

TRPA Governing Board 12-14-22 Request Removal of Consent Item # 5 for Discussion as well as scheduling a future public hearing. Ellie Waller for the Record

**Why is this on the Consent Calendar? Were any public hearings held?**

I am requesting REMOVAL of Consent Item # 5 for discussion as well as requesting TRPA schedule a future public hearing.

The sheer volume and uses detailed in the Building and Design and Height section alone gives one pause and should require a public hearing.

**TRPA CONSENT CALENDAR**

Latitude 39 Mixed-Use Residential and Commercial Project, 110 Approval Page 331 Lake Parkway, Douglas County, Nevada, Assessor's Parcel Number (APN) 1318-27-001-010, TRPA File Number ERSP2022-0119

**Governing Board Review:**

**The South Shore Area Plan requires Governing Board review** of the project because it involves greater than 50,000 square feet of new building floor area, per Section 20.703.320. **My Opinion: Consent item #5 isn't being reviewed.**

**Project Description:**

The proposed project is a mixed use, residential and commercial, structure. The project includes the construction of **40 new residential units, rooftop access, two levels of parking, entry-level amenities, and a 3,688 square-foot public commercial restaurant and bar space.** The project is located within the South Shore Area Plan boundary and is considered part of the high-density tourist district. This project will demolish the existing building and parking lot to construct the project.

**Building Design and Height:**

**The structure will be 95 feet tall, including 7 levels plus rooftop footprint will be 41,523 square feet, and the total floor area is approximately 230,145 square feet.** Code section 20.703.080 of the South Shore Area Plan development standards allows for a height of up to 95 feet in the high-density tourist district. This project, as proposed, will be constructed to 95 feet. Within 100 feet of the right of way from highway 50, the max allowable height of 80% of the structure is 56 feet. As proposed, the max height of the structure within 100 feet of the right of way is 49'6". The exterior of the structure will be constructed with natural stone siding, aluminum panels, low-reflectivity glass, and steel. The materials will be similar to the new events center, blending with the architecture of the area. **The first level is only accessible by the driveway from Lake Parkway, and it includes parking spaces, a dog wash, mechanical equipment, storage lockers, a small lobby, elevators, and stairs.**

**The second level is a continuation of the underground parking and includes additional storage lockers, mechanical equipment, elevators, and stairs.**

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**The third level** is ground level with highway 50 and **includes pedestrian access to and from the building. This level also includes a public restaurant and bar, and private amenities for owners, including a private outfitter, theater, kids zone, lobby, clubroom, offices, outdoor spaces, and a fitness center.**

**Floors four through seven are identical, with six four-bedroom units and four three-bedroom units. The rooftop will include lounge areas, swimming pools, hot tubs, gas fire pits, and pickleball courts.** The project incorporates an array of sustainable components, including solar power, high-efficiency heating, heat recovery, vehicle-to-grid integration, and energy storage/resiliency.

#### **Area Plan and Zoning:**

The project is located in the South Shore Area Plan. The Land Use Classification for the project area is High-Density Tourist. The High-Density Tourist District contains a concentration of hotel/casino towers and is targeted for redevelopment in a manner that improves environmental conditions, creates a more sustainable and less auto-dependent development pattern, **and provides economic opportunities for residents.**

Please provide criteria and explain what economic opportunities for residents is.

**This project adds housing in the town center,** contributing to park and walk opportunities, redevelopment of the aging built environment, and creates mixed-use development, all consistent with the South Shore Area Plan and the Lake Tahoe Regional Plan. The High-Density Tourist District is the appropriate location for the Region's highest-intensity development. The proposed residential and commercial use is listed as an allowed use.

Please provide price-points for this proposed housing in the town center. TRPA and most local jurisdictions are approving high-end condos. Yes, there has been one affordable complex approved and in construction: Sugar Pine Village in South Lake Tahoe, California. Proposed Development: 248 units (91% less than 60% AMI, 22 units at 80%) **Vertical construction of 68 affordable housing units will take place once building season commences in May 2023.**

**How many affordable units is this project responsible for?**

#### **Development Rights:**

Based on the prior use of a bank, 13,296 square feet of commercial floor area (CFA) has been verified on-site. The project proposes to construct 40 residential units and a 3,688 square foot restaurant and bar. Per TRPA code section 51.4, conversion between commercial floor area, tourist accommodation units, and residential units of use is allowed.

**This project is reviewed as if being constructed as multi-family, at a later time, the applicants may come in for a two-step subdivision to make the residential units individual condos.**

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As proposed, multi-family and CFA, the project requires 11,688 square feet of CFA. If the applicant proceeds with a subdivision creating individual units, the project will require 15,688 square feet of CFA, which would require a transfer of CFA

**Scenic Quality:**

The proposed project will be visible from TRPA-designated scenic roadway travel routes (unit 31 Meadow and Unit 32 Casino Area), recreation area 36 (El Dorado Beach), and shoreline unit 30 (Edgewood). **Based on the existing built environment and tree canopy, the new structure will have minimal effect and mostly include screening from the designated scenic corridors. The project is in an urban corridor where the dominant features are the built environment, including casino towers and the new event center.**

Prior to the new event center being erected, there was an open parking area. Change to the built environment brings new ways to minimize scenic analysis.

**Public Noticing:** TRPA provided **property owners within 300 feet of the project area** notice that the Governing Board would be reviewing and considering approval of this project.

Who exactly is within 300 ft of this proposed project?

**South Lake Tahoe Area Plan**

Does this proposed project trigger a South Lake Tahoe Area Plan Map change and other amendments?

When was the last cumulative impacts analysis completed? Have traffic counts been assessed with the event center ready to open in 2023 ? Any other projects since the last cumulative impacts report was completed must be added and analyzed for correct traffic counts/impacts.



December 12, 2022

TRPA Governing Board Members and Interim Executive Director  
(via Marja Ambler, [mambler@trpa.org](mailto:mambler@trpa.org))

**Subject: Consent Calendar Item 5, Latitude 39 Luxury Residential Tower Project**

Dear TRPA Governing Board Members,

On behalf of our over 1,000 members of the Sierra Club's Tahoe Area Group, we request that the Latitude 39 Residential Tower Project be pulled from the consent calendar and that a public review process be initiated for this project. Latitude 39 proposes construction of a new seven-story, 95 foot tall structure with 40 new luxury residential condominium units and ground floor commercial area totaling 230,145 square feet.

Lack of Public Process

The public has not been made aware of this project, which points to an extreme lack of transparency that has led to anger and distrust among the community. As already noted by some of you in previous Governing Board meetings, the level of distrust is at an all-time high. The types of back-room negotiations with the developer for this project is a classic example of why that distrust exists.

The first time the public hears about these types of projects is a week before they are proposed to be adopted and only if the members of the public happen to review the 100s of pages of the Governing Board Agenda Packet where the details of the project are located. Furthermore, the Initial Environmental Checklist (IEC) prepared by the developer is not even included in the Packet; it is provided only by a link, which can easily be overlooked. This lack of transparent governance in a place like Lake Tahoe is very disappointing and unacceptable.

Section 1.7 of the IEC states that a presentation was made to "the property owners within the HDTD [High Density Tourist District] as well as management of the Lake Tahoe Resort Hotel and Heavenly Mountain Resort" on January 18, 2022. Unsurprisingly, attendees were in favor of the project. Also unsurprisingly, the IEC, prepared by the developer, checks all the boxes with a No, indicating no environmental impacts.

The recent Placer County Commissioner meeting on December 8, 2022, regarding the County's proposed Tahoe Basin Area Plan amendments, showed the level of distrust and concern with Placer County and TRPA by many residents who opposed this type of fast-tracking process and backroom deal making with developers. In Placer County's case, County staff worked for 2 years with certain business interests without including the public, only to try to fast-track the

amendments skirting CEQA regulations in the process by using categorical exemptions for wide-reaching and potentially significant environmental impacts from transportation, noise, air quality, greenhouse gas emissions, water quality, and scenic resources.

The deterioration in the public review process has also occurred because of “stakeholder working groups,” whereby selected individuals or organizations are included in these working groups to discuss and make decisions about a variety of issues to the exclusion of the general public. The most recent example of this back-room deal making is TRPA’s “Threshold Update Initiative Stakeholders Working Group,” which met December 12, 2022. The only public notice was a posting in the newspaper on November 25, 2022. No information about this important meeting was provided on the TRPA website despite the fact that a select few will be making important decisions about revising environmental threshold carrying capacities. The information posted once in the Tahoe Tribune states that “Possible Direction /Action” will be taken. This is an example of an egregious lack of public involvement in important decision-making processes involving critical environmental issues.

### Lack of Workforce and Affordable Housing

After allowing an increase in density for accessory dwelling units to placate business interests claiming the need for workforce housing, this project allows solely luxury development. Why is the TRPA allowing more and more luxury development and large mega-mansions (those on Herbert in South Lake Tahoe, for instance) if affordable and workforce housing is what is needed? If increased density in town centers is allowed, then there should be a reduction in the allowance of luxury residential developments. **There should be, at a minimum, a substantial workforce housing component to all large development projects like this one moving forward** if workforce housing is truly needed. Instead of allowing more development of ADUs and residential high-rises, how about installing rent control ordinances?

### Development Boom

It appears that there is presently a massive development boom being allowed without regard for the limited carrying capacity within the Tahoe Basin, which is what the TRPA is mandated to control. The present level of development is unsustainable. People who live in the Basin are tired of gridlock on the roads and TRPA continuing to allow more and more development with no regard to the subsequent increases in density, the Basin’s carrying capacity limits, sustainability and Lake Tahoe’s declining water quality.

**Transportation and greenhouse gas emission impacts alone should send this project back to the drawing board and the public be provided ample opportunity to evaluate a much more thorough review of cumulative impacts of increased development.** Although the project is in the HDTD of the South Shore Area Plan, nothing in the IES for this redevelopment project indicates how this project would “improve environmental conditions.”

The community does not want the rural nature of Lake Tahoe to be redesigned into another Vail or Aspen. Comments such as “they don’t want to see North Tahoe become like South Lake Tahoe” at the recent Placer County Commissioners meeting also serve to point out the

undesirability of the mega-development that has been allowed to occur on the South Shore. Basin residents generally do not want to see the level of luxury development that is currently in the works in Placer County.

The same can be said for those that live in South Lake Tahoe and Stateline. The Tahoe Area Group provided comments to Placer County prior to the commission hearing. Some of the same points we made in [our comments](#) to Placer County apply to this project, including the high fire danger and evacuation concerns in an increasingly populated Basin with limited roadways in and out of the area, the need for cumulative impacts analysis and the need for greater emphasis on the health of the lake as opposed to appeasing high-end developers.

The current trend toward placating developers is contrary to the Tahoe [Compact](#), which states that the TRPA was established because “increasing urbanization is threatening the ecological values of the region and threatening the public opportunities for use of the public lands.” We contend that current trends toward ever more urbanization and crowding in the Basin is contrary to the purpose of the TRPA.

#### Specific issues with the Latitude 39 project

**The format of TRPA’s IEC is fundamentally flawed from the outset due to the lack of analysis of transportation, density, greenhouse gas emissions and water quality impacts.** This parcel was previously in a Stream Environment Zone (SEZ) as noted on [TRPA’s map](#). Therefore, there is likely groundwater at shallow depths. The IEC provides no substantiating evidence of groundwater depths for the site but claims that groundwater will not be intercepted at the proposed depth below ground surface for the project, eight (8) feet. A Soils/Hydrologic Scoping Report is referenced, but not provided. What time of year did the groundwater assessment occur if at all and why is this not part of the IEC? Water **quantity** is also an issue that has not been adequately addressed in the IEC. In a multi-year drought, is it really time to make more demands on our water supplies? Other types of analyses are also not provided or were not performed. Appendix A, Scenic Evaluation Report on [page 69](#) is blank. Likewise, Appendix B, Air Quality Emission Modeling Results, and Appendix C, LSC Transportation Study, are also blank.

Lastly, mitigation measures should not be allowed to be bought. Between allowing development rights to be traded and mitigation measures to be bought, the public is left scratching their heads as to how these complicated schemes and banking systems truly help Lake Tahoe, which is in an ever-increasing environmental free-fall (see [UC Davis Report](#)).

Thank you for considering these comments.

Sincerely,



Tobi Tyler  
Vice Chair, Tahoe Area Group

The Peak project. The rendering ???? <https://www.peaktahoe.com/>

**How is this not violating TRPA scenic threshold viewsheds from the Lake and ridgeline?**

**“The Peak” will feature 41 mountain modern residences perched on the eastern slope of the Sierra Nevada, offering scenic views of both Lake Tahoe and the Carson Valley.** The location is incredible,” said Mike Leach, luxury realtor with Peak Tahoe Realty, which exclusively represents the marketing and sales of The Peak. “The Peak is a rare opportunity to own in tax-friendly Nevada while being surrounded by the beauty of the lake, world-class skiing, golf, shopping, and entertainment. Every unit has a spectacular view.” The luxury residences range in size from 1,953 to 3,299 square feet.

Douglas County staff answered my question : How old is this project?

**This project has been under construction for years.** A new owner purchased barely a concrete shell that was standing and had the permit activated when I first started. Dave and I reinstated the permit for the finish of some onsite electrical and some wall framing on the building. We mainly did that to allow the building to proceed to get completed and not stall again. The new team got to work on the updated code and cutting the building down to this plan, where the original plan was 2 more levels. This plan used the concrete frame that was built, I want to say 10 years ago now.

**They got the rock retaining wall permit in 2002.**

**Building permit 35597 was issued in 2012 or under the 2012 code. The file is not clear.**

Building permit 18-1293 was issued for 49 residential units reduced to 41 units. The building sold again in 19.

Dave and I discussed the permit and issued the permit to get the inspection needed for the permit to be extended while they work on the frame and **updated the plans and engineering to 2018 code.**

DP 22-0062 revised the design review with a minor design review application - approval letter was sent on **April 13, 2022.**

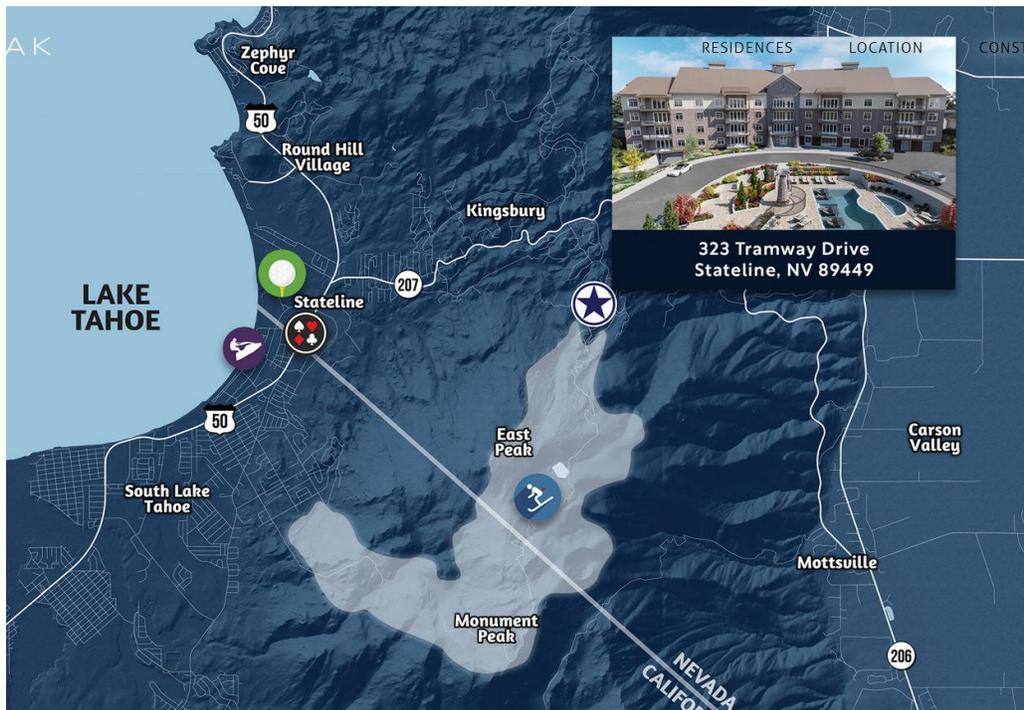
**Seems to me somewhere along this 20+year process a re-evaluation is in order. Reducing the height great but new cumulative impacts should be assessed. TRPA needs to establish code that requires re-evaluation.**

TRPA Regional Plan Implementation Committee (RPIC) Proposed TBAP and Implementing Ordinances Amendments Ellie Waller Public Comment for the Record



A rendering of The Peak project.  
Provided

STATELINE, Nev. — A new luxury condominium development under construction on top of Kingsbury Grade is accepting reservations for residences that range from \$1.5 million to \$3.7 million.





TRPA Regional Plan Implementation Committee (RPIC) Proposed TBAP and Implementing Ordinances Amendments Ellie Waller Public Comment for the Record

Sampling of listings and the type of viewshed

THE PEAK

RESIDENCES LOCATION CONSTRUCTION CONTACT

Floor ^ View ^ Beds ^ Bath ^ Reset all Sort By ^

Number	View	Beds	Bath	Square Footage	Price	
411	VALLEY	2 +1	3.5	2,176	\$1,849,600	...
410	LAKE	2 +1	3.5	2,176	\$2,611,200	...
409	VALLEY	2 +1	3.5	2,175	\$1,848,750	...
408	LAKE	3 +1	4.5	3,071	\$3,685,200	...
407	VALLEY	2 +1	3.5	2,252	\$1,914,200	...
406	LAKE	1 +1	2.5	1,953	\$2,343,600	...
405	VALLEY	2 +1	3.5	2,273	\$1,932,050	...
	LAKE	3 +1	4.5	3,058	\$3,669,600	...
403	VALLEY	2 +1	3.5	2,171	\$1,845,350	...
402	LAKE	2 +1	3.5	2,059	\$2,264,900	...
401	VALLEY	1 +1	2.5	2,046	\$1,687,950	...
311	VALLEY	2 +1	3.5	2,176	\$1,740,800	...
310	LAKE	2 +1	3.5	2,176	\$2,176,000	...
309	VALLEY	2 +1	3.5	2,175	\$1,740,000	...
308	LAKE	3 +1	4.5	3,071	\$3,071,000	...
307	VALLEY	2 +1	3.5	2,252	\$1,801,600	...
306	LAKE	1 +1	2.5	1,953	\$1,953,000	...
	VALLEY	2 +1	3.5	2,273	\$1,818,400	...

## Marja Ambler

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**From:** Alison Appel <alisonappel@gmail.com>  
**Sent:** Sunday, December 11, 2022 8:21 AM  
**To:** Marja Ambler  
**Cc:** Jacob Stock; Karen Fink; AHILL@washoecounty.gov  
**Subject:** Comments Regarding Zoning Changes in the Tahoe Basin

Dear TRPA Planners and Committee Members and Washoe County Commissioner,

I am writing to urge you consider natural disaster evacuation as part of your planning process for any new developments and code change and regional plan discussions.

Our traffic and traffic patterns have changed considerably since I began living in Incline Village in 2008 after almost a decade in Meyers, CA/SLT. The reduction of lanes through the Kings Beach commercial corridor help to congest traffic up 267 toward Truckee, and also from Incline Village on 28 toward KB, to levels only seen on a rare occasion prior to this. Add to this, more full-time residents and more visitors, we have untenable traffic conditions more often than just the occasional big weekend or holiday week. As you know we are also seeing larger and longer fire seasons, and the old saying, "it is not if, it is when" is more true than ever.

Adding more resorts, condo projects, and more density in areas increases an already bad situation for people who both call this home and people who want to come visit with no consideration of our road system. Throw a natural disaster evacuation into the mix, and what is going to happen? Where is the natural disaster egress plan?

We know after the Caldor Fire and the efforts to evacuate South Lake Tahoe that our side of the lake might fare worse. From Incline Village, we have three 2-lane roads to evacuate 5000+ full time residents plus the possibility of 15K more on a tourist weekend? Where has this been simulated? Depending on the disaster we have the communities of Kings Beach, Tahoe Vista, Carnelian Bay and Tahoe City needing the same roads. We have the pending Martis development that will further restrict 267 traffic.

Where are you looking at this during the regional plan, permitting, and code creation process? You can't take these new developments back once they are allowed and cross your fingers it will all work out. There are no new roads planned. You are potentially creating another Paradise, CA situation with people incinerating in their cars trying to escape. It took reports of 7 hours sitting on 4 lane highway 50 to get people out of parts of South Tahoe area on a 4 lane road. People in Paradise did not have that time and neither will North Lake residents and visitors.

We need some changes to Tahoe development to address housing people who work here along with responsible development and redevelopment, but it needs more variables considered. The currently proposed changes working through Placer County, plus the other developments currently making their way through the North Shore corridor of condos and resorts, appear that you've taken our safety for granted. I can't find any measure of natural disaster evacuation as part of the process. Please make natural disaster egress a part of the permitting and code change process. This is no longer a fire is burning down a house or hotel and make sure the building is up to code, this is a wildfire is barreling toward a whole community.

Thank you for your time and consideration of my comments.

Sincerely,  
Alison Appel

