

SUGGESTED POLICIES AND PROPOSED PLANNING PRINCIPLES

**for TRPA's Consideration
in the Regional Plan Update**

JANUARY 6, 2009



PERCEIVED SETTING, SUGGESTED POLICIES AND PROPOSED PLANNING PRINCIPLES

submitted for consideration by the Tahoe Regional Planning Agency

INTRODUCTION

This report was prepared at the request of the Lake Tahoe South Shore and North Lake Tahoe chambers of commerce. Our members and constituents include private sector partners interested in supporting the Lake Tahoe Environmental Improvement Program (EIP). As identified in EIP II, scheduled for adoption by the TRPA Governing Board in early 2009, the private sector is being asked to contribute \$250 million in support of vital environmental projects designed to help achieve and maintain adopted Lake Tahoe environmental threshold standards. In this report, our focus is on the improvements necessary in Tahoe's commercial "nodes." These include water quality and SEZ restoration, a more efficient and effective use of land, design and scenic improvements, and multi-modal community mobility improvements.

As part of developing this report, we reviewed the Draft Regional Plan EIS Alternatives Matrix (November 19, 2008) and the Executive Summary of Concepts Contained in Alternative #2 (September 12, 2008). We made a concerted effort to understand the most recent science involved in guiding environmental improvements. We retained an independent consultant to interview a variety of those who have been involved in the process of formulating and proposing projects in Tahoe's commercial nodes over recent years. Summarized in this document, their experiences and perspectives provide valuable insight and lessons learned.

STATEMENT OF PURPOSE

Our goal in submitting this document for TRPA consideration is to identify and recommend the changes in planning policies and principles we believe are essential as part of the Regional Plan update. To be successful, we believe the updated Plan must have broad community support. It must realistically stimulate the investments necessary to fund environmental improvements, including private sector investments. It must be adopted and carried out in a manner consistent with creating opportunities for sustainable investments and a sustainable Tahoe community.

THE UPDATED REGIONAL PLAN

Developed and adopted more than 20 years ago, a key purpose of the 1987 TRPA Regional Plan was to implement a growth management strategy in response to uncontrolled, haphazard development. The 1997 EIP was a large scale restoration effort designed to correct damaging mistakes of the past. The updated Regional Plan must integrate lessons learned from managing the 1987 Plan as well as public input received through the PATHWAY 2007 visioning process. It must integrate new science and address new challenges, including climate change. It must encourage and facilitate the rehabilitation of Tahoe's commercial service centers ("nodes"), where a significant number of past planning and environmental mistakes have yet to be addressed and corrected.

The new Plan must be consistent with our mutual desire for sustainability - the need to sustain efforts to restore and protect Lake Tahoe's unique environmental values and to evolve and sustain our economy, social capital, and community values. None of these can or will sustain independently.

THRESHOLD UPDATES

As part of the Regional Plan Update, TRPA is proposing to update its environmental thresholds, updates that integrate new scientific information and understanding but do not weaken the commitment to threshold values. As described in the Executive Summary of Alternative #2, these threshold updates involve:

- Water Quality
- Air Quality
- Soil Conservation
- Vegetation
- Noise
- Wildlife
- Fisheries

Our challenge will be increased funding for efforts to achieve and maintain Lake Tahoe's adopted environmental thresholds and standards. All stakeholders, including the private sector, Tahoe's residents and property owners, our guests and visitors, and Tahoe's local governments, must be provided with a reasonable and meaningful opportunity to participate.

RESPONDING TO CHANGE

Initially, TRPA responded to emergencies that would have led to the further deterioration of Lake Tahoe and its natural values. Against significant odds, the Agency has achieved important success in reversing this trend. As we move forward, TRPA must engage and address changing circumstances and needs:

- To date, accomplishments in protecting and restoring Tahoe's natural environment have been achieved primarily through a focus on conservation and strictly regulating development in the Basin watershed. However, the Agency's regulatory focus has led to an extremely complex, time consuming and costly project review and permitting process. This process frequently stifles or drives away public and private investment in vital redevelopment, restoration, workforce housing, and other revitalization projects.
- Recent demand for vacation homes at Lake Tahoe triggered a sharp rise in real estate prices. Opportunities to benefit from these higher real estate values and/or difficulty in coping with increases in the cost of living at the Lake have driven many residents to move to relatively less expensive areas outside the Basin, further increasing the ratio of part-time residents, and, in numerous cases, exacerbated problems associated with increased vehicle commutes in and out of the Basin.
- The diminishing ratio of full-time, year-round residents has a detrimental effect on local businesses, social organizations, schools, and the entire Tahoe community. The job of

educating a greater number of part time residents as to the importance of environmental stewardship has become more challenging.

- Lake Tahoe is no longer as isolated as it once was. Steady population growth in surrounding counties, particularly in the El Dorado County western slope and Reno/Sparks area, will impose increasing pressure on the Tahoe Basin's transportation network, attractions and natural environment.
- There is increased pressure (appropriately so) to address the challenge of climate change and the need for greater energy efficiency, in homes, businesses and in our means of transportation.
- Climate change experts predict that given the trend toward drier, warmer weather, Tahoe must accelerate its efforts to reduce fuel loading in our forests and minimize the risk of additional catastrophic wildfires, such as the 2007 Angora Fire.

FACTORS FOR SUCCESS IN THE REGIONAL PLAN UPDATE

We commend the Agency for reaching out and involving its many partners and the public in the Plan update process. Important input has been received through PATHWAY and Place-Based visioning. We believe that successful adoption and implementation of the updated Regional Plan now depends on three key factors:

1. Broad community support for the updated Plan, including Goals & Policies and regulations.
2. Strategic use of practical incentives for investment to achieve environmental, economic and community goals, including Tahoe's ability to demonstrate to all funding partners a return on investment.
3. Improved TRPA understanding and ability to stimulate private sector and local government investment in the redevelopment, restoration and rehabilitation of commercial service nodes.

Broad support for the updated Plan will be assured through the recognition and meaningful response to the specific needs of individual communities in the context of the Regional Plan. Private and complementary public investments are essential to both of these goals - the accelerated attainment of TRPA's environmental thresholds and a more effective, broader response to the needs of our business and resident communities. After its relative success in averting potential further irreversible environmental losses in the Tahoe Basin, TRPA's mission must adapt to current challenges and opportunities. To further its environmental accomplishments and legacy, the TRPA must take steps to empower and facilitate economic and community revitalization. Building on the Agency documents we have reviewed to date, a more thoroughly and collaboratively developed set of Regional Plan EIS alternatives must be our next step.

ADDITIONAL CONTEXT FOR OUR RECOMMENDATIONS

In examining the current alternatives, we are concerned about the time, complexities and costs involved in investing to redevelop and revitalize Tahoe's commercial nodes. Among important considerations, research conducted in connection with the development of Lake Tahoe's TMDL tells us that the roadway network and urban core areas of the Basin contribute more than two-thirds of the fine sediments which are decreasing Lake Tahoe's famed water quality. Every day that we delay needed commercial and urban core improvements, we only exacerbate the decline in Tahoe's clarity.

New Information

In developing its new Goals and updating its corresponding policies, TRPA is guided and supported by new information. This new information includes:

- New technical studies prepared by TRPA and its regional partners during the PATHWAY planning process, including development of the Lake Tahoe TMDL;
- Public input solicited and contributed during the PATHWAY process, including visioning and planning principles developed as an outcome of the public Place-Based workshops.

By category, these visions and planning principles include the leadership and efforts necessary by TRPA and its many local, state, federal and regional partners to:

Guide Environmental Restoration and Protection

- Work toward a healthy forest ecosystem;
- Ensure a harmonious integration of the natural and built environments;
- Establish sustainable communities;
- Enhance community appearance and character;
- Protect scenic views and vistas and enhance scenic travel experiences;
- Improve mobility through an integrated multi-modal regional transit system, including efforts to improve non-motorized mobility by expanding pedestrian and bicycling infrastructure;
- Establish waterborne transit integrated with land-based transit systems and community mobility connections.

Foster Environmentally-Friendly Redevelopment and Economic Development

- Restore degraded commercial core areas using redevelopment and economic development as an incentive and tool;
- Facilitate the improvement of competitive qualities with clearly defined and understood criteria for environmental, economic and community success and sustainability;
- Facilitate the enhancement of outdoor recreation as part of Tahoe's most important environmental and economic attractions;
- Guide efforts to further define business, tourism, and economic development and strategies that are consistent with Lake Tahoe's environmental qualities.

Foster Social and Community Well-Being

- Establish goals, policies and codes which ensure land use patterns that support social and community well-being through more compact, mobility-oriented development;
- In the same manner, facilitate the coordinated efforts of local governments to respond to workforce and other community housing needs;
- Facilitate the expansion and enhancement of community services and values; including education, arts and cultural attractions, and the interpretation of Lake Tahoe's history and historical values.

Ensure Partnerships in Regional Plan Implementation

- Provide leadership and help ensure effective cooperation among local government jurisdictions, agencies, business community and other key stakeholders;
- Guide and facilitate the sequencing of investments to ensure the best and most timely environmental, economic and social improvements;
- Track and monitor environmental performance and support efforts to track and monitor socio-economic trends; take actions based on performance results as appropriate.

Specific Recent and Current Studies Sponsored by TRPA and Partners that Inform Development of the Regional Plan Update

Conservation and Environmental Restoration

- Development of the Tahoe TMDL
- A number of technical studies have been completed; the Lake Tahoe Clarity Model has been developed; load reduction strategies are being developed; peer review and formal adoption are anticipated within a year.
- Completion of various technical studies as part of the PATHWAY planning process, including those related to each of TRPA's nine thresholds.

Public Land Management

- The U.S. Forest Service Lake Tahoe Basin Management Unit is in the process of updating its Forest Plan for Lake Tahoe.

Hazardous Fuels Reduction/Forest Health

- Completion of the U.S. Forest Service (LTBMU) Stewardship Fireshed Assessment (SFA)
- Preparation and adoption of Community Wildfire Protection Plans (CWPP)
- Preparation of TRPA's Fuel Reduction & Forest Restoration Plan for the Lake Tahoe Basin Wildland Urban Interface (WUI)
- Bi-State Fire Commission Report (2008)

Transportation

- Adoption of the new Lake Tahoe Regional Transportation Plan - *Mobility 2030*
- *Lake Tahoe Regional Bicycle and Pedestrian Master Plan (amended October 2006)*

Redevelopment

The City of South Lake Tahoe and Placer County each have active redevelopment staff and formally designated redevelopment areas within their boundaries at Lake Tahoe. The TRPA should and must work cooperatively with the redevelopment agency of each jurisdiction to maximize the ability of the each agency to contribute to the environmental, economic and social goals and objectives of Tahoe communities, consistent with the goals and objectives of the TRPA.

Business Trends & Opportunities

Placer County

- Placer County Redevelopment Agency Market Land Use Demand Study (2005)
- Placer County Redevelopment Agency - Five Year Implementation Plan (2006-2011)

City of South Lake Tahoe

- City of South Lake Tahoe Business Development Strategy Report (February, 2006)
- Business Conditions Survey (October, 2008)
- South Lake Tahoe Redevelopment Agency Implementation Plan (January 2005 through December 2009)

Lessons Learned

Revised Goals and Policies for the Regional Plan Update must emerge from a creative combination of input from the PATHWAY process, including the Place-Based visioning and planning process, and the integration of new science and technical reports. As part of developing the Plan Update, we believe it is also essential to incorporate lessons learned about what worked and what did not work based on the collective local, state, federal and regional experience in implementing the 1987 Regional Plan, including the experience of the private sector.

Approach

Community Input

In identifying new goals and drafting corresponding policies, TRPA must build upon the community input gained through the many public workshops held throughout the Tahoe region. In terms of the focus of this report, much of this input is effectively summarized in Vision Summary documents for the South Lake Tahoe Partnership (City of South Lake Tahoe, Douglas and El Dorado counties), Placer County, Washoe County, and Public Lands and Waterways; the Summary Report - Regional Commercial and Mixed Use Redevelopment and Market Overview; Demonstration Program Case Study Update; and the Lake Tahoe Community Enhancement Program description, a collaboration between the Tahoe Regional Planning Agency and its local government partners.

The TRPA Regional Plan Update should target the need to incorporate and address:

Regional Perspectives

1. A widely shared desire to improve and protect Lake Tahoe and its environment;
2. A fear of potential catastrophic fires;
3. Recognition of the need for accelerated attainment of TRPA's environmental objectives;
4. A need for better access to the Lake and other outdoor recreational resources;
5. A desire for uncrowded outdoor recreational experiences;
6. A recognition of the fact that public lands and on-shore facilities have but a certain capacity for facilitating the desired recreation experiences;
7. A need for improved and expanded local and regional transportation systems and improved community mobility;
8. A concern about the cost of housing;
9. A need for regulations that respond to new scientific information and changes in community and economic needs.

Specific Perspectives

Public Lands and Waterways

1. Tahoe's forests;
2. A need to continue work to reduce the risk of catastrophic wildfire and restore the health of Tahoe's forests;
3. Improve access to public lands and waterways;
4. Protect the quality of Lake Tahoe's outdoor recreational experience by dispersing crowds;
5. Address user conflicts and provide a diversity of recreation locations and opportunities;
6. Construct "missing link" segments in the regional trail system;
7. Protect public lands and waterways for the future.

Local Input, by Jurisdiction

Placer County

1. Reinvest and revitalize existing town and commercial centers with a mix of uses, including updated tourist accommodations, workforce housing and "functional commercial;"
2. Improve the image and vitality of gateway areas and communities;
3. Improve transit and non-motorized community mobility for residents, visitors and employees;
4. Approach water quality and other environmental improvements as part of an area-wide solution.

Washoe County - Incline Village and Crystal Bay

1. New investment should enhance and expand recreational experiences and related facilities and better integrate these communities into the forest and Lake;
2. Rural and community settings should be considered as part of the entire travel experience, creating a sense of arrival within the Basin and announcing the civic presence of community;
3. Community centers should be redesigned and provide better commercial services and gathering places for people of all ages;
4. Housing and services should be provided that support families.

South Lake Tahoe Partnership

City of South Lake Tahoe, Douglas and El Dorado counties

1. Invest in South Shore gateways and commercial areas to create functional mixed use centers and popular gathering places that are efficiently served by transit;
2. Improve community mobility for residents, visitors and employees; become a community recognized for its extensive trails and pedestrian facilities;
3. Create a variety of mixed-use and mixed income housing;
4. Continue to restore and improve the South Shore's natural places and environments.

The Tahoe Business Community

Representatives and members of Lake Tahoe's chambers of commerce have and continue to actively participate in the regional planning process. Our members include not only large and small businesses, but a diverse array of community organizations, public service providers, and individuals. We observe that a major theme of the many regional plan meetings, forums and workshops is the strong desire to ensure the integrated environmental, economic and social sustainability of Tahoe Basin. It is clear that many people rallied to participate in the planning process because they were encouraged by TRPA's stated new understanding and emphasis on fostering a sustainable Tahoe region and communities.

To be broadly supported and successful, TRPA must complete and adopt an innovative updated Regional Plan and Code of Ordinances. The new policies and documents must be based on the best available science and planning practices, with development codes and practical incentives that ensure the cooperation and support necessary to achieve and maintain environmental standards and community sustainability. We recognize that Lake Tahoe's environmental qualities are essential to the well-being and economic success of local residents and businesses. A broadly supported Regional Plan will educate, foster and ensure the public and private stewardship necessary to help the TRPA achieve its mission and mandates.

The Need for Coordinated Planning and Implementation

TRPA's outreach to its many partners and the community as part of developing the Regional Plan update is commended. We encourage the Agency to continue this outreach and engagement during the EIS review and analysis and final phases of Plan development and adoption. Given the clarion call for environmental, economic and community improvement and sustainability, Plan implementation must move forward expeditiously through effective and efficient partnerships. Let's work together to do the job right, without delay!

Roles and Responsibilities

Effective planning and implementation requires an understanding of the roles and responsibilities of each partner and a commitment to work based on this understanding. It is important to recognize the general public is also an important partner. Public support is essential from a stewardship perspective, as well as for the purpose of establishing political support for the collaborative efforts to restore, enhance and sustain Lake Tahoe.

Compared to our overall experience during the past 20 years, we encourage the TRPA to work more closely with Tahoe's local governments and moving forward, the private sector. We likewise encourage Tahoe's local governments to work more closely with TRPA to identify and accept roles and responsibilities. We of the business community pledge our best efforts to embrace our role and responsibilities. We look forward to our ability to contribute to the funding and implementation of EIP II, with its expected \$250 million private sector contribution.

To demonstrate that TRPA's updated Regional Plan and corresponding regulations respond to supporting science and identified local conditions, needs and opportunities, each section of the Plan might be prepared in two sections in close coordination with local governments and public land management agencies:

1. Regional Standards and Regulations;
2. Applicable Local (or related) Standards and Regulations.

This approach would make it easier for those affected by the regulations to review and understand a consolidated Plan, including regional and local planning policies and procedures and regional and local regulations. This approach would also make it easier for all involved agencies to provide effective and efficient guidance to those preparing to engage the permit process.

Socio-Economic Trends

Article I of the Tahoe Regional Planning Compact *Findings and Declarations of Policy* section states that *"The public and private interests and investments in the region are substantial;"* and *"Maintenance of social and economic health of the region depends on maintaining the significant scenic, recreational, educational, scientific and natural public health values provided by the Lake Tahoe Basin;"* and *"In order to preserve the scenic beauty and outdoor recreational opportunities of the region, there is a need to insure an equilibrium between the region's natural endowment and its manmade environment."*

Consistent with the spirit of the Compact, the Regional Plan update, its Goals and Policies and Code, must consider the new economic factors and circumstances that exist in the Tahoe Basin. The most important of these include:

- The influx of second homeowners who, based on a variety of financial factors, have replaced permanent year-round Tahoe residents;
- Declining public school enrollment in Basin communities due to the exodus of middle class families (Tahoe closed three schools and lost 2,110 students between 2000 and 2005);
- Significant loss of local retail expenditures to “big box” and other retail businesses that operate outside of the Tahoe Basin; (There are studies which indicate that Tahoe retailers benefit from only 40 percent of the household expenditures of local residents);
- The continued proliferation and external competition for gaming dollars and declining gaming business at Tahoe (between 1996 and 2006, the South Shore lost 3,123 gaming employees);
- The impacts of new resorts and communities just outside the basin (and TRPA’s jurisdiction) such as those in Squaw Valley, Northstar, the Martis Valley and Truckee.

In addition to these changing circumstances and trends, a representative sampling of persons within Tahoe business and investor community have identified the following conditions that significantly impact the investment climate and sustainability and vitality in the Tahoe Basin.

- The planning process is sluggish and lacks clarity;
- There is lack of clear direction at TRPA; including a lack of consistent guidance with regard to project planning and development. This includes a lack of consistent environmental guidance;
- There are more negative than positive experiences with TRPA, and, frequently, with the local planning and project review process;
- There is insufficient coordination among regional and local planners;
- The scarcity of vacant parcels, scarce and costly “allocations” and the slow and increasing expensive project review and permit process constrains investment, particularly in commercial core areas;
- The image and built environment of some communities at Lake Tahoe is not consistent with the Lake’s environmental qualities and setting;
- The planning process and project review process is not consistent with the need to achieve adopted environmental standards;
- There is an increasing strong and emotional NIMBY attitude in the Basin.

Below, in the first column, are the comments of a representative sampling of business persons and investors regarding the regional climate affecting investment and enhancements. These comments were offered during a recent series of interviews. Related suggestions for policies and planning principles that we urge be incorporated into the Regional Plan are shown in the second and third columns.

Setting	Policy/Policies	Planning Principle(s)
<i>1.1 Political setting</i>		
NIMBY attitude	Pursue a broad educational program re: the environmental merits of compact development	Incentivize and implement compact development; mixed use and PTOD as appropriate for Tahoe
The League is apprehensive of any form of development and/or redevelopment; the League works to subvert TRPA and the Regional Plan to its own purposes and benefit (fundraising)	Expand stakeholder and related public outreach to underscore the science and community sustainability reasons for guiding and supporting appropriate development and redevelopment	Incorporate ongoing education, outreach and engagement as part of Regional Plan development and implementation
<i>1.2 Need for accelerated implementation of environmental and community goals</i>		
Poor climate for private investment; lack of clarity in planning and project review process; lack of understanding for the need for “critical mass” to address environmental and community goals	Clearly establish the role of public and private investment in Regional Plan and EIP implementation	Incorporate planning principles and practices which guide appropriate public and private investment in Regional Plan and EIP implementation, including redevelopment and other upgrades in commercial and urban core areas

<i>1.3 Constraints on compact development</i>		
<p>There are three chief constraints to the reduction of strip commercial and a new emphasis in support of compact development in the Tahoe Basin:</p> <p>1) Prescribed ratios of coverage;</p> <p>2) Lack of flexibility in height; and,</p> <p>3) Lack of clarity in the project review process and related costs associated with the project review and permit process</p>	<p>Allow for flexibility in coverage, density and height for projects consistent with compact development goals and objectives</p>	<p>Incorporate planning principles and practices which guide and facilitate compact development, consistent with environmental, economic and community sustainability goals and objectives</p>
<i>1.4 Tahoe's image and lack of leadership in progressive planning and sustainability practices</i>		
<p>Tahoe's built environment does not measure up to its unique natural environment</p>	<p>Guide and facilitate programs and projects which upgrade Tahoe's built environment consistent with environmental thresholds and community sustainability goals</p>	<p>Incorporate progressive planning principles which guide and facilitate sustainable development and sustainability practices in Tahoe Basin</p>

<i>1.5 Tahoe does not always provide world class recreation experiences in a proper stewardship context</i>		
Tahoe's perceived image is out of reality. Tahoe needs a new focus; experiencing the unique environment and superb year-round recreation	Guide and facilitate the restoration, enhancement and maintenance of Tahoe's unique environmental and recreational values, for the enjoyment and stewardship of all. Address capacity constraints, where appropriate, consistent with recreational and stewardship values	Planning principles shall be consistent with policies; principles should address capacity constraints consistent with the need to preserve and enhance recreational values
<i>1.6. Community resources</i>		
Limited resources (insufficient critical development/mass) for achieving community goals	Provide effective incentives for private investment	Facilitate swift approval of sustainable redevelopment projects
<i>1.7. Public education</i>		
Public schools are deteriorating. Schools are experiencing declining enrollment.	Planning should support public education with all means at its disposal: land use/transportation policies and permit process.	Public planners shall engage school districts in the regional and local planning process. Public schools shall be within convenient bike and foot access to pupils' homes.

<i>1.8. Planning process</i>		
<p>The planning process for updating the Regional Plan and supporting regulations must reflect changing socioeconomic conditions</p>	<p>Planning should foster rejuvenation and sustainability in Tahoe Basin.</p>	<p>Planning proposals shall consider market realities of real estate economics. To be successful, the updated Regional Plan will require broad support of the Tahoe Community. The Agency shall continue to involve the Local Working Groups (LWGs) and the broader community in its planning process.</p>
<p>TRPA staff is handicapped by lacking in-house civil engineering and real estate economics expertise.</p>	<p>TRPA should seek the most cost-efficient and expeditious means for pursuing its work.</p>	<p>The Agency shall respond to changing needs by augmenting its staff capabilities.</p>
<p>Responsible decision-makers are misled by spokespersons of narrow interest groups.</p>	<p>The planning community should consider the needs of the broadest range of interests.</p>	<p>The Agency's Governing Board shall solicit all community input, regardless of the force of their representation.</p>
<p>Preparation of Community Plans should be a local responsibility.</p>	<p>The Agency should look to local jurisdictions for leadership in contributing respective community plans.</p>	<p>TRPA shall provide local jurisdictions with a regional framework for their consideration, specifying the desired complementary roles that basin communities might play in the region.</p>

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With primary responsibilities for safe-guarding Lake Tahoe and its environment, TRPA does not seem to balance environmental, economic and social considerations.	The Agency should respect all provisions of the Compact through a balanced approach to planning for the region.	In completing its updated regional planning documents TRPA staff shall continue to collaborate with Local Working Groups and community interest groups.
Due to TRPA's handling of some promising CEP projects, over \$1 billion in potential private capital investment might be lost.	The Agency should manage the CEP as the innovative program it was intended to be, to serve the Tahoe community.	TRPA shall collaborate with the Counties and the City of South Lake Tahoe in leading the CEP to success.
TRPA's and some Counties' permit processes lack the clarity and timeliness required for profitable redevelopment and for attractive investment.	The permit process should be designed with due consideration of conventional business practices.	The public permit process shall consider the financial implications of delays and the seasonality of the construction process.
Counties do not have adequate planning staff in the Tahoe Basin.	Counties should maintain a responsible planning capability in the Tahoe Basin	Counties shall staff regular business hours in the Tahoe Basin, enabling applicants to consult with senior staff.
Compliance with planning policies can not be assured through penalties.	Incentive measures are needed.	Truly effective development incentives shall be developed in consultation with the real estate development industry.
Elected County officials representing Tahoe constituents do not carry sufficient weight within their respective County Boards.	Tahoe Basin's special environmental and community interests should be effectively represented in county governments.	An inter-jurisdictional Tahoe task force shall be created, establishing a Council of Governments (COG) with a widely recognized mandate to attend to the Tahoe community's special needs.

Ad hoc, sporadic collaboration among Tahoe area planners is not sufficient.	Tahoe area planners should meet on a regular basis.	The Agency shall discuss with Counties what might be the most effective means of regularly scheduled collaboration.
<i>1.9. Lack of clear direction from TRPA re: CEP</i>		
The value of Tourist Accommodation Units (TAUs) is not clearly established; this causes confusion in structuring development projects.	TRPA and its Partners should have clear rules re: the development “commodities” e.g....the TAUs and other commercial and residential allocations.	TRPA shall consult with the real estate development community re: the most effective and equitable form of entitlements and transfer of development rights.

A – CONSERVATION

This subsection contains Goals and Policies pertaining to the Basin’s environmental and social well-being, including cultural heritage; it addresses soils, water, vegetation, wildlife, fisheries, shore zone, stream environment, open space, culture and energy.

In the first column, selected business persons’ comments regarding *conservation* as it affects investment toward the future are listed below. The Tahoe business community’s suggestions for policies and possible planning principles to address the current regulatory practices are featured in the second and third column.

Setting	Planning Policy	Planning Principle
<i>A.1. Water quality/Storm water management</i>		
TRPA’s approach to managing storm water runoff does not respond to local site conditions. All watersheds and subwatersheds are treated the same way, regardless of the site’s degree of urbanity.	The approach to managing storm water runoff should always be responsive to site conditions.	TRPA shall introduce more flexibility in addressing storm water runoff.

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<p>The policy and practices of BMPs applied to individual single family detached residential lots are expensive, ineffective and difficult to manage.</p>	<p>TRPA should manage storm water in close coordination with Lahontan.</p>	<p>TRPA shall not overlap Lahontan's functions and shall apply the most cost-efficient solutions for managing storm water runoff.</p>
<p>TRPA's and Lahontan's requirement to treat storm water to 1" rainfall is excessive and impractical.</p>	<p>Treat storm water only to the degree that is truly effective.</p>	<p>Treat storm water to the first 1/4 inch rainfall.</p>
<p>We are not approaching water treatment where it would bring best results.</p>	<p>Apply the most efficient and most cost effective methods and means for treating storm water.</p>	<p>Address sediment control at the Lake's major tributaries: The Upper Truckee River, Blackwood and Ward Creeks.</p>
<p>Engineering and design solutions are directed by scientists with no practical experience.</p>	<p>TRPA should collaborate with partnering agencies.</p>	<p>TRPA shall take maximum advantage of the staff capabilities of partnering municipalities and agencies.</p>
<p>There is no coordinated storm water management system in the Tahoe Basin. The Counties and the City of SLT address storm water runoff only as it relates to roadways.</p>	<p>All environmental efforts should be effectively coordinated in the Tahoe Basin.</p>	<p>TRPA shall collaborate with the City of SLT and the Tahoe Basin Counties in preparing a coordinated regional storm water management plan to be included in the updated Regional Plan.</p>

A.2. Defensible Space		
The process of clearing for defensible space is confusing and complicated; the staff and rules of different agencies are typically involved in the permit process.	TRPA should take appropriate responsibility for processing applications for creating and maintaining defensible space.	Criteria for defining defensible space shall be clarified and simplified. The Agency shall provide the public with a single, consistent message.
A.3 Green buildings		
Permitting agencies' expectations regarding green building construction are ambiguous.	TRPA and Partners should encourage all aspects of sustainable community life, including green construction.	TRPA shall not oblige but motivate applicants with effective incentives to consider green construction.

B – PUBLIC SERVICE / SAFETY

This subsection contains goals and policies that address the need for improved public services and facilities throughout Tahoe Basin, including services meant to support residential, commercial and other development with water, sewer and public health and safety programs. The updated Regional Plan is expected to provide for an adequate level of public services and facilities consistent with environmental thresholds and the other elements of the plan.

In the first column, selected business persons' comments regarding *services and safety* as they affect investment toward the future are listed below. The Tahoe business community's suggestions for policies and possible planning principles to address the current regulatory practices are featured in the second and third column.

Setting	Planning Policy	Planning Principle
B.1. Housing		
Tahoe Basin needs affordable housing. The loss of low-income residents to Carson Valley has undesirable environmental, social, and economic consequences.	Include regional housing policies in the updated Regional Plan.	TRPA shall call upon partnering jurisdictions to contribute a basin-wide housing program to the new regional document.

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While there is a need for “affordable” rental housing, there is also great demand for reasonable priced ownership housing. Without such housing Tahoe Basin might lose its middle class.	Along with urban mixed-use redevelopment concepts, adopt policies in support of new housing projects on available and appropriate redevelopment and vacant sites.	Work with Tahoe jurisdictions in designating potential sites for higher density ownership housing in the vicinity of public transit and urban services.
The way “bonus units” are presently allocated is unsatisfactory; of the 1,200 bonus units offered, only 200 have been actually built. The cost of housing allotment is prohibitive at the going rate of \$60,000 to \$80,000/unit.	Bonus units should promote beneficial development.	TRPA shall take a fresh look at the use of “bonus units” and shall consult with the development community re: their more effective application.

C – LAND USE

This subsection contains land use goals and policies that support the environmental well-being of the basin, including water quality, air quality, natural hazards, transit-oriented land uses, a healthy regional and local economy, housing and sustainable community design.

In the first column, selected business persons’ comments regarding *land use planning* as it affects investment toward the future are listed below. The Tahoe business community’s suggestions for policies and possible planning principles to address the current regulatory practices are featured in the second and third column.

Setting	Planning Policy	Planning Principle
<i>C.1. Land use policy</i>		
Scattered residential development still prevails. Development of many vacant residential lots would not represent “infill” development.	Support infill development of urban areas served by transit and community services.	Acquire scattered undeveloped parcels. Transfer the development rights to land in the vicinity of transit and urban services.

<p>The financial feasibility of introducing residential uses in commercial areas is still to be verified. The cost of development might not allow for “affordable” housing and market-rate housing might not sell in mixed use service core areas.</p>	<p>Land use policies should provide for financially feasible and marketable combination of uses.</p>	<p>Public subsidies for creating affordable housing shall focus on mixed use urban service areas.</p>
<p>C.2. Land coverage</p>		
<p>The Bailey system was not meant to be applied to urban areas. Inflexible application of the system leads to reliance on numerical standards instead of encouraging creative solutions.</p>	<p>Do not apply the Bailey system in urban areas where development patterns call for extensive coverage. Catch and filter storm water runoff before it reaches the Lake.</p>	<p>Apply the most effective and cost-efficient means of managing storm water runoff.</p>
<p>Developers need more coverage to make their projects financially feasible.</p>	<p>Do not apply the Bailey system in urban areas where development patterns call for extensive coverage. Catch and filter storm water runoff before it reaches the Lake.</p>	<p>Apply the most effective and cost-efficient means of managing storm water runoff.</p>
<p>C.3. Building height restrictions</p>		
<p>There is a conflict between preferred coverage and height restrictions, especially on sites where underground parking is not practical.</p>	<p>Regulations should not jeopardize the feasibility of otherwise desirable and appropriate projects.</p>	<p>Where scenic requirements and height restrictions threaten project feasibility, permitting agencies shall take a second look at coverage requirements.</p>

<p>Requirements for “low coverage” suggest taller buildings.</p>	<p>Regulations should not jeopardize the feasibility of otherwise desirable and appropriate projects.</p>	<p>Determine the optimum balance between coverage and building height on the basis of individual site conditions.</p>
<p>C.4. Lost, wasted allotments</p>		
<p>Lacking a clearly defined strategy for their application, many Tourist Accomodation Units (TAUs) have been converted for residential use and are now lost for future TAU allotments.</p>	<p>The updated Regional Plan should clarify the use of TAUs and other development commodities used in granting entitlements in Tahoe Basin.</p>	<p>Planning tools shall be updated in recognition of new real estate products and in response to changing development practices.</p>
<p>C.5. Urban design</p>		
<p>Architectural design guidelines of TRPA’s Code of Ordinances promote standardized architectural design throughout Tahoe Basin and do not encourage urban environments characteristic to different locales.</p>	<p>Design guidelines should promote communities’ respective identity, authenticity and local character.</p>	<p>TRPA shall invite partnering jurisdictions for developing appropriate architectural, landscape and lighting design guidelines and sign regulations for urban service nodes within Tahoe Basin.</p>
<p>TRPA regulates planning and design through prescriptive rules.</p>	<p>In view of its mandate to protect Lake Tahoe and its environment, the updated Regional Plan documents should guide development through standards focused on environmental <i>performance</i>.</p>	<p>TRPA and Partners shall collaborate in devising performance codes to replace their current numerical regulatory tools.</p>

C.6. Scenic considerations		
TRPA's regulations applicable to lakeshore sites penalize developers.	The Agency's Code of Ordinances should not result in the development of prohibitively expensive real estate products.	TRPA staff shall consult with the real estate industry about attaining its environmental goals without adding to the cost of living at Lake Tahoe.

D – TRANSPORTATION

The transportation subsection includes goals and policies for regional and local transportation and circulation systems that contribute to residents' well-being and support the environment: demand management, transportation system management, streets and highways, pedestrian and bike facilities, transportation control programs, coordinated transportation planning and research and central transportation management.

In the first column, selected business persons' comments regarding *transportation planning* as it affects investment toward the future are listed below. The Tahoe business community's suggestions for policies and possible planning principles to address the current regulatory practices are featured in the second and third column.

Setting	Planning Policy	Planning Principle
D.1. VMT reduction		
Scattered residential development does not contribute to reducing VMT.	The updated Regional Plan should include policies for compact, infill development.	The updated regional plan documents shall provide effective incentives for compact development.
D.2. Regional transportation		
Transportation needs do not recognize geographical boundaries.	Plan for the most efficient transportation system.	In planning for the future, TRPA shall recognize the Tahoe Basin's transportation links to nearby regional destinations.

D.3. Parking		
TRPA does not have a parking code.	TRPA should take a position on parking.	TRPA shall effect economies in development, applying principles of shared parking, as appropriate.

E – RECREATION

This subsection includes goals and policies for recreation that support the social and economic well-being of the basin, including recreation as an attraction and an economic engine of increasing significance, dispersed recreation, developed recreation and urban recreation.

In the first column, selected business persons’ comments regarding *outdoor recreation* as it affects investment toward the future are listed below. The Tahoe business community’s suggestions for policies and possible planning principles to address the current regulatory practices are featured in the second and third column.

Setting	Planning Policy	Planning Principle
E.1. Outdoor recreation		
Opportunities for outdoor recreation represent a major resource to residents and an important attraction to visitors to Tahoe Basin.	In addition to its important role in the Tahoe community’s daily life, outdoor recreation should be recognized as an important visitor attraction and means of assuring the Basin’s economic prosperity.	TRPA shall collaborate with all managers of public lands in continually enhancing opportunities for year round outdoor recreation in Tahoe Basin.

F – ECONOMIC DEVELOPMENT

Primarily committed to achieving important environmental thresholds, the 1983 Regional Plan did not focus on fostering economic development in Tahoe Basin. With more attention to all three aspects of planning for a sustainable Tahoe community, the updated Regional Plan documents are expected to address this vital part of daily life at Tahoe.

In the first column, selected resource persons’ comments regarding planning for *economic development* as it may affect investment toward the future are listed below. The Tahoe business community’s suggestions for policies and possible planning principles to address each issue are also featured here.

Setting	Planning Policy	Planning Principles
<i>F.1. Tourism</i>		
<p>Regional land use policies do not seem to recognize tourism is an important economic engine in Tahoe Basin.</p>	<ul style="list-style-type: none"> • Recognize tourism as an important means of promoting environmental improvements and enriching residents' lives in the Tahoe Basin. • Enrich Tahoe's appeal as a four-season international vacation destination. 	<ul style="list-style-type: none"> • Join partners to identify suitable sites for promising visitor service centers and vacation destinations in Tahoe Basin where hubs of overnight accommodations, services and access to outdoor recreation could encourage use of public transportation and enhance Tahoe's visitor appeal. • TRPA shall invite partnering jurisdictions and local communities to identify their specific appeal and unique qualities/attractions, then help support strategies for enhancing those qualities and appeal. • The Tahoe visitor industry shall continue its efforts to reduce seasonal fluctuations of visitation to Tahoe. • Attract flow of visitors during "slow" periods of the year by introducing Tahoe as a leader in sustainable planning, as a center of environmental research and as a place of artistic events of national significance.

F.2. Diversified economy		
<p>The Tahoe community would benefit from a more diversified economy.</p>	<p>Land for enriching community life in order to attract a skilled and diversified work force and “clean industries.”</p>	<ul style="list-style-type: none"> • The updated Regional Plan shall contain specific incentives to encourage the development and expansion of educational and cultural programs and facilities in Tahoe Basin. • Sponsors of the local artistic community shall aim to create a series of annual cultural events of statewide appeal.

G – IMPLEMENTATION STRATEGIES

The Implementation sub-section of the Plan provides for commitment and coordination of effort, development of management and financial programs, and incorporation of a monitoring program to measure progress.

It is also a function of this sub-section to indicate a schedule for attaining environmental thresholds consistent with the programs, strategies and costs specified by the goals and policies of this Plan. Parts of this sub-section to the Plan are: Institutional, Development and Implementation Priorities, Financing and Monitoring and Evaluation.

In the first column, selected business persons’ comments regarding *implementation strategies* as they may affect investment toward the future are listed below. The Tahoe business community’s suggestions for policies and possible planning principles to address each issue are also featured in the second and third column.

Setting	Planning Policy	Planning Principle
G.1. Area-wide benefits		
<p>In evaluating environmental benefits of development projects the Agency does not seem to recongize benefits that are already built into the regulations. The Code of Ordinances assures that all new development/ redevelopment contributes environmental benefits.</p>	<p>Development/redevelopment projects should not be burdened by excessive EIP contributions.</p>	<p>The costs of EIP contributions of any project shall be commensurate with project costs and shall be negotiated at the initial project briefing session.</p>
G.2. Area-wide improvements		
<p>It is difficult to finance some area-wide improvements through improvement Districts. In California, utility taxes are subject to 2/3 voter approval.</p>	<p>Improvement districts should be applied on the basis of neighborhood or district initiatives, as more cost-efficient and effective alternatives to individual BMPs.</p>	<ul style="list-style-type: none"> • The City and Counties shall establish neighborhood improvement districts within sub-watersheds and shall promote design and implementation of area-wide storm water management systems. • In view of the increasing need for creative engineering, new area-wide solutions to storm water management, TRPA shall augment its staff capabilities with consulting civil engineering services.

G.3. Permit process		
TRPA seems to be understaffed or lacks the necessary expertise on staff. The Agency might need to expand its professional staff.	TRPA's federal and state mission shall be recognized by adequate, well-paid staff, with appropriate expertise.	The Agency shall respond to the increasing proportion of redevelopment projects by augmenting its staff with specialists experienced in urban redevelopment.
Staff takes vacations at critical periods. At initial briefings staff does not reveal all the details. Uncertainty adds layers of cost.	TRPA should provide the best possible services and guidance to project applicants.	Agency staff shall be always available during the busiest application periods.
TRPA and local project reviews are not simultaneous but sequential: 1) TRPA, 2) Municipality, 3) Planning Commission.	TRPA should coordinate its permit process with other jurisdictions.	The permit process shall be streamlined to minimize the application period.
It is most difficult to secure development permits for "undisturbed" sites. Staff takes a long time to establish criteria.	TRPA should provide speedy services to project applicants.	Development criteria for undisturbed sites should be pre-determined by staff during slow periods.
Tahoe Basin is losing small business to Carson Valley because of lack of CFA allotments.	The Regional Plan update process provides TRPA with an opportunity to take a fresh look at its approach to allocating CFA entitlements.	TRPA shall not assign to jurisdictions real estate development allocations but rather use allocations to promote desirable development in keeping with the new redevelopment policies.

REGIONAL PLAN UPDATE

<p>There is no variance procedure. This prevents flexibility to adapt development plans to specific site conditions.</p>	<p>TRPA should introduce a variance procedure.</p>	<p>TRPA shall collaborate with partnering municipalities in crafting and introducing a variance procedure.</p>
<p>Medium-sized project applicants are penalized by the rules. Only large projects can afford to pay the fees for the needed professional support. Smaller projects can not afford the cost of all the studies and the cost of delays.</p>	<p>All projects should be treated equally.</p>	<p>TRPA shall consult with the development community re: the approach to evaluating projects of different scope.</p>
<p>Applicants must prove control over their needed allotments (CFA, TAU, etc.) before their permit applications are accepted by the Agency. This is burdensome.</p>	<p>TRPA should verify applicants' financial strengths for pursuing development.</p>	<p>Applicants shall have a practical plan for assembling the real estate commodities required for their development/ redevelopment projects.</p>
<p>While permit applications for small projects are processed swiftly, the permit application process for larger projects might take up to 5 years. This discourages significant investment in Tahoe Basin.</p>	<p>Permit applications for developments that involve major capital investment should be expedited with special attention to the cost of financing and changes in the real estate market.</p>	<p>The permit process shall be accelerated through the parallel pursuit of TRPA's and local permits for projects of all scopes.</p>

<p>While the permit process may take 5-6 years, development permits are valid only for two years. This does not allow developers to make prudent business decisions and threatens the viability of projects.</p>	<p>Validity of development permits should reflect the complexity of the projects.</p>	<p>Validity of development permits shall be extended up to six years.</p>
<p>Response to project applications is unpredictable; the TRPA Board is inconsistent in applying planning and design criteria to projects.</p>	<p>All permit applications should be judged equally.</p>	<p>TRPA's Advisory Planning Commission and Board of Governors shall base their decisions on clearly established planning and design criteria.</p>
<p>G.4. CEP projects</p>		
<p>The CEP has been politicized; the Agency succumbed to political pressures and accepted all submitted CEP projects.</p>	<p>The CEP should be treated as an important vehicle for recognizing and guiding the opportunity for “early” environmental and community benefits and for revitalizing the Tahoe Basin’s economy.</p>	<ul style="list-style-type: none"> • The CEP shall be managed by an inter-agency task force. • The CEP shall be managed in keeping with its objective to serve as a valuable testing ground for updating the Regional Plan and supporting Code of Ordinances, and for accelerating attainment of TRPA’s environmental thresholds.

<p>The CEP was established to provide valuable feedback toward updating TRPA’s Code of Ordinances and to provide early environmental benefits. The program is bogged down; the delays threaten several CEP projects with financial failure.</p>	<p>The CEP should be expedited in keeping with its intended objective.</p>	<p>CEP project applicants shall receive specific guidance through clearly established evaluation criteria, site responsive environmental requirements and the community context within which the endeavor will contribute most to the community.</p>
<p>Part-time staff commitment to CEP is not sufficient. Some CEP projects represent major capital investment and deserve fulltime attention of senior staff.</p>	<p>The importance of CEP and the significant capital investments it involves should be acknowledged with speedy permit processing.</p>	<p>Agency staff shall be augmented with consulting civil engineering and real estate development expertise normally available within redevelopment agencies.</p>
<p>G.5. Redevelopment agencies</p>		
<p>Not all of TRPA’s partnering jurisdictions have redevelopment agencies. Placer County’s Redevelopment Agency does not have a clear mandate in the Tahoe Basin.</p>	<p>TRPA should engage redevelopment capability to expedite permit processing.</p>	<p>Considering the increasing emphasis on redevelopment in Tahoe Basin, partnering jurisdictions shall be encouraged to establish redevelopment staff presence at Tahoe.</p>

G.6. TRPA code of ordinances		
Tahoe's infrastructure is in poor condition. Regulations have discouraged investment in infrastructure.	TRPA and partnering jurisdictions should encourage and facilitate private investments in Tahoe's infrastructure	In updating the Regional Plan and Code of Ordinances TRPA and partnering jurisdictions shall emphasize incentive regulations and shall find means for accelerating the permit process.
The Agency's Code of Ordinances is very complicated and is not well coordinated with the planning codes and regulatory systems of local jurisdictions.	TRPA and its partner agencies should serve the public with simple and coordinated regulations.	TRPA shall invite the City and Counties to coordinate respective regulations in a way that reflects shared goals and contributes to a more swift permit process.
Height restrictions address buildings on slopes unfairly.	TRPA and partnering agencies should define the height of building structures on the same basis.	Building heights shall not be measured from structures' lowest point but from their mid-point.
Placer County's Subdivision Regulations do not recognize the terrain and snow conditions particular to Tahoe Basin.	County policies should recognize local conditions.	Placer County Subdivision Regulations should provide for development on rural hilly terrain in "snow country."
Tahoe's construction period limited to the five months between May 1 and October 1 does not serve the community well; it increases the costs of project financing and construction and it sometimes also delays construction.	TRPA should strive to accelerate attainment of environment thresholds by extending the short construction period.	TRPA and partnering agencies shall regard the Regional Plan update process as an opportunity for extending the construction period in Tahoe Basin, as was done after the Angora Fire.

G.7. Scenic standards		
Regulation of the Basin's scenic qualities is inflexible. Urban and natural areas are often judged by the same criteria.	Scenic qualities of urban and rural areas in Tahoe Basin should be judged on the basis of different criteria.	Scenic character of Tahoe Basin shall be continually improved. Each new improvement shall contribute to the scenic appeal of Tahoe Basin by featuring the natural landscape and /or by enhancing the character and the identity of Tahoe communities.
G.8. Monitoring performance		
Environmental improvements built into development projects are often not monitored. Agency does not know how effective those environmental protection measures are.	TRPA should strive to achieve its long standing objective to effectively monitor progress toward reaching its environmental thresholds.	TRPA shall emulate the recent collaboration of the U.S. Army Corps of Engineers and the Tahoe business community in establishing and applying sustainability indicators and by establishing the necessary support system and practices.

Plan Updates

The Regional Plan and Code of Ordinances are not static documents; in keeping with TRPA's mandate, they should be updated in response to changing conditions and new priorities. As the 1987 document states, the Plan will be evaluated at five year check points "to ascertain the status of plan implementation and progress toward attainment of the environmental thresholds." The Community Enhancement Program was conceived to provide valuable early input for refining the updated Regional Plan.

Summary

As Agency leaders and staff review this document, we would be happy to discuss our recommendations. Again, our goal in preparing and submitting this document for TRPA consideration was to identify and recommend changes in planning policies and principles we believe are essential as part of the Regional Plan update. To be successful, we believe the updated Plan must have broad community support. It must realistically stimulate the investments necessary to fund environmental improvements, including private sector investments. It must be adopted and carried out in a manner consistent with creating opportunities for sustainable investments and a sustainable Tahoe community.

RANDOMLY SELECTED BUSINESS PERSONS

invited to offer comments regarding perceived obstacles to capital investment in Tahoe Basin and to suggest possible remedies for eliminating those obstacles

- 9/17/08 **Mike Bradford**, Owner, CEO Lakeside Hotel & Casino
Andrew Strain, VP/Planning and Governmental Affairs, Heavenly Mountain Resort
Lewis S. Feldman, Partner, Feldman Shaw, LLP, Land Use Attorney
- 9/18/08 **William B. Horn**, General Manager, Incline Village General Improvement District
Dave Ferrari, Owner, Ferrari's Crown Motel
Cheryl Murakami, Realtor
- 9/19/08 **Wally Auerbach**, Auerbach Engineering Corp.
John Falk, J.R. Falk & Associates
Cindy Gustafson, Tahoe City Public Utility District
Ron Treabess, North Lake Tahoe Resort Association
- 9/22/08 **Meea Kang**, Domus Development
- 9/23/08 **David Tierman** – JMA Ventures LLC .
Gary Midkiff, Midkiff & Associates
Steven Brown, SK Investments, LLC
John Reuter, PHD, Research Faculty, Tahoe Environmental Research Center
- 9/24/08 **Christian Waskiewicz**, Owner, Alpine Sierra Coffee
John Cefalu, Fox Gasoline
Gordon Shaw, Principal, LSC Inc.
- 10/10/08 **Randy Lane**, Lake Tahoe Development Company
- 10/14/08 **Blaise Carrig**, Exec. VP Mountain Division, Vail Resorts and COO, Heavenly Mountain Resort
David Hansen, Principal, Mayer Clifton Partners
- 10/15/08 **Danny Freeman**, Owner/Operator, Pine Cone Acre Motel, SLT
Cliff Ohma, Spokesperson for Garfinkel Interests in SLT
- 11/24/08 **Thomas Castaneda**, South Shore Capital