss having lunch together and all the interesting conversations over the last 17 years. Although, he's a California resident, she always thought of him as a Nevadan in spirit. His good humor and friendliness have made him an important ambassador of goodwill for TRPA.

Mr. Beyer said congratulations on a quarter century of serving the Lake Tahoe Basin. When he came onto the Governing Board over 11 years ago, Mr. Sevison was one of the first persons that introduced him to his colleagues. Over the years, they've enjoyed great comradery and personal relationships. He was honored when Larry was the board member who introduced him to become the chair of the board several years ago. It's with gratitude that he accepted that nomination. Larry's tenure on the board and common sense attitude was a breath of fresh air during the times of difficult challenges. Congratulations and we look forward to seeing you again soon.

Mr. Lawrence said his first experience with Mr. Sevison was when he was on TRPA staff making a presentation to the board in the 1990s. Being new to his planning career, presenting to the board was very intimidating but Larry was very professional and the way he treated staff and how he treated issues with a pragmatic view was comforting. Then years later, he's had the pleasure of serving with him on the Governing Board. It's been a pleasure to work with him.

Mr. Bruce said he echoed a lot of the items in the resolution that shapes the person that he is with respect to Lake Tahoe. What he admired the most was that he was heart felt in everything that he did. That was especially true with respect to staff who we all know work so hard and diligently and are hopeful that they'll make a difference to this Lake. When he would present especially with respect to staff related matters, he wore his heart on his sleeve and taught everyone compassion and how to care about people who care the most. For that he's very grateful and has learned a tremendous amount and thank you.

GOVERNING BOARD

October 28, 2020

Ms. Novasel said Mr. Sevison was an awesome mentor to her on both the TRPA and the California Tahoe Conservancy Board's. He was the first phone call she would make when she needed help, he was an institution whenever board members needed that history and background.

Mr. Yeates said when he first joined the TRPA Governing Board, one of the first things he was part of was a tour of projects on the north shore. Mr. Sevison led them on a walk through Commons Beach and you got a sense of his love for the area. The difficult issues of dealing with trails and private property rights, Larry was determined to work on these types of issues. While he was learning the myriad of acronyms, Larry really personalized Lake Tahoe for him. He feels privileged to have served with him.

Ms. Gustafson said yesterday, Placer County recognized Mr. Sevison for his service by naming the new Dollar Hill Trail, the Sevison Trail. They'll be installing a plaque there in the Spring of 2021. It's in commemoration of decades and decades of phenomenal public service to the County and overall community. It's a legacy very few of us could ever achieve in our lifetimes. Public service has a profound impact on family members and many sacrifices are made. His wife Patsy and family have always shared him with all of us for all those early morning or late night calls. He's her mentor and seen as a leader in their community. He built bridges among us and mended fences between factions and supported those trails even in the most contentious places. He found common ground and a dose of humor to bring us all together. He set an example for her and she is honored to sit in his seat and fulfill the duties in a way that honors his legacy.

For his decades of dedication to protecting this special place and serving the people who live, work, and recreate here, TRPA and some of his colleagues are pleased to present him with a limited edition print that includes two of the first two hundred Tahoe Coins minted in honor of TRPA's 50th anniversary. This is honoring 50 years of TRPA and Mr. Sevison's legacy and contributions to this incredible place.

Public Comments & Questions

Steve Teshara thanked Mr. Sevison for his many years of service. Mr. Teshara worked on one of Larry's board campaigns in the early 1980s. Mr. Teshara was there in 1982 when Larry was on the board who then adopted the environmental thresholds. He served on TRPA's board, the California Tahoe Conservancy Board, Placer County Board of Supervisors, the Placer County Planning Commission, and as a long time north shore resident, he was a mentor to him as well. He thanked Patsy and his family, he knows what it's like to have a strong partner in life and career and appreciated them both.

Mr. Marshall thanked Mr. Sevison for all of his years of service. Sometimes people can get a little jaded and forget the overall mission and appreciated all the times he brought us back to the reason why we're trying to resolve conflicts to move the ball forward for the protection of Lake Tahoe. Thank you for conveying your love of Lake Tahoe to all you've come in contact with.

Ms. Regan echoed all the comments. She said keep laughing and thanked him for making us laugh and having humor during these difficult challenges that we've all worked on together for so many decades. Thank you for your commitment to the TRPA staff. It's meant the world to have his support and love.

Ms. Aldean moved to approve the Resolution recognizing Governing Board member Larry Sevison of Placer County.

Motion carried.

Mr. Sevison thanked Mr. Yeates for his leadership and appreciated the recognition.

VII. PLANNING MATTERS

A. Presentation on the Main Street Management Plan: US 50 South Shore Community Revitalization Project Permit Condition

TRPA team members Mr. Hester, Ms. Bettinger, and Mr. Hasty of the Transportation District provided the presentation.

Mr. Hester said the condition that led to this was placed on the permit that the TRPA Governing Board issued to the US 50 South Shore Community Revitalization project in November 2018. When the project was approved there were a lot of benefits to it that were part of the Environmental Impact Statement and project application. One of the important items was that the board wanted to ensure that what would be the future former US Highway 50 would become a very special place in the revitalization of the South Shore. The board put a condition into that project approval that the Main Street detailed plan would have to be approved by the Governing Board. There are other conditions such as housing, which is currently being pursued, the Rocky Point neighborhood amenities, and the highway realignment. Those items are moving forward separate from the Main Street Management Plan. That plan was a project that was done by both TRPA and the Tahoe Transportation District.

The area covered by the Mainstreet Management Plan goes from Lake Parkway in Nevada to Pioneer Trail on the California side. The areas covered in this plan are the Street design, Wayfinding, Performance Measures, and Transit. The parking management and the maintenance and operations will not go before the board when the Main Street Management Plan goes for approval in November. The parking management is going to take a lot more time and detailed work and when it's more clear on what will happen with the Main Street. The operations and maintenance cannot be worked out until its clear on what the detailed design will be. Those two pieces will go to the board later from the Tahoe Transportation District. Staff's recommendation in November will be that the board accept the Main Street Management Plan as a partial satisfaction of the condition.

In November 2018, the board approved the permit for the US 50 South Shore Community Revitalization project with the provision that the Main Street Management Plan be done. The TRPA and the Tahoe Transportation District board approved a work plan that was prepared jointly with the TTD for doing this plan. There's been a series of stakeholder meetings with the stakeholder working group consisting of former board member Clem Shute, current board member Mark Bruce, Chair and have representatives from the local governments and residents of the Rocky Point neighborhood.

After November, the next steps are for the Tahoe Transportation District to complete the ownership and operations and management part of the Main Street and Parking Management Plan. In the meantime, the housing project on Ski Run Boulevard will be completed, the Rocky Point neighborhood amenities will also be completed and begin implementation. All of that has to be in place and be part of the project when the highway realignment starts.

Ms. Bettinger said when work on the plan started in January 2019, they knew that they wanted this area to be a community hub and in order to do that, they needed an extensive public outreach strategy. In addition to the six stakeholder working group meetings that were pretty well attended by the public they

held a variety of public open houses as well as informational briefings to partners, one on one meetings, and other outreach events throughout the process.

The four overarching goals that were used throughout the process were economics, environment, community, and transportation. Whatever design or policy decisions needed to be in line with the goals that were developed with the stakeholders and the public. This helped develop a vision for streets that connects people to the destinations in the Stateline area and beyond. The design of the street helps facilitate connections to the surrounding recreation hot spots. With the proposed plan they needed to ensure that whatever they were proposing both facilitated those connections and were linking into future and proposed plans for the surrounding area.

In the summer of 2020, they came up with a preferred alternative for the street through the stakeholder engagement process. In order to categorize and come up with a design for the street they split the corridor into three key zones; the gateway zone that's the entrance to the corridor, the middle is the village core, and then the casino core area. This helped the working group look at the opportunities and constraints of each area. Because there's no longer a highway running through this hub there's a lot that can be done with the added space that was previously devoted to cars. Through this process, they aimed to design a community based multi-modal street that prioritized pedestrians, cyclists, transit, vehicles, and activation. The document is organized by these uses.

Pedestrians: Existing pedestrian conditions has stark differences between the two states in the corridor. The Heavenly Village has been a template for a successful pedestrian realm in this corridor but once you cross over to the Nevada side, the buildings are close to the street right-of-way and not as much pedestrian space for sidewalks and buffering for landscapes. Throughout the street, there's quite a few large ingress and egress points and can create dangerous conditions for pedestrians and bikes crossing these large driveways. Many of these buildings along this corridor are oriented to keep the people within the corridor and don't facilitate those connections to the surrounding areas. This is also due to a lack of consistent wayfinding. The proposed plan includes a minimum of eight feet of sidewalks throughout the corridor. Areas would be wider where there was more space to work with. They've also proposed extending the main street design with sidewalks and landscaping to the surrounding streets; Stateline Avenue, Park Avenue, Heavenly Village Way, and Transit Way. The idea is to naturally move people to the surrounding areas so it's not just the main street as the focus but rather the entire corridor. The proposal also includes four new crosswalks with pavement variation and would result in about a 35 percent reduction in the distance between crossings. Lastly, the plan proposes a shared-use path on the lakeside that would connect into the existing shared-use path that ends at Pioneer Trail and connect into the planned shared-use path beginning around Kahle Drive on the Nevada side.

Bicycles: There are not any dedicated facilities throughout this entire corridor. Comments heard were that cyclists often avoid this area and if they do travel the area, they often take up an entire lane. In the gateway zone there is a wide sidewalk that is one of the more heavily used in the Basin. On the other side of the street in this area the condition is not in line with what they want for cyclists. In order to provide connections to the existing and proposed network on either end of main street, the plan proposes dedicated bike lanes on both sides of the street.

Vehicles: While the main street design is focused on alternative modes of transportation, they still needed to understand how vehicles will be arriving and circulating to destinations throughout the core. Today, the highway is designed very much for cars. During peak times, they see heavy pedestrian activity with events, vehicles turning into driveways, and all of this causes congestion. The goal of vehicle section

was to maintain access but not jeopardize the safety for those non-auto modes or the character of the street. There continues to be vehicle access throughout the street with two travel lanes in each direction and center turn lane access where necessary to those primary and secondary designations. They've narrowed the driveway widths wherever possible and relocated departures away from main street. The entrance to many of these destinations would be from main street but exit traffic would be pushed to what will be Highway 50 or Lake Parkway. In designing for the future, they've designated areas for Uber and Lyft drop off locations on both sides of the street.

Transit: Currently transit is a challenge within the corridor. Some of the seating options at the transit stops blend in and are hard to find if you're not familiar with Tahoe or the transit system. Additionally, the snow in the winter can be an impediment because they don't provide much shelter for transit users. The proposed plan includes infrastructure improvement for transit with six transit stops total through the corridor. Each would have a shelter and a dedicated bus pullout. The transit network in general will remain functioning similar to today with a transit center remaining in its current location. With the redesign of main street and the Highway 50 project there will be more pedestrian traffic that will flow through Transit Way especially with that pedestrian bridge that connects to Van Sickle Bi-State Park. The hope is that this encourages more traffic and transit usage from the transit station.

Activation: Is defined as outdoor dining, retail, event space, street vendors, and anything that creates a gathering space for pedestrians and brings people to the corridor. At the start of the process they met with the stakeholder working groups and discussed the idea of completely closing the street and make it a pedestrian mall. While the stakeholder working group wasn't quite ready to go there but wanted to build in the flexibility to the design that they could close down the streets either partially for a full closure for events. They went through a variety of these different event closure scenarios to ensure that there was still access to the businesses during closures. They saw this summer that it's more important to have flexible outdoor space with the heightened value on the public realm during the pandemic.

Wayfinding: It's important to provide infrastructure for each of the uses discussed above. If there isn't a navigation and wayfinding system that seamlessly connects people to their destinations, then the network isn't complete. The plan includes a wayfinding chapter that provides recommendations to get people where they need to go. In order for the wayfinding system to work it needs to be extendable and connect in with the greater south shore and region wide wayfinding system. It needs to be multi-modal and target pedestrians and people traveling in cars. It also needs to be multi-channel with physical signage and how to provide information with software apps. Lastly, it needs to be seasonal and equally as effective in the summer and winter.

Over the next couple of months, they're planning to do some partner board presentations and additional stakeholder engagement. The final plan should be available the week of November 9. Staff is planning to come back to the board on November 18 for partial approval.

This plan doesn't include the Parking Management Plan or the Ownership, Operations, and Management component. Those will be completed in the next phase.

Mr. Hasty said there are four components to the project. We're discussing the Main Street element today, then there's the Rocky Point neighborhood amenities element, the housing replacement element which they are working with a private developer in the City of South Lake Tahoe and have a draft project agreement, and lastly is the fourth element of the new highway alignment.

He appreciated everyone's effort for this Main Street element. It makes a fantastic visual and a good refinement to what was in the environmental analysis and proposed project. Now that we have this, it means moving into the next level of design and is the devil's in the detail's component. It's critical for the two components of the parking management and operations agreement. Both then shift to this operations discussion and is not something that the TRPA board may be involved in that much, but it is for any type of corridor work that's being done and is the key to success to any design. That takes time and greater detail and moving past the concept to what they'll be heading towards which is the 60 percent design level. That generates the kind of details and discussion that is necessary to arrive at both sets of agreements, meaning the parking agreement that has a number of stakeholders involved from the California and Nevada side. The summary of the recommendations for the plan itself should be in the staff packet.

The stakeholders will take those recommendations and discuss the agreements and probably through some facilitation process, arrive at how parking will work since they're looking to optimize existing parking within the corridor so they can then do successful wayfinding. There are various time frames for that; what could we do now, or as a result of arriving at agreement before the project is constructed, what are those potentials, then when the project is constructed as illustrated in the Main Street Plan both in terms of not being closed for any kind of events, how will that work, as well as how will it work for being closed for any type of events if that street segment is closed.

There are other issues related to that such as security. Those again, are a lot of operational details that the parties who are involved will need to think about, discuss, and arrive at that understanding. It will both influence the final design and operational agreements that are necessary.

Similarly, for the new operations and maintenance of the new facilities on the local streets, how that will be addressed. They've had discussions with the two jurisdictions and have a lot of options. Deep design helps drive again that deeper understanding and, therefore, that discussion about how maintenance and operations will go. These efforts take some time but are well worth it. They have experience doing this on the State Route 28 corridor. As you shift from constructing a project into the operations of a project and that kind of partnership and understanding, is worth thinking about and projecting to because it helps one understand the cost, manpower, etc.

Presentation can be found at:

[Agenda-Item-No.-VII.A-Main-Street-Management-Plan.pdf](#)

Board Comments & Questions

Mr. Yeates said this is a valuable project that will change that entire area. He appreciated everyone's creativity and enthusiasm and it's amazing what everyone's been able to do. All of this is reflected in the presentation today.

Ms. Aldean said Mr. Hasty didn't go into detail in his presentation today about some of the technology that might be used in connection with the parking management plan. She recently read an article about license plate recognition and the metadata that is used to learn about specific people especially as more data is gathered. It's her understanding that there's no oversight over these companies and how they set privacy and retention policies. People are becoming increasingly concerned about even the cameras that are mounted on stop light cross arms for traffic control. She would hope that there's some sensitivity for people's concerns about having their privacy violated beyond what it already is.

Mr. Hasty said the technology is definitely here and part of the management tool. But those kinds of decisions and protection of that information in how useful it is versus where you cross the line is a discussion for any public body to be using that kind of information.

Ms. Aldean said she's assuming that at some point during these conversations that the concerns raised by people about this particular technology will be addressed.

Mr. Hasty said yes, it will need to be. It also has an important role from the security aspect especially for things like events. There's a lot to consider and is a whole other realm in itself and is part of an operations discussion. Similarly, with some of those operation agreements is an area for that type of articulation and discussion on how, why, and what for?

Ms. Faustinos asked how they obtained input from the visitors for the development of the plan.

Ms. Bettinger said a survey was done where some responses received were from visitors. They also did public workshops that were attended by non-fulltime residents. They also included in the stakeholder group representatives from the visitors authority that brought the prospective of people that don't live here.

Mr. Bruce said Mr. Hester and Ms. Bettinger have done a remarkable job along with the help of Mr. Hasty and the consultants. The input from the community has been fantastic. They received a lot of questions to solve, there were some issues and feels that they've addressed a lot of that with still a few pieces outstanding, but in play. The process has been overall successful and thanked everyone who was involved.

Mr. Hester said they received a lot of help from others. One was the walking tour of Carson City's project and since then had another tour of the Carson City redevelopment that the Tahoe Chamber, Carson City staff, and board member Ms. Aldean helped set that up. The Sparks and Reno city staff spent a day touring a group around their areas. Sparks staff held a workshop for them and introduced them to some of the organizations that were on the business improvement district organizations. Mr. Bruce through Mr. Hicks got them connected to the ever changing owners and general managers of the casinos. During this process, the ownership of all but one casino in the core changed and they did a good job of trying to keep us connected to them. We couldn't have done this without a lot of help from many people.

Public Comments & Questions

None.

VIII. PUBLIC HEARINGS

- A. Tourist Core Area Plan amendments in the City of South Lake Tahoe: Amend the TCAP Tourist Center Gateway Zoning District/Town Center to add approximately 18 acres, or 49 parcels, currently located within the Bijou-Al Tahoe Community Plan and Town Center

Mr. Yeates asked presenters to address the comments that were received from the Tahoe Lakefront Owners' Association about the removing the language in the recreation policy. This was not raised at the Regional Plan Implementation Committee.

TRPA team member Ms. Self and Ms. Stowell with the City of South Lake Tahoe provided the presentation.

Ms. Self said these amendments were initiated in 2018 by the Beach Retreat and the Lakeshore Lodge and the City of South Lake Tahoe is serving as the lead agency. The amendments have gone through the Advisory Planning Commission and the Regional Plan Implementation Committee in September and October and have been approved at the city level as well.

The board members received comment letters by property owners Adam and Kim DeYoung and Jan Brisco representing Tahoe Lakefront Owners Association. This was in regard to a California Tahoe Conservancy public access project. There's a policy added to this amendment package that recognizes that project. The commenters raise a dispute over a long standing land swap agreement between the California Tahoe Conservancy that would provide public access to the Lake. This agreement originated at the time Sierra Shores was developed and originally approved in 2004. It's our understanding that the dispute is currently being worked through the California Tahoe Conservancy and property owners, but TRPA will continue to address what those comments are and are happy to answer any questions about it.

The City and TRPA originally approved the Tourist Core Area Plan in 2013 that includes primarily tourist, commercial, and retail uses. It extends from the Stateline casino core along US Highway 50 to the Bijou Golf Course and also extends along Ski Run Boulevard. The area subject of today's discussion is located just west of the area plans tourist center gateway district; lakeward of US Highway 50 and north of Safeway. The area is now within the Bijou/Al Tahoe Community Plan which was adopted in 1993 and is within an existing town center. There are no proposed changes to the town center boundary as part of this amendment package.

The existing development within this area includes tourist, commercial, and retail uses with a few single-family homes that are located along the lakeshore. This area includes Connelley and Timber Cove. There have been several notable public investment projects within this area such as the Bijou Area-wide erosion control project done in 2014, the El Dorado Beach to Ski Run multi-use trail that was a Best in Basin nomination in 2018, and an extensive lakefront project by the California Tahoe Conservancy at the old Alta Mira site.

This amendment package was intended encourage the future private investment. It was initiated by the owners of the Beach Retreat and Lakeshore Lodge. In order to encourage this private investment, it's making sure that all the incentives for town center redevelopment available through the 2012 Regional Plan are available for this area. This is part of an older community plan and those incentives were not available at that time. According to the applicant, these incentives such as allowable height increase for example are the key to making sure that future projects can be financially feasible. The Beach Retreat and several other property owners within the amendment area have been considering redevelopment opportunities but there has not been any project application submitted at this time. The proposals today are for the amendments for the area plan.

The summary of amendments is to first extend the Tourist Core Area Plan Gateway Zoning District westward to include 49 parcels, 18 acres. It would amend the permissible uses for the tourist core to ensure that the uses that were permissible in the older community plan are still carried forward for this area. It would also increase the maximum height in the amendment area from 42 to 56 feet (3 to 4

stories) to align with TRPA's maximum height for town centers. Also included are a few general administrative revisions.

Ms. Stowell said the properties affected are shown in slides 2 and 3. This area begins just west of Lakeland Village starting with Lakeshore Lodge including Heidi's, Hotel Elevation, the Bijou Center including CVS, the Tahoe Wellness Center, some existing multi-family, commercial properties at the back of the Bijou Center, and existing single-family properties along Bal Bijou and then to the west with the Beach Retreat. This amendment was submitted by the owners of the Beach Retreat and Lakeshore Lodge.

The proposed amendment would allow an increase of density to go from 15 to 25 dwelling units per acre consistent with the other zoning districts in the Tourist Core Area Plan. This would create a special area number one within the gateway zoning district. One is to expand the gateway zoning district with the Tourist Core Area Plan but also to create a special area with different caveats. All tourist uses would be allowed a maximum of 40 units per acre in the special area one. Mixed-use density unlike the other zoning districts within the Tourist Core Area Plan, the mixed use density would be a maximum of 40 units per acre in this gateway zoning district special area one. The maximum mixed-use density would not be permitted to go up to the 65 units per acre, including 40 tourists and 25 multi-family.

This area would allow non-single-family properties to go up to 56 feet in height (4 stories). This is consistent with the allowable maximum height in the town centers of the tourist core and other area plans. The City didn't want to create non-conforming uses so all the allowed uses that are currently in the existing Bijou/Al Tahoe Community Plan District one would be carried over into this Tourist Core Area Plan gateway zoning district special area number one. The only uses not being carried over would be collection stations and local post offices. In addition, the amendment would ensure that allowable shorezone uses would be added to the Tourist Core Area Plan which were the previous uses that were in the Stateline/Ski Run Community Plan.

All Tourist Core Area Plan Zoning District Community Noise Equivalent Level (CNEL) standards would be lowered from 65 to 60, except for areas adjacent to US Highway 50. This aligns CNEL standards to TRPA Regional Plan Threshold Standards.

The Tourist Core Area Plan for the Beach Retreat and the Lakeshore Lodge would add a new implementation strategy under the recreation chapter of the Tourist Core Area Plan. This is to support the California Tahoe Conservancy in its efforts to implement the Connelley Beach public access project located west of the Beach Retreat parcel to provide a second access to Connelley Beach in addition to Timber Cove. This policy is not only to support the development of that public access project but also to point out that the public access project requires the cooperation of the Beach Retreat. The California Tahoe Conservancy has been working with the owners of the Beach Retreat because the public access project for the chimney parcel requires agreement with the Beach Retreat as well to make that public access work.

This is a joint environmental document done between TRPA and the City of South Lake Tahoe. It's a Draft Initial Study/Negative Declaration and Initial Environmental Checklist/FONSE. It was sent along with a notice of completion to the California State Clearing House for distribution to state and regional agencies for review. The comment period closed on July 6, 2020 with no comments received. The City of South Lake Tahoe's Planning Commission had a presentation in June on the environmental document and an overview of the proposed amendment. It went back to the City Planning Commission

on July 16 where they adopted a resolution recommending approval of the Final Initial Study/Negative Declaration. At the same meeting, the Planning Commission also recommended city council approval of the proposed amendment.

The public review process began in 2018. The City had a public workshop at that time for residents and property owners within the amendment area. There was the first informational meeting with the Regional Plan Implementation in June 2019 and the formal public hearing process started with the City's Planning Commission in June 2020. It went to the City Council on August 11 for the first reading and the City Council adopted the amendments unanimously at the second reading on September 8, 2020. It went to the Regional Plan Implementation Committee on September 30 and the Advisory Planning Commission on October 14.

Ms. Self said in order to approve the amendments for the Tourist Core Area Plan, there needs to be a finding of Regional Plan conformance and a finding of no environmental affect. In order to make these findings, the applicant was required to submit the five different evaluations and checklist: Initial Environmental Checklist & Finding of No Significant Effect; Required Findings; Area Plan Conformance Checklist; Environmental Threshold Indicators Evaluation; Compliance Measures Evaluation. All of these are included within the packet.

Some of the key elements that Staff payed particular attention to during their review. Those items are water quality, density, scenic, height, and recreation.

TRPA's Code of Ordinances allows up to 70 percent land coverage within area plans on high capability land. This is not something that would have been allowed in the older community plan. Some of the parcels exceed 90 percent of the land coverage because they were built prior to the land coverage regulations. On average, the entire amendment area has 80 percent coverage. Given the existing land capability and coverage on the developed parcels, there wouldn't be the creation of new coverage within the amendment area. In fact, they're likely to see a reduction of land coverage on the properties as they're redeveloped and come into modern design standards. For example, they will need to put in additional landscaping, setbacks, and BMP's. There's also a benefit for additional mitigation of excess coverage on the properties with the future redevelopment.

The amendments do control potential density by creating a special district with some density caps below what would otherwise be permissible in other areas of the area plan. The amendment proposal for this area will be a special district number one. While the Regional Plan potentially allows up to 65 units per acre for mixed-use in area plans, this proposal would cap mixed-uses at a maximum of 40 units per acre. Today, the area is fully developed at, over, or near the density limits that would be allowed. Consistent with the Regional Plan individual redevelopment projects that would generate an increase of 200 daily vehicle trips or more would be required to prepare a project level traffic analysis in accordance with TRPA's Code of Ordinances. For any new trips that are going to be generated with increases in density or changes to land use, TRPA would require the applicant to offset any potential impacts.

Much of the development pre-dates the Bijou/Al Tahoe Community Plan adopted in 1993. The scenic roadway unit #33 within the amendment area is currently out of attainment due to the lack of landscaping, older building design aesthetics, etc. Future redevelopment within the amendment area would result in a significant improvement to scenic quality. The redevelopment would include

reductions to impervious coverage, increased landscaping, modified signage, and the use of building materials such as wood, natural stone, and natural color schemes.

Increasing the permissible height in the amendment area is the key driver from the project applicant's perspective. The increased height would allow an additional story, from 3 stories at 42 feet to 4 stories at 56 feet. The proposed amendments include increasing the allowable height within that special area shown in (hashed marks) on slide 21. This height is consistent with the Regional Plan for redevelopment and the Code of Ordinances for the maximum height in town centers.

Even allowing this increase up to the 56 feet in town centers, project applicants still need to meet the four height findings shown on (slide 22). These findings ensure the additional height does not dominate views, particularly within the shoreline. The building is appropriately screened from public views, minimizes interference with existing views, and does not reduce the scenic threshold travel route rating.

Any redevelopment incentives being adopted would not inadvertently impact public access to the Lake. There are a number of existing recreation sites, bike routes, and trails within the area plan which were previously adopted in 2013. It also includes policies to enhance some of these facilities. These amendments do not propose any changes to the existing recreation site. The city has included a new policy to support a public access project to Connelley Beach, which falls just outside of the amendment area within the community plan. Ms. Stowell showed that policy on slide 13. Again, that was the crux of what the comments received were about. The policy being added to the Tourist Core Area Plan is to recognize an older agreement that was in place during the development of the Sierra Shores property between the California Tahoe Conservancy and the land developer. That is a long standing project from years ago.

In summary, TRPA staff found the proposed amendments would further implement and facilitate the goals and policies of the Regional Plan specifically to encourage the private investment within the town centers. This particular area is dominated by legacy development and is a prime candidate to take advantage of the Regional Plan's incentives.

Presentation can be viewed at:

[Agenda-Item-No.-VIII.A-TCAP-Amendment.pdf](#)

Board Comments & Questions

Mr. Yeates said as chair of the Regional Plan Implementation Committee they were satisfied with the staff and the City's presentation and is why they made a unanimous recommendation to approve it. One of the issues he was most concerned about was that question of height and density. This is an area of great legacy development and a lot of coverage. Opening that area up despite the height so there might be some viewshed and other recreational opportunities. It was addressed thoroughly in the excellent environmental checklist and initial study that was done by the City and TRPA.

Mr. Rice asked if the comment letter received about the lack of noticing for the adjacent properties was addressed.

Ms. Self said the noticing for this amendment project was required under the California Environmental Quality Act. For TRPA purposes this was an Initial Environmental Checklist that didn't require noticing but there was some public process that was completed.

Ms. Stowell said the City of South Lake Tahoe began noticing the project in 2018. This was noticing not only to properties within the amendment area but particularly this year as they started the formal public hearing process, it was all properties within the amendment area, all properties within 300 feet of the amendment, as well as all properties within the existing Tourist Core Area Plan because of the administrative and technical amendments that were being proposed. For Sierra Shores, the notices were sent to the main parcel on 3317 Lake Tahoe Boulevard. The issue is when they draw from the El Dorado County Assessor's parcels, they don't include the 534 timeshare owners at Sierra Shores. The City did, however, repeatedly send the notices for the public hearings to Sierra Shores at every opportunity where they were noticing property owners for the public hearings.

Mr. Marshall said all TRPA notices were provided in the appropriate newspapers for the change of policies.

Public Comments & Questions

Lew Feldman on behalf of the Beach Retreat and Lakeshore Lodge, project proponents. He thanked staff for the excellent presentation. This has been a lengthy process although the application was submitted in July 2018, the process started well in advance of that. This is an area that is deserving of environmental redevelopment. Both the Beach Retreat and Lakeshore Lodge are anticipating following the completion of the rezoning to start that reimagination. They have collaborated with the California Tahoe Conservancy on behalf of the Beach Retreat with the respect to public access. They supported public access that has been proposed as a policy within the Tourist Core Amendment. They look forward to the California Tahoe Conservancy working with Sierra Shores to address their concerns, they've certainly been engaged with the CTC. They look forward to collaborating with both the CTC and the Sierra Shores to realize that policy.

Stu Roll, California Tahoe Conservancy said the Conservancy, the Sierra Shores developer, the City of South Lake Tahoe, and TRPA had contemplated public access across the public properties in this area including the chimney parcel for many years. The Conservancy acquired properties on either side of Sierra Shores in 1992 for several purposes including to improve public access to Lake Tahoe. In 2003 and 2004, the Conservancy and the Sierra Shores developer agreed to a land exchange and lot line adjustment to support the development and provide for a class one trail on the chimney parcel for public access to Connelley Beach. In addition, the 2004 Sierra Shores TRPA development permit includes a special condition that the Sierra Shores project must maintain or increase public access formally provided by the old Bijou Wagon Road. Because of these reasons, public access improvements on the chimney parcel are imperative not only to increase public access and a benefit for the public but also to fulfill this history of public investments and decisions in this area including requirements of the TRPA development permit.

Kim DeYoung said three minutes is a very short time to discuss how many meetings they've had with the homeowners of 3371 Lake Tahoe Boulevard, the Conservancy, the City of South Lake Tahoe, and TRPA. In regard to the public noticing, in July 2018, the recreation implementation strategy was not added in this amendment. When they didn't receive notices, Ms. Stowell failed to mention that the notices were also being sent to the previous developer, Randy Lane in Zephyr Cove, Nevada which they hadn't had any association with for multiple years. At the August 11 City Council meeting, Mr. Hitchcock said when they do notice, they use the tax rule information provided by the County Assessors. If their mailing address is something different, then the

mailing address here in Tahoe then it would be sent to their primary home. No homeowners received any public notification.

They've spoken with the Conservancy for over one year and mentioned all of the societal issues on the Conservancy. She spoke at the Regional Plan Implementation Committee meeting on September 30 and stated that while they were fine since the Beach Retreat had such a larger parcel, if a second public access needed to happen, a potential one, then it should be routed through the Beach Retreat and not through the Conservancy. Again, she mentioned all of the issues with the Conservancy. She spoke with Mr. Roll for the first time in July 2020 after a true lack of transparency from the Conservancy staff in which Mr. Roll was wonderful to speak with. He sincerely apologized for the lack of transparency from the Conservancy. They are requesting that the added recreation implementation strategy stricken from the amendments. They are supportive for all of the rest of the Tourist Core Area Plan Amendments. But it's very specific that this added additional recreation implementation strategy is not located in side the Tourist Core Area Plan but rather in the Bijou/Al Tahoe Community Plan. We're just a homeowner and trying to do our best and be transparent and work with the Conservancy and the City of South Lake Tahoe. Please strike this because they are still working with the Conservancy.

Steve Teshara on behalf of the Tahoe Chamber of Commerce. They've participated in each and every one of the public meetings and hearings over the past couple of years and supported the proposed amendments. Based on the excellent presentation received today, there are clearly some environmental, scenic, and economic improvement opportunities that are long overdue in this part of the community. They appreciated the leadership of the private sector properties that want to move forward and asked for the Governing Board support today.

Board Comments & Questions

Mr. Lawrence said he was supportive when they heard it at the Regional Plan Implementation Committee meeting. There is a lot in this plan amendment that is environmentally beneficial and supports the Regional Plan Update. He doesn't recall the recreation element being discussed too much or at all at the committee meeting. The way he understands it, is that the chimney parcel is outside of Tourist Core but there are the recreation elements supporting a public access project that is on that parcel that is outside of the Tourist Core. He asked how typical is it for these plan area amendments to include language that supports activities that are outside of these plan areas. Also, he asked for further detail on the rationale for including the recreation component.

Ms. Self said for the question of is it typical to include activities or policies for areas outside of the area plan. It is atypical, however, when the City and TRPA staff first presented this amendment package to the Regional Plan Implementation Committee in July 2019 there was discussion on how they were going to retain, protect, and maybe enhance the public access to Connelley Beach which falls within the amendment area. During that time, they discussed that there was already a planned public access project on this chimney parcel that is just adjacent to the boundary area. What they could do is memorialize that prior agreement and prior plan project within this area plan as a way to support that project and ensure that the public access is being retained to Connelley Beach. After the RPIC meeting in July 2019, the City staff added that new policy to the recreation element.

Mr. Lawrence asked what the ramifications are for not having the language included in this amendment.

Ms. Self said if they were to strike this recreation policy from this amendment package it would need to go back to the City for approval. Even if they were to strike this policy that wouldn't have an impact of whether or not this project goes forward in the planning phase as it is now. The public access project on the chimney parcel was part of this land swap agreement when the Sierra Shores property was developed and was part of the condition of approval for that development project.

Mr. Lawrence said he understands that striking the language would have none or little impact on the planning of a project on the chimney parcel.

Mr. Marshall said the requirements to provide access arise from documents outside the plan area. There's nothing operative to this language, it promotes as a policy the provision of additional secondary access using the chimney parcel. It did respond to the comments at the identified Regional Plan Implementation Committee meeting that related to the potential or fear of somehow a loss of public access that might occur as a result of the redevelopment of the site. It was an attempt to emphasize in a policy matter only the desire to have another access to that beach within the plan area.

Mr. Lawrence said he's struggling with having policies in place in the plan area amendment that are for projects outside of it.

Ms. Aldean said the property being impacted by the secondary access is owned by the Conservancy, does staff have any knowledge to what sort of restrictions are associated with the use of this property for this particular purpose? Also, whether or not there is an additional process that the Conservancy has to address the concerns of the adjacent property owners?

Ms. Self said the Conservancy has been in a planning and design process for over one year for this particular project and has included outreach to adjacent property owners. The final design for what that public access could be on the chimney parcel is not yet finalized. There is still opportunity to work with the property owners and encouraged the Conservancy to continue to do so. She cannot speak in detail about the features or opportunities that could be on the chimney parcel but at the time of the land swap with Sierra Shores, the configuration was to allow that public access trail. It's wider at the street level and narrows to 15 feet just above the high water mark and was specifically to accommodate a trail through there.

Ms. Aldean said she would assume that when the land swap was made there was public noticing and opportunity for adjacent land owners to weigh in on the potential impacts of developing a public access on what would become a Conservancy owned parcel.

Ms. Self said that is correct. At the time the Sierra Shores development was a Governing Board approved project through TRPA and the noticing would have adhered to the Governing Board hearing procedures.

Ms. Aldean said she would encourage the Conservancy to continue to try and address the concerns of the adjacent property owners.

Mr. Hitchcock said the policy will help the City support creating additional recreation access in this area. From a planning perspective, there are opportunities to create access that will meet their goals as well the property owners and not have an impact on them. They want to look at any potential redevelopment efforts in the future at this resort holistically in relationship with the chimney parcel. The access to Connelley Beach doesn't specifically have to be on the chimney parcel, it could occur on the Beach Retreat parcel. The intent is that in

GOVERNING BOARD

October 28, 2020

the future, the City, TRPA, the Conservancy, and the developers will look holistically at creating additional access at this point. They should be able to design a project that will serve everyone's needs.

Ms. Aldean made a motion to approve the required findings, including a finding of no significant effect, for adoption of draft amendments to the Tourist Core Area Plan and Bijou-Al Tahoe Community Plan as provided in Attachment C.

Ayes: Ms. Aldean, Mr. Beyer, Ms. Berkbigler, Mr. Bruce, Mr. Cashman, Mr. Anderson for Mrs. Cegavske, Ms. Faustinos, Ms. Gustafson, Ms. Novasel, Mr. Rice, Mr. Yeates

Nays: Mr. Lawrence

Absent: Ms. Laine

Motion carried.

Ms. Aldean made a motion to adopt Ordinance 2020-__, amending Ordinance 2020-03, as previously amended, to amend the Tourist Core Area Plan and the Bijou-Al Tahoe Community Plan to include the changes referenced in Attachment B.

Ayes: Ms. Aldean, Mr. Beyer, Ms. Berkbigler, Mr. Bruce, Mr. Cashman, Mr. Anderson for Mrs. Cegavske, Ms. Faustinos, Ms. Gustafson, Ms. Novasel, Mr. Rice, Mr. Yeates

Nays: Mr. Lawrence

Absent: Ms. Laine

Motion carried.

IX. APPEAL

- A. Appeal of Approval of a Single Family Rebuild Permit, 470 Gonowabie Road, Washoe County, NV, APN 123-131-05, TRPA File No. ERSP2019-1453, Appeal File No. ADMIN2020-0003 and Appeal of Approval of Single Family Dwelling Permit, 480 Gonowabie Road, Washoe County, NV, APN 123-131-06, TRPA File No. ERSP2019-1471, Appeal File No. ADMIN2020-0004

Mr. Bruce said Robert Goldberg is an acquaintance and they've met on a few occasions for coffee to discuss community related matters. He spoke with him about six months ago, prior to the first hearing we had relating to this matter as well as speaking with the lawyer for the applicant, Lew Feldman. He said this doesn't affect his independent judgement and is able to proceed with this matter.

Ms. Berkbigler said she's met with both sides on this issue during the previous lot line adjustment issue. She also took a campaign donation from one side and has clarified with her personal attorney and with the County's attorney that she's reported this and is copasetic and can take action on this if necessary.

Mr. Rice said Mr. Feldman is an attorney for the Lake Tahoe Visitors Authority and the Douglas County Visitors Authority. He's worked closely with him on the Tahoe Event Center, however, that relationship would have nothing to do with his decision in this matter.

Mr. Hicks said one of his former law partners and a person who is a partner in a law firm that he still has a professional relationship with represents one of the parties in the litigation between the owners of the parcel and the opponents of the application. Therefore, he'll listen to the hearing but doesn't intend to express any opinions.

Mr. Marshall said what's before the board today is an appeal of the approval by the Hearings Officer in July of two permits to build single-family dwellings at 470 and 480 Gonowabie Road in Crystal Bay, Nevada. These items went to the Hearings Officer because of special use findings that were required as a result of the properties being within an avalanche zone. That kicks the project from the staff level to the Hearings Officer.

The projects were subject to a prior appeal that the board heard of the Executive Director's decision to authorize a lot line adjustment and these are the resulting building permits issued after that appeal was denied by the Governing Board. As a result of that earlier appeal the neighbors have sued TRPA and the permittee's over the approval of that lot line adjustment.

What is before the board today is the Hearings Officer approval of these permits for these two single-family dwellings that are adjacent to each other. The three grounds that were presented by the neighbors one who lives adjacent to the west of these parcels on a lakefront property and the other property is adjacent across the road from 460 Gonowabie. They understand that Mr. Goldberg has sold that house but don't feel that it precludes these appeals from going forward because Mr. Richards is still owner of the adjacent lot.

The three grounds that were presented by the neighbors are that TRPA should have required a joint driveway between 470 and 460 Gonowabie Road, a project that he doesn't believe we have an application in for but is anticipated to be developed but is not before the Governing Board at this time. The neighbors also object to the consistency findings that were made as part of the special use findings arguing that the size of these two buildings will change the character of the neighborhood if they're approved. The last issue was on construction impacts. Last month, the board continued this matter to allow the parties to address the issues regarding construction impacts. On page 373 of the staff packet, are the eight additions that were negotiated to be added to the construction management plan which essentially moots that one issue. The two issues that are remaining are the shared driveway and the neighborhood consistency. Staff's position is articulated in the staff report on page 372.

The shared driveway sections relied on by the neighbors do not apply in this instance because this is at 470 and is not new or additional transfer development, rather it is a residential rebuild of a residence that was torn down in preparation for the redevelopment. Those provisions provide just a guidance that shared driveway may be allowable in these circumstances. For the reasons articulated within the Gonowabie Properties, LLC papers, they don't believe it's necessary nor it is required or sections applicable, therefore, the Hearings Officer decision has a firm basis on that grounds.

Regarding neighborhood consistency keys into whether or not these buildings somehow change the nature of the neighborhood as a whole not just adjacent to these two appellants and they fall within the type and extent of buildings within the neighborhood. They are larger than the median size, but the parcels also accommodate the size and believe that there is no change in the neighborhood consistency and support the Hearings Officer decision.

GOVERNING BOARD

October 28, 2020

Mr. Bruce said the Legal Committee met in September and October and heard presentations from staff, arguments from the permittee, and the appellant. They considered everything and reviewed and approved a construction management plan today. The Legal Committee recommendation is to deny the appeal.

Mr. Marshall said it was a unanimous recommendation from the Legal Committee.

Mr. Gatto on behalf of the appellants. As a procedural matter they would like to render their continuing objection to Governing Board member Berkbigler's participation in this matter.

They have resolved one of the community's major concerns arising from the project's construction impacts at the Legal Committee. They thanked staff for their assistance and the Legal Committee for providing insight and comments. There were two remaining matters related to the development of these residences that they would like to address.

Many of the issues arising from the project relate to the narrowness of Gonowabie Road, traffic and safety impacts and a turnout in front of 460 and 470 Gonowabie Road. Gonowabie is essentially a one lane road with nearly no on street parking and no place to turn off for oncoming traffic.

The developer has claimed that three public parking spaces within the turnout will be preserved but has provided no guarantee or plans to show that preservation. They concur with staff that TRPA's code doesn't mandate shared driveways. However, it does mandate that driveways be designed to cause the least adverse impacts on traffic, transportation, and safety. TRPA's guidelines encourage owners of adjoining properties to develop shared points of ingress and egress. The policy in the design guidelines is not limited to just instances where development rights are being transferred. In any event, 460 Gonowabie will be required to transfer a potential residential unit of use to the property. These provisions taken together would at least require some analysis be undertaken during the processing of these permits regarding the feasibility of a shared driveway.

The development of 460 Gonowabie is impending. Adjoining owners of 460 and 470 are one in the same. In fact, the developer has already submitted a plan to TRPA for a shared staircase between 460 and 470 Gonowabie providing access to the Lake. Further evidencing the fact that common facilities shared between the two properties is feasible. If TRPA's policy is to encourage shared driveways and driveways are mandated to be designed so as to cause the least adverse impacts on traffic, transportation, and safety, the time to look at this issue is now. There is a nexus and substantial evidence to support analysis of shared driveways under these circumstances. Post talk rationalization as to why a shared driveway is not feasible is not consistent with TRPA's policy or the Code of Ordinances. There has been no hard look at this issue and feasibility or alternative analysis. How are shared driveways ever to be encouraged if under circumstances such as this where common ownership exists, the possibility of a shared driveway is not even analyzed. There has been no encouragement, no examination, and no evidence submitted as to why a shared driveway can't work here. At the very least, they would request that staff and the developer's designers take a look at this issue. Only then can they be assured that development of the 470 Gonowabie driveway has been designed so as to cause the least adverse impacts on traffic, transportation, and safety.

The Code of Ordinances section 21.2.2.C prohibits the approval of any project that will change the character of the neighborhood. Section 21.2.2.A provides that all projects must be of such a nature, scale, density, intensity, and type to be an appropriate use for the surrounding area. The Crystal Bay

Plan Area Statement 34 directs that all projects must maintain the existing character of the neighborhood.

The applicant is proposing to build three oversized estates, any one of which would be nearly the largest house on Gonowabie. The median size residence is 2,239 square feet, 480 Gonowabie is 6,061 square feet and 6,479 for 470 Gonowabie. These are nearly three times larger than the median residence in the neighborhood. Only two other properties have houses even close to approaching the size of 470 and 480 Gonowabie and they are at the end of the street and not right in the middle of the neighborhood. Mr. Robert Heynen, architectural consultant and until recently a residence of Gonowabie Road for over 20 years submitted a comment letter including that the size and scope of the proposed residences threatens forever the character of the neighborhood and the safety of Gonowabie Road leading to the tipping point in the community. The neighbors understand and appreciate that these parcels will be developed and are only requesting that the development be respectful to the community, that measures be incorporated to minimize associated impacts, and that the development be consistent and compatible with the neighborhoods existing character. Not just an attempt to squeeze the biggest houses possible on these lots.

Mr. Feldman on behalf of the permittee, 470 and 480 Gonowabie applicants. For the first time he'd suspect in the career of any attorney in the room there was an appeal of a boundary line adjustment which the board unanimously determined was without merit. This was followed by a contested hearing on 470 and 480 before the Hearings Officer. Staff was on alert following the boundary line adjustment that crossing T's and dotting I's was a heightened awareness. The Hearings Officer approved the permits for 470 and 480 as the Legal Committee recommended that they be approved as well.

With the level of scrutiny that is uncharacteristic for most single-family development, TRPA staff and the Hearings Officer properly made the threshold findings, the special use findings, the additional height findings, the scenic findings, land coverage conformance, and the required onsite parking. The BMP's are in place and they have complied with Washoe County's rules and Washoe County issued building permits accordingly.

Unlike most single-family developments because they were in an avalanche area this did require a Hearings Officer and special use findings. Gonowabie Road is old very narrow road with a hairpin turn to get down to the lakefront area. These lakefront homes for the most part is much larger than has been represented generally in the neighborhood and is not unexpected because the values of the Lake warrant further investment in the properties. These properties are under 6,000 square feet but smack dab in the middle and if you look not only at the lakeside of Gonowabie but also on the upland portion of Gonowabie many of these homes have been rehabilitated and expanded. What is proposed is entirely consistent with the development particularly on the lower part of Gonowabie Road. A home at 580 Gonowabie is over 8,694 square feet. This parcel, which is just under .50 acre, at 470 Gonowabie they are proposing 18 percent land coverage which isn't trying to maximize the development on this site.

Similarly, at 480 Gonowabie, the adjacent parcel, a slightly larger parcel and less coverage. This is anomalous with respect to the neighborhood. The former Goldberg residence is a small parcel with 44 percent coverage. The new owner of the Goldberg parcel has expressed enthusiasm for the development that is occurring across the street at 470 and 480 Gonowabie.

With respect to the shared driveway, if you drove through Gonowabie or most other lot block subdivisions that circumnavigate the Lake you would find very rare implementation of shared driveways because they present a variety of problems. In this particular location, trying to share a driveway on two rectangular lots with significant topography as they leave the roadway towards the Lake would necessitate the allocation of greater land coverage and likely impair the ability to park two cars in front of each garage. So, there would be four onsite parking spaces which 470 and 480 Gonowabie are delivering contrary to many of the other properties that have virtually no driveways such as 459 and others. While the Code of Ordinances appropriately encourages the use of shared driveways, the topography and the neighborhood and character should lend themselves to the implementation of that. They've looked at that opportunity and have concluded that it is infeasible for these lot and block segments, and secondly, 460 Gonowabie hasn't even been submitted. It would be inappropriate to consider what might be developed on 460 Gonowabie since an application has not been provided.

They were also challenged on some tree removal on both 470 and 480 Gonowabie. As it turns out the two trees that were complained of at 470 were previously permitted for removal. At the request of the neighbors, they endeavored to save the 42 inch Fir on 480 Gonowabie, however, it is a dead and dying tree and has since been marked for removal.

Construction is well underway, foundations are in the process of being poured, retaining walls have been constructed and construction is progressing on both 470 and 480 Gonowabie in accordance with the properly issued permits.

They've implemented a construction management plan which the neighbors have requested modifications to that plan. They've agreed to modifications to that plan and has been their experience with the adjacent neighbors that they have done an excellent job of maintaining traffic through Gonowabie and addressing neighbor concerns.

They purchased a \$63,000 van to transport workers from the offsite staging facility and are only using parking onsite for inspections and supervisors who are only there for a limited amount of time. Full time employees will be parking offsite. They are doing everything they can to minimize disruption to the neighborhood and have provided email notices to people so they know in advance when a concrete pour may occur, for example. They've had great reception from the neighborhood generally speaking with respect to the management of these activities.

Even when they've had heavy equipment on site, there was an instance where the UPS truck was able to continue navigating through the area. When appropriate, they are using flag people to ensure traffic is uninterrupted. At this point in the road it's 17 feet wide and further down at 540 Gonowabie where there is construction, that road narrows to 10 feet wide where the road has been closed a few times by that project which is not subject to a construction management plan. This is the first time he's seen a residential project subject to a construction management plan.

They've reached out to the Fire Department, the Sheriff's Department, and the Building Department to ensure not only the neighbors but the health and safety people are well advised as to the status of the activities that are occurring in respect to the construction.

The turnout in front of 460 Gonowabie is being used for temporary parking only and not for staging and will do everything they can to make it available, however, at times it will be temporarily inconvenienced because that is the nature of the beast. Even during the concrete pour the road remained open and it is a series of tradeoffs and their tradeoff is trying to keep the road open.

Mr. Gatto said they've heard that the developers analyzed the feasibility of a shared driveway. Why wasn't that analysis presented to staff or made a part of the record. Without that analysis how are they to know that the driveway has been designed so as to cause the least adverse impacts. This should have been a part of the process; the design guidelines do encourage this and how can they encourage if it's not even looked at as part of the administrative process. Also, the statement was made that 460 Gonowabie is not before the board and that it should not be properly considered. In fact, a submittal has been made by the developer for a shared staircase between 460 and 470 Gonowabie. That is a part of the TRPA record now. Obviously, the developer is looking at the shared components between these and respectfully request that at the very least that they are provided with information regarding the feasibility or infeasibility of a shared driveway. They believe that there will be coverage shavings that parking can still be preserved and if not, they would like to see that the Agency took a hard look.

Presentation can be found at:

[Agenda-Item-No.-IX.-A.-Gonowabie-Appeal.pdf](#)

Board Comments & Questions

Ms. Aldean referred to item seven on page 373 of the staff packet regarding the construction management. It states "To the extent practicable, large truck traffic and closures or obstructions to Gonowabie will be limited to between 9:00 am and 3:00 pm weekdays. During the discussion at the Legal Committee a request was made for ample notice prior to road closures or obstruction. Mr. Feldman suggested that his clients would do their best to provide up to 72 hours advanced notice prior to any of these closures or blockages. Is that still the case and is he willing to commit to that on the record?

Mr. Feldman said absolutely, to the extent that they have advance notice. Their intention is to provide as much notice as they can to neighbors so they can plan for the inconvenience. They have an email list and notified people on the 25th when they knew that there was going to be a concrete pour on the 27th. They'll continue to do that whether there is a requirement to do so or not.

Public Comments & Questions

None.

Mr. Marshall said the motion should be in the affirmative which is a motion to grant the appeals of the Hearings Officers decision. Staff recommends that the board deny this motion by voting no in order to affirm the Hearings Officers decision and have these projects move forward. If you want to reverse the Hearings Officers decision and send it back to the Hearings Officer, then the vote is yes on the motion.

Board Comments & Questions

Ms. Aldean said what is shown on the screen is multiple appeals being addressed in this motion.

GOVERNING BOARD

October 28, 2020

Mr. Marshall said there are two appeals, they can be split apart, or they can be treated as one final action for both appeals.

Ms. Aldean made a motion to grant the appeals of the Hearings Officers decisions.

Nays: Ms. Aldean, Mr. Beyer, Ms. Berkbigger, Mr. Bruce, Mr. Cashman, Mr. Anderson for Mrs. Cegavske, Ms. Faustinos, Ms. Gustafson, Mr. Lawrence, Ms. Novasel, Mr. Rice, Mr. Yeates

Absent: Ms. Laine

Motion failed.

X. REPORTS

A. Executive Director Status Report

1) Quarterly Report: July – September 2020

Board Questions & Comments

Ms. Aldean asked for a status on the sale of the Tahoe Coins.

Ms. Marchetta said there are now enough committed orders that they have broken even on the cost. Everything from this point on will be fund raising for the Tahoe In Depth, the Tahoe Keepers, along with the League to Save Lake Tahoe and Tahoe Fund programs.

Ms. Regan said there are 341 donations for the coins including 14 with the wood display and 7 of the limited edition prints. They're very pleased with the interest and people are excited to be able to support the Lake Tahoe Environmental Education Fund.

Ms. Aldean said it would be helpful if the Parasol Foundation would track the progress of sales. They have posted on their website the total that will be issued but suggested that it show the declining balance. It also creates a sense of urgency if people are delaying their decision as to whether or not to make a donation.

B. General Counsel Status Report

Mr. Marshall said there are three pending pieces of litigation. The Gonowabie litigation which is Richards v. TRPA over the lot line adjustment application that was granted then appealed and then the permit was affirmed by the Governing Board. We have recently filed the administrative record and will be seeking to establish a briefing schedule on that. With this latest action, we might see some attempt to amend the complaint. The Garmong case is in the District Court in Reno. Judge Jones will determine how to deal with remand order from the Ninth Circuit Court. The Mountain Addiction enforcement is filed in the Eastern District of California and Sacramento. They filed a cross claim against the California Tahoe Conservancy to confirm access across the CTC parcel. We have moved to strike and dismiss that cross claim and that motion will be heard next month. They're anticipating their opposition in tomorrow.

Board Comments & Question

Mr. Yeates asked who the judge is in the California Tahoe Conservancy case.

Mr. Marshall said a former Magistrate Judge, the Honorable Troy Nunley.

Ms. Aldean said she understands that Jim Baetge is no longer the Hearings Officer and that assistant counsel for TRPA, Marsha Burch has taken over that role.

Mr. Marshall said Mr. Baetge retired and TRPA hired a new Hearings Officer. Because of his existing relationship with Mr. Feldman who is the counsel for Gonowabie, it decided in consultation with both Mr. Gatto and Mr. Feldman to move to a substitute Hearings Officer which was Ms. Burch.

Ms. Aldean asked if it was correct that we're using outside counsel for the litigation on the lot line adjustment since Ms. Burch was the Hearings Officer.

Mr. Marshall said yes, we're using outside counsel, Debbie Leonard.

Mr. Bruce asked who the counsel is for the litigation with the California Tahoe Conservancy.

Mr. Marshall said they're handling that in house. It's an enforcement matter and it's in the Eastern District of California. There's no budget for outside counsel and TRPA is paying for it.

XI. GOVERNING BOARD MEMBER REPORTS

Ms. Gustafson said the Placer County Board of Supervisors met yesterday in Tahoe and presented Mr. Sevison with a plaque and trail named after him. In addition, they agreed on a few items that may be of interest to the board. One was renaming a street in Kings Beach from its shortened name which was referred to as Coon Street back to its full name of Raccoon Street. They did have some opposition on it. They also heard the Resort Triangle Transportation Plan that TRPA and the Tahoe Transportation District staff helped Placer County with. Their Board of Supervisors did approve that plan at their meeting. Lastly, they've purchasing with state funding the old Seven Pines motel in Kings Beach adjacent to the Sierra Community House. This purchase will be for permanent support of housing.

XII. COMMITTEE REPORTS

A. Main Street Management Plan and other components of the US 50 South Shore Community Revitalization Project

None.

B. Local Government & Housing Committee

Ms. Novasel said they're waiting to get updates from the Housing Working Group in November.

C. Legal Committee

GOVERNING BOARD

October 28, 2020

None.

D. Operations & Governance Committee

None.

E. Environmental Improvement, Transportation, & Public Outreach Committee

None.

F. Forest Health and Wildfire Committee

None.

G. Regional Plan Implementation Committee

Mr. Hester said Governor Newsome asked California to identify public lands that could be used for affordable housing projects. One of the sites that the California Tahoe Conservancy owns, Sugar Pine Village was designated as one of the five pilot sites. The Related California and the St. Joseph Community Land Trust will develop the project. This site will consist of 248 deed restricted affordable housing units on two parcels in the Tahoe Valley Area Plan. In putting the project together, the developers have identified a few impediments to make it pencil out. Those items are roof pitch standards, design standards for projects on street corner, parking standards, and the transfer requirements related to mixed-use versus residential. Under California's Senate Bill 35 the local jurisdictions are required to offer zoning concessions which means there's not a discretionary review process for this project with the City of South Lake Tahoe. The City won't have an opportunity to amend their plan to deal with those issues. TRPA has decided to address these issues by initiating amendments to the Tahoe Valley Area Plan. The identified items are the reduction of the minimum roof pitch from 5:12 to 3:12, removing the corner (45 degree) standards because they're not applicable for residential development, allowing parking standards to be adjusted if there's a parking study at the ministerial level, and clarifying that coverage transfers for soft coverage can work for this type of project. It's a condensed schedule since part of the Governor's directive is that they have to compete for funding and be able to break ground in two years. Staff will bring this amendment forward without going through the preliminary meeting with the Regional Plan Implementation Committee first because of the timing.

If any board member has questions, they can contact Karen Fink or Michael Conger.

On November 18, 5:30 p.m. there will be a virtual public input meeting on the project.

XIII. PUBLIC INTEREST COMMENTS

None.

XIV. ADJOURNMENT

Ms. Aldean moved to adjourn.

Chair Mr. Yeates adjourned the meeting at 1:06 p.m.

GOVERNING BOARD
October 28, 2020

Respectfully Submitted,

A handwritten signature in cursive script that reads "Marja Ambler". The signature is written in black ink and is centered on the page.

Marja Ambler
Clerk to the Board