

From: Kristina Hill <tahoehills@att.net>
Sent: 11/7/2023 5:16:39 PM
To: Public Comment <PublicComment@trpa.gov>
Cc: Denise Davis <ddaviscab@hotmail.com>; rondatycer@aol.com <rondatycer@aol.com>; Ann Nichols <preserve@ntpac.org>; Judy Simon <judymike@mac.com>;
Subject: Re: Required Findings
Attachments: [image001.png](#)

Please include the following in the public comment for the APC on 11.8.23:

Dear APC members,

When I read the TRPA Code Section 4 and 16 it generally states that when you amend the Regional Plan findings must be made that the environmental thresholds will not be exceeded and must include:

- a list of compliance measures
- a schedule for each measure that shows how much and at what rate that measure is expected to contribute to the attainment of the affected threshold, etc.

I don't see any of that in this staff report. There are merely citings of previous documents. In other words, **there are no findings**.

An IEC that can be marked no significant impact is not a finding.

I'm flabbergasted at the lack of environmental review that has been done for these proposed monumental changes to Code.

Please delay or deny the proposed housing amendments.

Kristina Hill

Kristina Hill
Hill Planning, Inc.
P.O. Box 6139
Incline Village, NV 89450

c: (775) 544-4345

On Friday, November 3, 2023 at 04:18:10 PM PDT, Kristina Hill <tahoehills@att.net> wrote:

Great!

Kristina Hill
Hill Planning, Inc.
P.O. Box 6139
Incline Village, NV 89450

c: (775) 544-4345

On Friday, November 3, 2023 at 04:16:14 PM PDT, Jeff Cowen <jcowen@trpa.gov> wrote:

775.589.5278

From: Kristina Hill <tahoehills@att.net>
Sent: Friday, November 3, 2023 3:56 PM
To: Jeff Cowen <jcowen@trpa.gov>
Cc: Denise Davis <ddaviscab@hotmail.com>; rondatycer@aol.com
Subject: Re: Required Findings

Thanks Jeff,

I've seen the Code. What I haven't seen are the findings TRPA is supposed to make when amending the Code.

- Code Section 4.3 states that findings must be made in writing.
- Show me where TRPA staff has made written findings that demonstrate that the project (Code Amendments) will not cause the environmental thresholds to be exceeded per Ch. 4.4.1
- Confirm that any resource capacity utilized by the project is within the amount of remaining capacity available; Ch. 4.4.2.B
- Any amendment to the Code must include written findings that the Regional Plan as amended achieves and maintains the thresholds; Ch. 4.6

Please show me these written findings.

Have a great weekend!

Kristina

Kristina Hill
Hill Planning, Inc.
P.O. Box 6139
Incline Village, NV 89450

c: (775) 544-4345

On Friday, November 3, 2023 at 02:57:48 PM PDT, Jeff Cowen <jcowen@trpa.gov> wrote:

Hi Kristina,

A list and description of required findings is in Chapter 4 of the TRPA Code of Ordinances, which starts on page 75.

<https://www.trpa.gov/wp-content/uploads/TRPA-Code-of-Ordinances.pdf>

Additionally, the Code lists required findings for specific environmental review documents in Chapter 3, which starts on page 71.

There are multiple sections of the Code of Ordinances that specify required findings for other plans and actions, such as Area Plan adoptions, project applications for additional height (section 37.7), and Shorezone projects. Minor references to the requirement of findings are throughout the Code. There are 248 instances throughout the document.

At the higher level, the Bi-State Compact requires any project approval be "supported by a statement of findings, adopted by the agency, which indicates that the project complies with the Regional Plan and with applicable ordinances, rules and regulations of the agency."

I hope this helps. Please let me know if you have any questions.

Have a great weekend!

Jeff W Cowen (he/his)

Public Information Officer

Tahoe Regional Planning Agency

775.589.5278



trpa.gov|[facebook](#)|[X/twitter](#)|[instagram](#)

From: Doug Flaherty <tahoesierracleanair@gmail.com>
Sent: 11/7/2023 3:45:47 PM
To: Brendan Ferry <Brendan.Ferry@edcgov.us>; Jennifer Carr <jcarr@ndep.nv.gov>; ElleryStahler <estahler@lands.nv.gov>; Hilary Roverud <hroverud@cityofslt.us>; Jason Drew <jdrew@ncenet.com>; Susan Chandler <susankesslerchandler@gmail.com>; Crystal Jacobsen <CJacobse@placer.ca.gov>; Judy Simon <judymike@mac.com>; Kevin Hill <nwmfpack@icloud.com>; Ben Letton <ben.letton@waterboards.ca.gov>; Eric Young <EYoung@washoecounty.us>; Kmonail <Kmonail@douglasnv.us>; Heather Ferris <hferris@carson.org>; Kevin Drake <kevin@alibi.beer>; Garth Alling <galling@sierraecotonesolutions.com>; ExecutiveAssistant Washoe <executive.assistant@washoetribe.us>; Steve Teshara <SteveTeshara@gmail.com>; Chad Stephen <stephen@lakevalleyfire.org>; TRPA <trpa@trpa.gov>; Public Comment <PublicComment@trpa.gov>; Alyssa Bettinger <abettinger@trpa.gov>
Cc: Brooke Laine <bosfive@edcgov.us>; Cindy Gustafson <cindygustafson@placer.ca.gov>; Julie Regan <jregan@trpa.gov>; Shelly Aldean <shellyaldean@gmail.com>; Karen Fink <kfink@trpa.gov>; Jessica Diss <jdiss.trpa@gmail.com>; James Settelmeyer <JSettelmeyer@dcnr.nv.gov>; Alexis Hill <AHill@washoecounty.us>; Vince Hoenigman <vhoenigman@yahoo.com>;
Subject: Public Written Comment TRPA APC Mtng 11-8-23 From TahoeCleanAir.org
Attachments: [TahoeCleanAir.org Comment TRPA APC Meeting - 11- 8- 23.pdf](#)

Dear TRPA APC Chair and Members:

The attached written public comment replaces the earlier written public comment submitted to the APC 10/21/23.

Please include this written public comment as part of the minutes and the record in connection with the 11/8/23 TRPA APC Meeting Agenda Item V.A. concerning:

Phase 2 Housing Amendments, including proposed changes to Code of Ordinances Chapter 13, Area Plans; Chapter 36, Design Standards; Chapter 37, Height; Chapter 31, Density; Chapter 30, Land Coverage. Chapter 34, Parking Policies; Chapter 52, Bonus Unit Incentive Program and Chapter 90, Definitions; and changes to the Goals and Policies, Land Use and Housing Sections; that would only apply to projects applying for deed-restricted bonus units (possible direction/action to staff).

Sincerely,
Doug Flaherty, President
Tahoe Sierra Clean Air Coalition (DBA TahoeCleanAir.org)
A Nevada 501(c)(3) Non-Profit Corporation registered to do business in the State of California
774 Mays Blvd 10-124
Incline Village, NV 89451



11/7/23

RE: Public Comment TRPA Advisory Planning Commission Meeting 11/8/23 – Agenda Item V. A.

EIS/EIR = Environmental Impact Statement / Environmental Impact Report as required by either TRPA or CEQA Regulations

Dear TRPA APC Chair and Members:

This written public comment replaces the earlier written public comment submitted to the ACP 10/21/23.

Please include this written public comment as part of the minutes and the record in connection with the 11/8/23 TRPA APC Meeting Agenda Item V.A. concerning:

Phase 2 Housing Amendments, including proposed changes to Code of Ordinances Chapter 13, Area Plans; Chapter 36, Design Standards; Chapter 37, Height; Chapter 31, Density; Chapter 30, Land Coverage; Chapter 34, Parking Policies; Chapter 52, Bonus Unit Incentive Program and Chapter 90, Definitions; and changes to the Goals and Policies, Land Use and Housing Sections; that would only apply to projects applying for deed-restricted bonus units (possible direction/action to staff).

For the record, as discussed below TahoeCleanAir.org opposes the proposed amendments and changes for the following reasons:

1. In connection with Article VII(a)(2) of the Compact, the proposed code amendments represent a significant and substantial land use planning matter that may have a significant cumulative effect on the Lake Tahoe Basin environment and public safety. Therefore, and for the reasons listed below, per the Bi-State Compact, TRPA regulations and the California Environmental Quality Act (CEQA), the TRPA must prepare a new or supplemental EIS/EIR to the 2012 Regional Plan EIS/EIR, before deciding to approve the proposed amendments.
2. TRPA has failed to provide substantial evidence to make the following statements found in Section 10.6, 14.a and 23.d of the TRPA Initial Environmental Checklist. The comments are speculative, highly controversial, arbitrary, capricious, agenda driven and their stated outcomes highly uncertain. Therefore, adoption of the environmental checklist findings, items 10.6, 14.a, and 23.d would represent prejudicial abuse of discretion on the part of the TRPA.

10.6 - By concentrating remaining residential growth in centers and along evacuation routes such as major highways, rather than in neighborhoods closer to the forest, or on roads which may have limited exit routes, the proposed amendments would benefit evacuation planning. Further, a goal of the current proposal seeks to shift more of the future housing stock to occupancy by local residents, rather than part-time second homeowners or tourists (e.g., vacation home rentals). Because of the lack of available housing and high rates of commuting into the basin, a similar number of people are likely to be in the basin during a potential emergency event, still requiring evacuation. Having fewer commuters in the basin during an emergency event will reduce congestion on roadways.

14.a - However, with the amendments, more housing units may be built within or nearby to centers and existing fire protection services, resulting in a beneficial impact.

23.d - d. Does the project have environmental impacts which will cause substantial adverse effects on human beings, either directly or indirectly? TRPA states NO

3. TRPA proposed amendments represent significant revisions to its regulatory housing element. Yet, TRPA has failed to discuss the applicability and adherence to current California Government Code Section 65302.15 (a) and (b) which requires Planning Agencies to revise their Safety element of their General Plan “upon each revision of the housing element” in order to identify new information relating to fire hazards and strategies that was not available during the previous revision of the safety element.

Further “beginning on or before January 1, 2022, the safety element adopted pursuant to subdivision (g) of Section 65302 shall be reviewed and updated as necessary to identify evacuation routes and their capacity, safety, and viability and evacuation locations under a range of emergency scenarios.”

TRPA must adhere to and discuss the regulatory relationship between CA Gov Code Section 65302.15 (a) and (b), including its regulatory role, authority, and 65302’s implications in connection with TRPA adoption of the proposed amendments and the TRPA approved Area Plans within California.

4. Any reasonable person would conclude that these far-reaching proposed amendments may have a significant effect on the environment and public safety, especially within dense town centers and multi-use areas. This, based on cumulatively significant numbers of amendments, past projects, new information, recent safety and pollution events, and continuing degradation of Lake Tahoe, since the 2012 Regional plan adoption.

This, in connection with only a few examples of new information and changes that have been identified since the TRPA 2012 Regional Plan EIS/EIR including:

- Significant new and important life safety planning information contained in the CEQA 2020 California Attorney General Guidance document “Best Practices for Analyzing and Mitigating Wildfire impacts of Development Projects”.
 - Significant individual but cumulatively impactful Regional Plan code amendments including significant Short-Term Rental and ADU code change approvals.
<https://www.trpa.gov/regional-plan/code-amendments/>
 - Significantly cumulative adverse environmental impacts, including, but not limited to the Caldor fire and so called snowmageddon evacuation debacles, record micro plastics within the lake, dramatic increases in algae, deposits of herbicides, alarming increases in aquatic invasive species including New Zealand Mud Snails, usage of herbicides within the Lake, huge trash deposits on beaches and significant underwater trash litter, dramatic unsafe overpopulation increases in an already unsafe overpopulation. This cumulatively unsafe population increase is encouraged by TRPA supported and approved cumulative destination attraction projects like the East Shore trail and destination hotels and resorts without adequate human and roadway cumulative impact capacity analysis.
5. Per the TRPA Code of Ordinances, Rules of Procedure, and the California Environmental Quality Act (CEQA), a new EIS/EIR or a supplemental EIS/EIR to the 2012 Regional Plan must be prepared, circulated, and certified. This since the proposed amendments to increase height, density, coverage, reduce parking and setbacks and significantly increase the proliferation of tiny homes and ADU's within and outside of town centers are:

A) Geographically significant in scope within the Lake Tahoe Basin, potentially adversely affecting the environment and public safety along the North, South, East and West Shores, including dense and concentrated Town centers.

B) Agenda driven, subjective, and fail to provide substantial evidence that the cumulative impact of the proposed amendments, especially within Town centers and multi-use areas will result in workforce housing. Claims by TRPA in this regard have been based on flawed and incomplete data. TRPA has failed to provide substantial evidence that the stated outcomes will be achieved and therefore the stated outcomes are highly unlikely and controversial. Current evidence runs counter to TRPA stated outcomes.

6. A new or supplemental EIS/EIR to the 2012 Regional Plan must be prepared, circulated, and certified in accordance with these Rules in the same manner as a draft EIS/EIR. TRPA must require preparation, circulation, and certification of a new or supplemental EIS/EIR since:

A) The proposed amendments represent subsequent amendments that involve new significant adverse effects not considered in the 2012 EIS/EIR.

B) Substantial new environmental and safety information within Lake Tahoe's unique environment have occurred within the last 11 years with respect to demonstrated basin environmental degradation, decreased public safety in an already unsafe human and roadway overcapacity environment and additionally involve new significant adverse effects not cumulatively considered in the 11-year-old Regional Plan EIS/EIR.

TRPA Code of Ordinances Section 3.3. DETERMINATION OF NEED TO PREPARE ENVIRONMENTAL IMPACT STATEMENT states:

Except for planning matters, ordinary administrative and operational functions of TRPA, or exempt classes of projects, TRPA shall use either an initial environmental checklist or environmental assessment to determine whether an environmental impact statement shall be prepared for a project or other matter.

The proposed far-reaching amendments represent a significant land use planning matter, are not ordinary administrative and operational functions of the TRPA and are not an exempt class. Therefore, an Initial Environmental Checklist (IEC) nor an Environmental Assessment (EA) is inadequate, and TRPA must require a new or subsequent EIS/EIR.

Any reasonable person would conclude that there is a reasonable possibility that the far-reaching proposed amendments will have a significant effect on the environment and public safety based on the cumulatively significant numbers of amendments, past projects, new information and continuing degradation of Lake Tahoe, since the 2012 Regional plan adoption.

The proposed amendments are not exempt from preparation of an EIS/EIR under the TRPA Code of Ordinances list of classes of projects that will not have a significant effect on the environment and are not exempt from requiring an EIR under CEQA.

7. The proposed amendments are a threat to both visitor and resident life safety inside and outside concentrated town centers and mixed-use areas.

Adoption of the amendments, without first applying the most up to date best practice wildfire planning tools will most likely result in increased wildfire evacuation impacts throughout basin and most predominantly in "denser" more concentrated town centers and mixed-use areas.

This, due to substantial cumulatively proposed concentrated increases in building density, coverage, and planned eventual building height, as well as reduced parking and setbacks and increased proliferation of tiny homes and ADU's. This then, resulting in increases in concentrated human population (residents and visitors, including tourists), within town centers and mixed-use areas, functioning within an already unsafe overcapacity roadway and often LOS F intersection environment.

While there exists an opinion that more concentrated development within town centers vs development outside of town centers may prevent ignitions, the reality is that all business and residential population areas within the basin, including dense concentrated town centers and mixed-use areas exist within the Nevada and California "Wildland Urban Interface", and specifically on the California side, per the California State Fire Marshal, most of the built environment geographical area is classified as a Very High Fire Hazard Severity Zones (VHFHSZ). <https://osfm.fire.ca.gov/fire-hazard-severity-zone-maps-2022//>

Therefore, any ignitions, inside or outside the planning area, especially within our wind and slope environment may become out of control. This significantly impacts wildfire evacuation and emergency access. Therefore, as a life safety priority as well as for reasonable and prudent planning, the TRPA must require the most up to date and

best life safety wildfire evacuation planning tool be utilized before the proposed amendments are heard and adopted.

Resident and visitor populations (including tourists) within each of the town centers and mixed-use areas individually and cumulatively represent significant concentrated populations.

Increased concentrations within town center and mixed-use areas will, most likely serve as wildfire evacuation “choke points.” This, as increased and concentrated town center and mixed-use population vehicles and foot traffic compete in a “sudden surge,” impacting already over capacity evacuation roadways, thereby further and significantly impacting the current evacuation assumptions and timing.

Body Cam Footage – Evacuation from Paradise

<https://abc7news.com/camp-fire-video-bodycam-of-evacuations/4850913/>

A new and revised EIS/EIR must include the following significant new and best available, best practice evacuation guidance information (not known to the TRPA at the time of the 2012 Regional Plan adoption but known now). This new information is contained in the 2020 California Attorney General Guidance, under CEQA, “Best Practices for Analyzing and Mitigating Wildfire impacts of Development Projects” of which can serve to assist planning staff, emergency services and the public to determine the safety impacts as a result of the currently proposed amendments, in connection with wildfire evacuation and emergency access.

<https://oag.ca.gov/system/files/attachments/press-docs/Wildfire%20guidance%20final%20%283%29.pdf>

In the interest of prudent life safety wildfire evacuation planning, the TRPA must utilize the best available California Attorney General Best Practices for Analyzing and Mitigating Wildfire impacts of Development Projects when it comes to evacuation planning. This includes the prudent development of a variety of concentrated town center and mixed-use planning scenarios to help inform planners, the public and emergency responders regarding potential options during a wildfire evacuation including identification of significant impacts the amendments will have on wildfire evacuation.

The Best Practices guidance document “was based on the California Attorney General’s experience reviewing, commenting on, and litigating CEQA documents for projects in high wildfire prone areas,” and contains among other critical SAFETY guidelines the following, of which the TRPA fails to discuss in its determinations.

TRPA’s failure to consider and address this new information in a new or subsequent EIS/EIR to the 2012 Regional Plan constitutes a prejudicial abuse of discretion and is contrary to law.

Since the 2012 Regional Plan approval California has experienced a significant increase in wildfires and intensity of wildfires that was not addressed or anticipated in 2012.

The California Attorney General pointed out that eight of the ten largest wildfires in California history have occurred in the past decade. The Attorney General further stated that “the climate crisis is here, and with it comes increasingly frequent and severe wildfires that force mass evacuations, destroy homes, and lead to tragic loss of life. We must build in a way that recognizes this reality.” As discussed by the Attorney General “recent changes in fire frequency, intensity, and location are posing increasing threats to the residents and environment of California. More acres of California have burned in the past decade than in the previous 90 years.”

To this end, the Attorney General’s Best Practices provides guidance to local governments for designing “projects in a way that minimizes impacts to wildfire ignition, emergency access, and evacuation, and protect California’s residents and the environment.”

The data and information regarding the increase in intensity of wildfires was not available in 2012 when the TRPA approved the Regional Plan EIS/EIR. As stated by the Attorney General “The changing nature of wildfires, under

various metrics—frequency, area burned, adverse ecological impacts, the number of Californians displaced—is a worsening crisis that will unfortunately be part of California’s future.”

Without the best available and achievable modelling and analysis, these potentially significant impacts are left un-analyzed and without mitigation measures. All of this constitutes new information of significant importance to the TRPA and as such requires a new or subsequent EIS/EIR. (Pub. Resources Code § 21166(c)(3); CEQA Guidelines, § 15162(a).)

Given the fact that no similar life safety best practice tool of its kind exists in the region, in order to ensure adequate life safety of residents and visitors alike are given a top priority, TRPA must require that the significantly relevant 2020 Calif Atty General Life Safety Best Practices, be adopted and applied before the proposed amendments are adopted, including the following elements:

- Development in fire-prone areas increases the likelihood that more destructive fires will ignite, fire-fighting resources will be taxed, more habitat and people will be put in harm’s way or displaced, and more structures will burn.
- This guidance provides suggestions for how best to comply with CEQA when analyzing and mitigating a proposed project’s impacts on wildfire ignition risk, emergency access, and evacuation.
- Put simply, bringing more people into or near flammable wildlands leads to more frequent, intense, destructive, costly, and dangerous wildfires.

The best practice guidance includes:

- a) Evaluation of the capacity of roadways to accommodate project and community evacuation and simultaneous emergency access.
- b) Identification of alternative plans for evacuation depending upon the location and dynamics of the emergency.
- c) Evaluation of the project’s impact on existing evacuation plans.
- d) Consideration of the adequacy of emergency access, including the project’s proximity to existing fire services and the capacity of existing services.
- e) Traffic modeling to accurately quantify travel times under various likely scenarios.
- f) Consider impacts to existing evacuation plans, but recognize that, depending on the scope of an existing evacuation plan, additional analyses or project-specific plans may be needed. Community evacuation plans often identify roles and responsibilities for emergency personnel and evacuation routes, but do not necessarily consider the capacity of roadways, assess the timing for community evacuation, or identify alternative plans for evacuation depending upon the location and dynamics of the emergency.
- g) Local jurisdictions are encouraged to develop thresholds of significance for evacuation times. These thresholds should reflect any existing planning objectives for evacuation, as well as informed expert analysis of safe and reasonable evacuation times given the existing and proposed development.

Local jurisdictions should consider whether any increase in evacuation times for the local community would have a significant impact. The conclusion that an increase in evacuation times is a less than significant impact should be based on a threshold of significance that reflects community-wide goals and standards. Avoid overreliance on community evacuation plans identifying shelter-in-place locations. Sheltering in place, particularly when considered at the community planning stage, can serve as a valuable contingency, but it should not be relied upon in lieu of analyzing and mitigating a project’s evacuation impact.

8. Loss of life and injury to the public and visitors during wildfire evacuation may be substantially more severe than discussed in the 2012 Regional Plan EIS/EIR eleven years ago. This, since TRPA was not aware of this best practice life safety planning tool. However, now that TRPA is aware of this significant life safety planning tool, TRPA must

conduct a best practice wildfire evacuation roadway capacity evaluation based on proposed cumulative increases of building height, coverage, density, reduced setbacks, and decreased parking and increased proliferation of tiny homes and ADU's.

Further, TRPA has failed to develop safety, roadway, and human overcapacity thresholds of significance, utilizing the latest data driven and best available technology, since 2012 to do so. Going forward with the proposed amendments without doing so is negligent.

Resident and visitor populations (including tourists) within each of the town centers and mixed-use areas individually and cumulatively represent significant concentrated populations.

Photos of Paradise Fire (Camp Fire) victims and location where each victim died.

<https://www.kcra.com/article/these-are-the-victims-of-camp-fire/32885128>

Caldor Fire Evacuation – Mercury News August 31, 2021

<https://www.mercurynews.com/2021/08/30/its-out-of-control-caldor-fire-prompts-south-lake-tahoe-evacuation-traffic-gridlock/>

On the California side, failure to provide a new or supplemental EIS associated with the proposed code amendments runs counter to CEQA, Chapter 1: Legislative Intent.

9. The proposed amendments run counter to CEQA § 21000. LEGISLATIVE INTENT

The capacity of the environment is limited, and it is the intent of the Legislature that the government of the state take immediate steps to identify any critical thresholds for the health and SAFETY of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached.

The proposed code amendments fail to discuss and identify critical turn by turn roadway by roadway wildfire capacity thresholds, utilizing the latest technology and worst-case wildfire scenarios. Such identification of these critical roadway capacity thresholds is necessary to assist TRPA during their environmental public safety review process as connected with code amendment adoption process.

10. The California Fire Code, all Tahoe Basin Fire Protection District Fire Codes, TRPA Code of Ordinances and Rules of Procedures, FEMA County Emergency Plans as well as Placer, Douglas, El Dorado, and Washoe Counties FAIL to identify the critical SAFETY threshold of human and roadway capacity during wildfire evacuation and FAIL to:

- Contain any regulations whatsoever requiring emergency evacuation plans to identify region wide turn by turn roadway by roadway wildfire evacuation capacity thresholds, based on worst case wildfire scenarios or otherwise.
- Contain any regulation whatsoever, to employ the best technology, developed since the 2017 EIR or otherwise, in order to determine turn by turn roadway by roadway wildfire evacuation capacity thresholds, based on worst case wildfire scenarios or otherwise.
- Provide substantial evidence based on best available technology modeling, to help determine the cumulative human capacity threshold wildland fire evacuation impacts on town centers caused by proposed TBAP increases in height, density, coverage increases safety peril during worst case wildfire evacuation or the extent that incoming emergency service vehicles will be impaired by such increases.
- Discuss the alternative of not adding the current increased height, density, coverage, reduced setbacks to Town centers due to wildfire evacuation constraints from increased human capacity.

11. Largely unknown to the public, fire jurisdictions commonly adopt the International Fire Code and the International Urban Wildfire Interface Code, which narrowly addresses building evacuation and wildland fire prevention, the codes do not address adequate requirements regarding wildfire evacuation within the Wildland Urban Interface.

In light of this fire code critical safety deficiency on part of the agencies to require safe and effective evacuation regulations, and latest evacuation capacity modeling, TRPA must rely on the October 2020 California AG Best Practices Wildfire Impact guidance document when discussing wildfire evacuation within basin boundaries.

12. Finally, the TRPA continues to claim that it is not their responsibility to create wildfire evacuation plans but to leave that up to the various government entities within the basin.

Regardless of whether or not this is the case, the TRPA has the responsibility to, and must create and adopt basin wide cumulative environmental and safety impact EIS/EIR's which include, in the case of the proposed amendments, a requirement to apply the most up to date wildfire evacuation planning life safety tool. i.e., the Best Practices for Analyzing and Mitigating Wildfire impacts of Development Projects," within a new or supplemental EIS, since the 2012 Regional Plan.

13. The TRPA has failed to adopt human and roadway capacity threshold standards to maintain and equilibrium of public health and safety within the region, especially as it relates to wildfire evacuations.
14. By refusing to take steps to utilize the most up to date wildfire planning and evacuation best practices to analyze basin wide wildfire roadway evacuation capacity, within already unsafe human and roadway overcapacity conditions, simply allows for the continued degradation of public safety during wildfire evacuation, and therefore, the proposed amendments run counter to Chapter 2 Land Use Element GOAL LU-3 which states:

The Tahoe Regional Planning Agency Bi-State Compact and extensive public testimony call for TRPA, along with other governmental and private entities, to safeguard the well-being of those who live in, work in, or visit the Region.

POLICIES:

LU-3.1 ALL PERSONS SHALL HAVE THE OPPORTUNITY TO UTILIZE AND ENJOY THE REGION'S NATURAL RESOURCES AND AMENITIES.

LU-3.2 NO PERSON OR PERSONS SHALL DEVELOP PROPERTY SO AS TO ENDANGER THE PUBLIC HEALTH, SAFETY, AND WELFARE.

Sincerely,
Doug Flaherty, President
Tahoe Sierra Clean Air Coalition (DBA TahoeCleanAir.org)
A Nevada 501(c)(3) Non-Profit Corporation
Registered to do business in the State California 774 Mays Blvd 10-124
Incline Village, NV 89451

From: Sophia Heidrich <sophia@mapf.org>
Sent: 11/7/2023 3:45:52 PM
To: Public Comment <PublicComment@trpa.gov>
Cc: Alexis Ollar <alexis@mapf.org>;
Subject: Comments Re: Agenda Item No. V.A., APC Meeting (11.8.23)
Attachments: [MAP's Comments - TRPA Phase 2 Housing Amendments _ APC Meeting \(11.8.23\).pdf](#)

Dear TRPA Staff,

Please distribute the attached comments regarding Agenda Item No. V.A., Phase 2 Housing Amendments for tomorrow's APC meeting to the Advisory Planning Commissioners and other appropriate parties.

Thank you,



mountain area preservation

Sophia Heidrich

Advocacy Director, Mountain Area Preservation
Mailing Address: P.O. Box 25, Truckee, CA 96160
Physical Address: 10116 Jibboom Street, Truckee, CA 96161
Office: 530.582.6751

www.MountainAreaPreservation.org | [Like us on Facebook](#) & [Instagram](#)

"I do have reasons for hope: our clever brains, the resilience of nature, the indomitable human spirit, and above all, the commitment of young people when they're empowered to take action." — Jane Goodall

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mountain area preservation

November 7, 2023

Advisory Planning Commission
Tahoe Regional Planning Agency
128 Market Street, Stateline, NV
Submitted via Email

Re: Agenda Item No. V.A. Phase 2 Housing Amendments, APC Meeting (11.8.23)

Dear TRPA Advisory Planning Commissioners,

Thank you for the opportunity to provide public comments on the Phase 2 Housing Amendments. Mountain Area Preservation (MAP) is a grassroots environmental non-profit organization that has been engaging the community and advocating for sound land-use planning, the protection of open space and natural resources, and the preservation of mountain character in Truckee Tahoe since 1987.

We are ardent advocates of workforce housing with a proven track record of working collaboratively with our non-profit partners, local jurisdictions and developers to get workforce housing units built. We understand the challenges that face the greater region and the extreme importance of providing housing to both the workforce and residents. Over the last thirty-six years, our advocacy has fostered the development of over 700 workforce housing units in Truckee, so we know what it takes to get these projects on the ground. We also know what it doesn't take. It doesn't take providing more height, density, and coverage. It doesn't take trading in our environment, natural resources, public safety or community character. And it certainly doesn't take incentivizing sprawl. MAP urges you to vote no on the housing amendments before you today because we can do better for the workforce, and for Tahoe. Thank you for considering the following comments, suggestions, and questions.



mountain area preservation

Mountain Area Preservation's Concerns

Mountain Area Preservation supports smart growth principles and the redevelopment of dilapidated infrastructure in Town Centers, but we do not support mountain sprawl. The TRPA has stated that these amendments intend to concentrate the Tahoe Basin's remaining development capacity and growth in Town Centers, yet the amendments incentivize growth outside of Town Centers, in "Transition Zones" and multi-family zones. The Town Center boundaries were thoughtfully designed, through a public input process with community buy-in and they should be respected. Providing incentives in Transition Zones and multi-family zones essentially extends the Town Center boundary lines into areas that are not close to services. TRPA staff argue that these multi-family zones are near transit, but transit headways are long and unreliable.

Instead of developing creative solutions specific to Tahoe's unique mountain environment, these amendments rely solely on market-based proposals, drafted by those who stand to profit and designed to incentivize massive housing projects with minimal parking that are out of character with most of the region's small communities. The proposed increases in allowable height, density, and lot coverage are concerning for a host of reasons. These amendments not only have the capacity to degrade community character and destroy scenic vistas, they could also negatively impact water quality and clarity, wildfire evacuation risks, and public safety.

Establishing parking requirements of 0 in Town Centers and 0.75 in adjacent zones does not make sense in an area that already struggles with parking management. In a recent meeting, TRPA staff stated that 4% of the Basin's population do not have cars, but what about the other 96%? The unfortunate reality is that Tahoe's transit system is severely lacking and cannot currently accommodate the needs of the workforce, who frequently hold two or three jobs in different locations and need reliable transportation. Leaving it up to project applicants to develop successful parking management strategies is highly concerning. We've seen developers make too many promises that



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are not followed up on, especially without adequate enforcement mechanisms in place.

These ideas haven't been tested and they haven't been analyzed through a meaningful environmental review process. There has been no new environmental analysis since 2012 when the Regional Plan was updated. Since that time, neighboring communities, including Carson City, Reno, and Truckee, have drastically changed, as have use patterns within the Basin. While a significant portion of the housing stock still serves as second homes, those homes are now in use on a much more frequent basis as remote work has skyrocketed, yet that increase in use has not been captured nor analyzed. Where are the surveys to better understand these use patterns and their impacts?

The Initial Environmental Checklist (IEC) and Finding of No Significant Impact (FONSI) are incomplete, with no new analysis. The findings are based on the 2012 Environmental Impact Statement (EIS), but that analysis didn't consider high-density developments outside of Town Centers and the associated impacts related to this changed land-use pattern, with additional lot coverage and massing. The IEC admits that 100% coverage does have the potential to negatively impact runoff and pollutants in surface waters, but it argues that because a relatively small amount of land would be impacted and because there is a new stormwater treatment requirement, the impacts would be less than significant. This sets a bad precedent for potential future amendments. Other projects may use this finding to argue that additional coverage does not lead to adverse environmental impacts when the project builds or connects to an areawide stormwater system.

The current documents rely on the fact that there would be no overall increase in density in the plan area, so they argue that many impacts would more or less be transferred from one location to another. This perspective is flawed because the amendments do not guarantee any protection of undeveloped areas or open space. Additionally, there has been no analysis related to the status of the 2012 EIS's mitigation



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measures or Regional Plan performance standards. We do not know to what extent the mitigation measures have been implemented, whether they are functioning as expected, or if new mitigation measures should be established.

The amendments target affordable, moderate and achievable housing, and use these terms interchangeably, but they are not equal. The achievable housing definition is riddled with loopholes that would allow folks to qualify who do not physically work within the region. What is to stop these new units from becoming ski leases and second homes? The enforcement of deed restrictions is severely lacking and we've seen firsthand how units intended for the local workforce have been misused. Without enforcement of deed restrictions and regular audits, these requirements are meaningless.

Questions/Clarifications

In addition to the aforementioned concerns, MAP would like clarification on the following questions. The proposed language in Section 13.5.3.I.A states that height may be increased for mixed-use developments with a residential component that is 100% deed restricted to affordable, moderate, or achievable housing. What portion of the project has to be deed restricted in order to qualify for the additional height? Does the whole project get additional height or just the deed-restricted housing portion?

Proposed Section HS-3.1.A states that these development standards supersede the standards of local jurisdictions, including in approved area plans. So, if adopted, will these standards immediately apply to all local jurisdictions? At last week's Placer County Board of Supervisors hearing, Supervisor Gustafson specifically asked about this and their legal counsel stated that the more restrictive standard would take precedence. This language suggests the opposite.



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Suggestions/Solutions

As workforce housing advocates we believe there are other solutions that should be considered before creating a negative precedent for the future of workforce housing in the Lake Tahoe basin. One of the best ways to plan for the remaining 946 bonus units is to conduct a site specific analysis to identify areas in the basin that are appropriate to accommodate large multi-family residential (MFR) projects, which is one of the targeted land uses for the Phase 2 Housing Amendments. TRPA knows there is a limited amount of parcels in Town Centers that can accommodate MFR, and placing these projects outside of Town Centers, in new Transition Zones, creates a land use pattern that is not appropriate for mountain communities, incentivizing sprawl, which is counter to the intention of the 2012 Regional Plan Update (RPU).

TRPA should add to the Phase 2 Housing Amendments process and identify appropriate sites that can accommodate heights, mass, scale and density without compromising Tahoe's irreplaceable scenic vistas, ridgelines, and public safety with evacuation and building shadows due to heights and tightly packed streets and buildings. These sites and property owners can be identified as opportunity sites, rather than creating "one-size fits all" housing code amendments that create uncertainty and trust issues with TRPA, as well as Placer County for North Lake Tahoe residents. Additionally, special district agencies around the basin such as the North Tahoe PUD, Tahoe City PUD, United States Forest Service (USFS) and California Tahoe Conservancy (CTC) have parcels that are under-utilized and could accommodate future workforce housing or seasonal workforce housing campgrounds, which is yet to be explored or considered.

In reviewing the code amendments we are left to wonder where the equity is within these "Market" solutions, knowing that there are only 946 bonus units left. The accounting of those and how they are allocated to the different Basin communities is still a bit of mystery. The [TRPA's Cumulative Accounting Dashboard](#) is woefully outdated and does not outline any criteria or methodology for the distribution of these bonus



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units. The chart below was obtained by TRPA staff and shows the number of remaining bonus units by jurisdiction/pool.

Jurisdiction/Pool	Number
City of SLT	89
Douglas County	67
Placer County	41
Washoe County	120
TRPA Pool – Centers	377
TRPA Pool – Other	104
TRPA Pool - reserved for permitted projects	148
Total	946

The number of remaining bonus units seems to be a moving target, with the TRPA having the ultimate decision on what projects are the winners and losers. These bonus units should be equitably distributed through a clear process to the various Tahoe jurisdictions based on their particular needs rather than doled out without consideration, or an understanding of how the bonus units can be re-allocated.

In terms of the environmental review, the TRPA should complete an updated environmental analysis for the proposed amendments, one that fully considers regional cumulative impacts and the potential implications on wildfire evacuation, water quality, community character, public safety, and scenic resources. This process should also consider the efficacy of the existing mitigation measures and whether additional mitigation should be required in order to minimize impacts. The last EIR/EIS for the 2012 RPU is no longer valid, and should not be relied upon, as the conditions in Tahoe have drastically changed.

Other ideas that the TRPA should consider are the exploration of Vacancy Tax measures, additional support of local programs, such as the Lease to Locals Program,



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and requiring STRs to obtain tourist accommodation units, giving the TRPA the ability to cap STRs throughout the Basin. These are potential mechanisms that could help to address the housing crisis without putting community character, safety, and natural resources at risk.

The proposed Phase 2 Housing Amendments are deeply concerning. This fast-tracked process has not afforded many opportunities for public input, participation, or any meaningful changes being made due to public comments or concerns. If those opportunities were provided, we think you would find the majority of the Tahoe community is not supportive of additional building heights, density or massing, especially outside of Town Centers, and would rather the TRPA look to other, truly innovative housing solutions before resorting to these market-based experiments. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Alexis Ollar".

Alexis Ollar, Executive Director

A handwritten signature in blue ink that reads "Sophia Heidrich".

Sophia Heidrich, Advocacy Director

From: Ann Nichols <preserve@ntpac.org>
Sent: 11/7/2023 7:25:10 AM
To: Public Comment <PublicComment@trpa.gov>; DarcieGoodman-Collins <Darcie@keoptahoebblue.org>; jesse@keoptahoebblue.org <jesse@keoptahoebblue.org>; Gavin Feiger <gavin@keoptahoebblue.org>; Alexis Ollar <alexis@mapf.org>; Judi Tornese FOWS <jmtornese@aol.com>; Doug Flaherty <TahoeBlue365@gmail.com>; Tobi Tyler <tylertahoe1@gmail.com>; carolyn willette <carolyntahoe@sbcglobal.net>; Ellie <tahoellie@yahoo.com>; Kristina Hill <tahoehills@att.net>; leah kaufman <leah.lkplanning@sbcglobal.net>; Pamela And Alex Tsigdinos <ptsigdinos@yahoo.com>; Dave Mc Clure <mccluretahoe@yahoo.com>; Niobe Burden <niobe.burden@gmail.com>
Cc: wade.crowfoot@resources.ca.gov <wade.crowfoot@resources.ca.gov>;
Subject: TRPA you can't be Serious!
Attachments: [imagejpeg_0.jpg](#)

Please distribute to APC and governing board.

Dangerous!

NEW HOUSING AMENDMENTS PROPOSED BY TRPA

These radical changes to TRPA's Regional Plan will result in significant negative environmental impacts to traffic (wildfire evacuation) air and water quality.



	Land Uses								
	Town Centers			Zoned Multi-Family			Transition Zones		
	Existing	Proposed	Change	Existing	Proposed	Change	Existing	Proposed	Change
Density units P/Acre	25	unlimited	unlimited	15	unlimited	unlimited	15-25	unlimited	unlimited
Height	56ft	65ft	+16%	36ft	42ft	+17%	42ft	53ft	+26%
Coverage	70%	100%	+42%	30%	70%	+133%	30%	70%	+133%
Parking Spaces P/Unit	2.25	0	-100%	2.25	0.75	-67%	2.25	0.75	-67%

Applies to units deed restricted and affordable, moderate, or achievable (no income cap)

TRPA HOUSING ADMENDMENTS TIMELINE



Affects:

Incline Village, Portions of the Kings Beach Grid, Tahoe Vista, Carnellian Bay, Dollar Hill, Lake Forest, Tahoe City, Tahoma, Homewood etc.

ntpac.org



preserve@ntpac.org

From: David Durst <ddurst880@gmail.com>
Sent: 11/7/2023 3:12:39 AM
To: Public Comment <PublicComment@trpa.gov>
Subject: Preserve Tahoe

Hi TRPA,

I would like to commend you for your efforts to preserve Tahoe's sensitive environmental balance.

By most Tahoe residents view, we have already reached maximum residential and visitor capacity.

Further development over the next 20 years will only serve to diminish the Quality of the Tahoe experience. As you are aware, traffic issues abound and the environment suffers from over use.

My hope and expectation is that TRPA will make the hard calls and curb, stop, control development. As your primary charter calls for protecting of this unique jewel.

Please don't let us down!

Sincerely,

David Durst
4 Elks Point Court
Zephyr Cove NV

From: Erin Anderson <anderson_er2@hotmail.com>
Sent: 11/7/2023 2:35:15 PM
To: Public Comment <PublicComment@trpa.gov>
Subject: Please go back to the drawing board with Housing Amendment

Dear TRPA,

I didn't make it very far in the housing amendment before alarm bells went off on the changes being proposed.

I run a small company and don't have time to read the 101 pages on top of working 10+ hours a day when I was forwarded this on Friday. While I can't list every error in thinking and future issues, I see this new proposal will cause below. To keep it short in the meantime, I ABOSULTELY do NO Support these changes.

1. you expect a developer to "Determine how to meet parking demand"? Are you kidding me? Scenario: I am a developer, i have 1 acre, i can squeeze 30 condos with parking or 40 condo and let parking being on the public streets. I'll take the income on the 10 extra condos please.
2. You are using data from a 2012 EIS. How about since your 1 mission is to product the lake (an alpoine lake ecosystem) you do antoher EIS about the impacts you want to put in place BEFORE YOU PUT THEM INPLACE
3. Under TRPA Question 10.b you state "2012 RPU EIS analysis, TRPA conducted an emergency evacuation analysis, considering the amount of growth forecast for the region" How about you actually do an analysis on the actual growth in the region over the 10 yrs since the report and use 2022 numbers before you blankly state "This amendment does not propose additional growth"
4. We have no regional wide, interstate, intercounty evacuation plan. WHY NOT? You are putting us all at risk by assuming execution and planning will occur at the local level. I am 7 miles from Kings Beach and the CA Stateline. It would be imperative for CA counties to be looped in since they are one of the evacuations paths is up and over 267.
 - a. Tahoe saw [5.9 million visitors in 2020](#) (A pandemic year when were supposed to in lockdown!)
 - b. Tahoe saw nearly [17 million visitor days in 2022](#)

I am ALL for more affordable housing and I think you need to take a step back, look at the potential pitfalls in your proposals before proceeding, so you can 100% make certain you are developing affordable housing that doesn't put people at risk during evacuations and keeps the beauty and cleanliness of Lake Tahoe and we address affordable housing in an affordable way for the needs of today and for future generations.

Thank you,
Erin Anderson
Incline Village, NV

From: Ellie <tahoellie@yahoo.com>
Sent: 11/6/2023 11:57:45 AM
To: Public Comment <PublicComment@trpa.gov>
Cc: John Hester <jhester@trpa.gov>; Karen Fink <kfink@trpa.gov>; Alyssa Bettinger <abettinger@trpa.gov>;
Subject: Public Comment 11-8-23 TRPA Advisory Planning Commission Item V. A.

Please accept and distribute this public comment for the record to the TRPA APC members and appropriate staff for the 11-8-23 meeting Thank you, Ellie Waller

V. PUBLIC HEARINGS

A. Phase 2 Housing Amendments, including proposed changes to Code of Ordinances Chapter 13, Area Plans; Chapter 36, Design Standards; Chapter 37, Height; Chapter 31, Density; Chapter 30, Land Coverage; Chapter 34, Parking Policies; Chapter 52, Bonus Unit Incentive Program and Chapter 90, Definitions; and changes to the Goals and Policies, Land Use and Housing Sections that would only apply to projects applying for deed-restricted bonus units	Discussion and Possible Action/ Recommendation	<u>Page 27</u>
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Discussion and possible action for Phase 2 Housing Amendments, including proposed changes to Code of Ordinances Chapters 1, 36, 37, 31, 30, 34, 52, and 90; and changes to the Goals and Policies, Land Use and Housing Sections; that would only apply to projects applying for deed-restricted bonus units.

TRPA Housing Resources Webmap
<https://gis.trpa.org/housing/>

<https://www.trpa.gov/wp-content/uploads/Agenda-Item-No-VA-Phase-2-Housing-Amendments.pdf>

What does this map represent? Clarification needed.
Is this where deed-restricted housing (achievable, affordable...) is allowed?

From: Robin Ricketts <robinr@hotsysocal.com>
Sent: 11/6/2023 8:24:02 PM
To: Public Comment <PublicComment@trpa.gov>
Subject: Stop the Tahoe Area Plan Amendments

Lake Tahoe is being threatened with overdevelopment, overcrowding, pollution, traffic jams, evacuation safety, and wildfires.

Stop the plans to urbanize Tahoe and put lives at risk. The Tahoe Basin Area Plan Economic Sustainability and Housing Amendments puts the safety and well-being of Lake Tahoe and its communities in jeopardy. The new codes and ordinances have the power to fundamentally degrade Tahoe's surroundings, wildlife habitats and communities. Stop watering down the once-strict developer requirements for the benefit of business entities and tourism beneficiaries eager to exploit Tahoe's scenic beauty for profit.

Stop the sweeping land use changes that will radically reshape Tahoe's future forever. Keep Tahoe Blue and do what you were created to do- protect Lake Tahoe and its surrounding basin.

Regards,

Robin Ricketts
Zephyr Cove, NV

From: Pamela Tsigdinos <ptsigdinos@yahoo.com>
Sent: 11/6/2023 12:29:17 PM
To: Public Comment <PublicComment@trpa.gov>
Cc: Marja Ambler <mambler@trpa.gov>;
Subject: Public Comments to 11/8 TRPA APC re TRPA Housing Amendments - Please distribute to APC members
Attachments: [TRPA.TahoeMountainNews.Oct.2023.pdf](#) , [Urban plan for Tahoe flawed.pdf](#) , [KaufmanTRPA APC letter for housing amendments.docx](#)

PLEASE ACCEPT THIS EMAIL AS A PUBLIC COMMENT TO NOV 8 2023 MEETING OF THE TRPA ADVISORY PLANNING COMMISSION; PLEASE INCLUDE IN THE PUBLIC RECORD

cc: members of the TRPA Advisory Planning Commission members

Dear TRPA Advisory Planning Commission,

You serve an important role in protecting Lake Tahoe and its surrounding environment and ensuring the safety of Tahoe's communities and visitors. Like many Tahoe residents, I've attended many meetings and invested large amounts of time researching and understanding the issues tied to the proposed Tahoe Basin Area Plan amendments before you. Please find two recently published articles, which include constructive suggestions regarding the need for more comprehensive wildfire evacuation planning and for addressing the housing needs here in Tahoe (see attached PDFs).

With this correspondence, I ask you **not** to recommend or approve advancing the TBAP amendments until more much-needed analysis and data gathering is completed.

Let me add that an Environmental Checklist is too broad to pass sweeping "Housing Amendments to the 2012 Regional Plan" as stated. There should be an update to the EIR. It should evaluate—ahead of any amendments—not only the mitigations that would be included in these amendments but the cumulative climate and demographic changes that have occurred since the last full EIR. There are many loopholes in the "Housing Amendments" regarding mixed use projects that still need to be addressed.

We need to keep definitions of targeted thresholds in place and provide explanatory reason and mitigation for any deviation. This is TRPA's ultimate responsibility. The rushed timing of these proposals' threshold changes appears to be purposeful and not in support of the Lake's or Tahoe basin's environmental health.

TRPA staff is pushing housing amendments to the 2012 Regional Plan to increase height and density WITHOUT a current Cumulative Environmental Impact Report. Providing an Environmental Checklist that lacks substantial current environmental research or substance to warrant its use is, at best, inadequate and, at worst, dangerous. **Despite significant public opposition**, these amendments continue to move forward.

Any reasonable person familiar with Tahoe would absolutely agree that there have been **many** "significant" increases in "Changed Circumstances and New Information" since 2016. The following significant changes have occurred since the last ratified EIR:

- **Increases in Truckee, Reno, and Carson City POPULATION. These population increase impacts on the basin have not been analyzed.** In 2016 the TTD/Nevada Dept. of Transportation put the annual basin wide visitor number at 25,000,000. The 2020-2023 pandemic drove far still traffic and people into the basin. TRPA must authorize a new report with data that addresses the combined increase in metro populations along with day visitor and overnight visitation to the basin.
- **Increase in Short-Term Rentals (STR's) and their unaccounted for TAU impacts**, with a saturation of 3,400 active permits of the 3,900 still available in eastern Placer County alone, including cumulative addition of the Washoe County approval of Short-Term Rentals within Incline Village, NV (Approx 900+ are active).
- Substantially significant increases in the changing natural environment resulting from overtourism and the **current pollution of Lake Tahoe from micro plastics, lead from cables, Cyno toxic algae, and invasive species including the New Zealand mud snail proliferation.**
- The **UC Davis State of the Lake Reports** since the certification of the 2016 EIR.
- **Demonstrated fire and winter evacuation safety perils due to lack of roadway capacity** caused by human overcapacity as demonstrated by the August 2021 Caldor and the January 2017 snowmageddon mass evacuation event. This includes wildfire evacuation tragedies since 2017 documented during the Paradise and Lahaina wildfires fires. While there exists an opinion that more concentrated development within town centers vs development outside of town centers may prevent ignitions, the reality is that the entire TBAP geographical area, including dense concentrated town centers and mixed-use areas exist within the "Wildland Urban Interface Defense Zone", and **per the California State Fire Marshal, the entire geographical area is classified as a Very High Fire Hazard Severity Zones (VHFHSZ).** Therefore, any ignitions, inside or outside the planning area, especially within our wind and slope environments may become out of control significantly impacting wildfire evacuation and emergency access. This then requires prudent up to date best practice life safety wildfire evacuation planning for all locations within the TBAP area, including dense town center and mixed-use areas determining maximum carrying capacity during catastrophic wildfire events.
- The many **large traffic-generating projects along the West and North shores in various stages of the permitting and/or development pipeline**, including but not limited to the Tahoe City Lodge, the Boatworks redevelopment, Palisades Tahoe, Homewood Mountain Resort, Boulder Bay, Waldorf Astoria Lake Tahoe and new home construction along SR 28.
- Increased environmental and wildfire safety and evacuation impacts caused by **2 lanes with resulting congestion on SR 267 and SR 28 from Brockway Summit through Kings Beach in both directions** and from the use of the East Shore Trail, placed in service in July 2019 that now results in **major traffic congestion on the 2 lane road** with illegal parking often narrowing the passage along SR28 from Incline Village to Hwy 50.

I ask you to listen closely to Tahoe residents and environmental and preservation groups who have offered meaningful, well-researched questions and comments. Please move slowly, not quickly with respect to development. Always prioritize the health of the Lake and its environment and prioritize the public safety of all who live and visit Tahoe.

Finally, please closely review the questions contained in Leah Kaufman's APC letter (also attached as a Word doc). I will close with an excerpt from her letter to you:

"The north and south shores are very different, and the voice of the people should have equal weight along with the developers, resort associations, prosperity centers, etc. In fact, only one environmental voice is present in the Tahoe Living Working Group - that of the League - and our community concerns do not feel addressed. 65 feet for deed-restricted housing is not supported by distinguished environmental organizations such as the Mountain Air Preservation (MAP), Tahoe Area Sierra Club, Tahoe Sierra Clean Air, Friends of the West Shore, North Tahoe Preservation Alliance, and the majority of the North Lake Tahoe community."

Respectfully submitted,

Pamela Tsigdinos
Full-time North Lake Tahoe resident



Photo provided by P. Tsigidinos

Tahoe tourist traffic dangerously congesting and narrowing Hwy 28 toward Hwy 50.

TRPA: stop endangering Tahoe's future

This month's guest column is on behalf of a consortium of Tahoe environmental organizations.

As if operating in a parallel universe, TRPA acknowledges threats from climate change, aquatic invasive species and wildfire while at the same time pushing for increased building height and density with little to no parking for new structures, modifying thresholds for scenic standards and exemptions to groundwater interception. Why? To entice developers and pack more people into a basin already straining under the weight of some 25 million visitors.

Adding insult to injury, TRPA and NDOT want to reduce Highway 50 (Spooner Summit to Stateline) from four to two lanes with a large bike, multi-use path and occasional turning lanes. Who bikes in the winter? Or to Costco? TRPA has long promoted this folly. If these agencies truly cared about evacuating people or road safety, they would not promote lane reductions on a major highway corridor that, among other things, would delay emergency vehicle response time.

At a TRPA governing board meeting, El Dorado County Sheriff's Deputy Greg Almos and Tahoe Douglas Fire Chief Scott

Lindgren pulled no punches describing today's wildfire and evacuation challenges. "Our west shore is very vulnerable. There's only one way in and out and getting people out to the South and North—depending on the time of year—is challenging," Deputy Almos said.

"We have a long way to go to protect the Tahoe Basin and our citizens with fuel reduction and evacuation planning," Chief Lindgren added. "Nobody's worried about fire until there's smoke in the air, but we need to be thinking about it year-round 24/7/365 and making sure we're planning appropriately. We got lucky during the Caldor Fire. We got a break in the weather; we had some really good, aggressive firefighting, and we got a break in the topography. It all aligned and stopped at the right time, but it could have been a lot worse for us."

In a moment of candor, TRPA board member Shelly Aldean raised the lack of visitor preparedness for wildfires. "Educating residents is one thing," she said, but "educating visitors coming up for the day is entirely different." Aldean turned to TRPA COO John Hester: "If somebody's

on the beach with their family and there's a conflagration a few miles away—you alluded to an alert app—can you actually contact people about an emergency within a certain geographical area, somebody visiting for the day?"

Hester equivocated, "That's something we could work on."

Bingo. Did everyone hear that? There's no evacuation system to alert hundreds of thousands of visitors hiking, biking, or camping around Tahoe's vast, mountainous terrain or parked, often illegally, along narrow two-lane roads.

And here's a "Fun Fact" from the Tahoe Fund concerning forest management: there are 750,000 combustible burn piles around the Tahoe Basin waiting to be cleared. In what world is that fun?

What else is not fun? Watching TRPA representatives and the Placer Planning Commission downplay and ignore residents' concerns about dangerous congestion and development-fueled wildfire. Following several hours of respectful, enlightening public comment, the commission voted unanimously to amend the

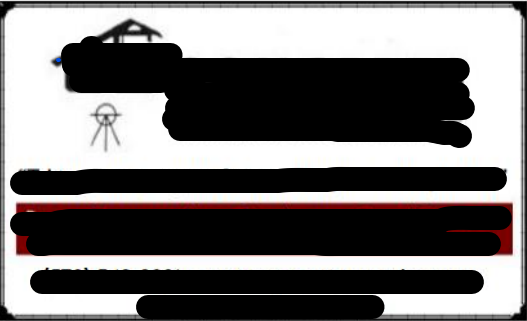
Tahoe Basin Area Plan. A journalist contacted a North Tahoe Public Utility District board member who told him, "There is not enough infrastructure for fire hydrants if too many projects are developed all at once."

As for Washoe County's touted "evacuation exercise?" It in no way resembled a real-life evacuation. Some Incline Village residents were told to "evacuate" to the recreation center. At a Placer County Office of Emergency Services Kings Beach town hall (attended by TRPA governing board chair and Placer County Supervisor Cindy Gustafson), there were more evacuation questions than answers.

Let's not sugarcoat it. While Nevada and California "build relationships" toward a unified, cross-jurisdictional command structure, confidence remains low about how agencies with differing software and communication modes will function under duress.

Is it any wonder those affiliated with Sierra Club Tahoe Area Group, North Lake Tahoe Preservation Alliance, Friends of the West Shore, TahoeCleanAir.org, Tahoe East Shore Alliance, and Tahoe Neighborhoods Group oppose new, ill-conceived, urban development plans as climate-driven fire dangers increase?

It makes zero sense to reduce lanes and add more buildings and people to Tahoe when local fire chiefs, deputies, and TRPA officials admit we don't have reliable systems and plans in place to ensure the safety of those already here. The risks are obvious, which is why it's so frightening Tahoe's policy makers are eager to add fuel to an already precarious tinderbox. Failed TRPA policies that favor tourism over the environment and development over conservation must end.



RENO GAZETTE JOURNAL

ONLINE AT RGJ.COM | FRIDAY, NOVEMBER 3, 2023

PART OF THE USA TODAY NETWORK

Urban plan for Tahoe flawed, shortsighted



In final remarks, pre-recorded and played during the 2023 Lake Tahoe Summit, the late Senator Dianne Feinstein [warned about](#) the many threats the Lake faces from overdevelopment, climate change, invasive species and wildfire.

Sadly, Tahoe [land-use documents](#) indicate her remarks fell on deaf ears. Buried deep inside county documents progressing now through the Tahoe Regional Planning Agency (TRPA) are new codes and ordinances with the power to fundamentally degrade Tahoe's surroundings, wildlife habitats and communities.

These Tahoe basin area plan amendments arrived in an "Economic Sustainability and Housing" Trojan horse. If approved, there's a raft of incentives written by and for developers and those eager to further exploit Tahoe's scenic beauty for profit.

The devil is in the details

The amendments would allow urban level [building height and density](#) across the mostly rural Tahoe basin. Has anyone considered how five-story (65-foot) buildings on either side of the two-

lane road around most of the lake will block sunlight or scenic views? Where will water drain, pool or freeze? How much soil will end up moved and covered? Who ensures new buildings don't strictly end up as [luxury condos](#)? Who will tightly enforce deed restrictions? What's to stop an investor from marketing accessory dwelling units (ADUs) specified for workforce housing as short-term rentals? With little to no parking required for new buildings, where will vehicles for their occupants be parked? How many local businesses will be lost to corporate-owned developments?

Let's be clear: Public safety and evacuation, air or water quality, and downstream impacts of pollution or climate challenges are *not* developer and investor priorities. Traffic gridlock, wildfire evacuations, code enforcement and clean drinking water? Those issues will be left to other government agencies, first responders and their budgets to manage.

These sweeping land use changes — the most significant since the 1960s — will radically reshape Tahoe's future. The urbanization plan minutiae, unknown to most, are targeted for approval by year's end. The public will first fully experience the impacts when roads are blocked, excavation machines lumber in and dump trucks roll by with thousands of cubic feet of dirt and dust. Mountain Area Preservation, one of many grassroots community groups, summarized the many [negative impacts](#).

Tahoe has a [tortuous history](#) of development battles. The TRPA, a [federally created](#) bi-state body between Nevada and California, first convened March 17, 1970. Its primary task: *protect* Lake Tahoe and its surrounding basin.

Tahoe Basin protections weakened over time

While most of us were otherwise occupied, a tangled web of business entities and tourism beneficiaries set to work re-architecting the TRPA and watering down its once-strict developer requirements. By 2012 TRPA's last full regional plan update led to six [area plans](#) and a confusing set of [committees](#). It also elevated developer needs and delegated much of the responsibility for land use back to the commercial interests and counties it was meant to oversee.

Can we trust an agency riddled with conflicts of interests to put the safety and well-being of Lake Tahoe and its communities over more lucrative interests?

For example, today's [TRPA Chair](#) Cindy Gustafson is also a Placer County supervisor and former CEO of the North Lake Tahoe Resort Association and North Tahoe Chamber. Her [husband's consulting firm](#) clients are a who's who of Tahoe developers: Palisades Development; Homewood Mountain Resort; New Martis Partners; Northstar-at-Tahoe Resorts and more.

Gustafson and TRPA governing board members, including Washoe County Commission Chair [Alexis Hill](#), also sit on boards and funnel taxpayer money to nonprofits, committees and agencies created by developer and business interests. These include the [Tahoe Prosperity Center](#), creators of [Envision Tahoe](#); the [Tahoe Fund](#); and the [Reno Tahoe Convention & Visitor's Authority](#). They are joined on TRPA's board by [Vince Hoenigman](#), co-founder of a firm that specializes in urban-infill housing in Southern California. Yet, when voting, recusals rarely take place.

The Portland-based [consulting firm](#) that provided the basis for these Tahoe land use changes did previous work in Austin and San Antonio; Sacramento; Kansas City, Missouri; and Bend, Oregon. Those locales have vastly different climate circumstances than exist in the Tahoe Basin.

The complex proposals pending TRPA's approval came together in a confusing patchwork of meetings and presentations, all but intended to avoid in-depth public examination. Such important land use allowances and regulations deserve much more scrutiny. Worse still, local and state officials, planners and developers (along with their highly paid attorneys and consultants) have misrepresented and ignored substantive and thoroughly researched [public feedback](#) provided to date.

There's no more important land use question for this unique area today than this: How many people can Tahoe safely accommodate and evacuate in a mountainous area with few exits and [tens of millions of visitors](#) — many unfamiliar with the terrain?

Before increasing Tahoe's building density and population further, calculate what the Basin can safely hold amid rising climate risks. Tahoe lies in a recognized [double-hazard zone for wildfire](#). Need more reasons to care? There has not been an updated environmental impact study on the cumulative proposed "urban" changes and projects already in the pipeline. Nor has there been adequate recent traffic and wildfire evacuation data-gathering and analysis done. If you are one of the millions who love Tahoe's natural beauty or are one of the 55,000 who call Tahoe home, now is the time to weigh in with comments to pause the Tahoe Area Plan amendment process. Tell TRPA not to urbanize Tahoe's communities and put lives at risk at publiccomment@trpa.gov

There are better and more cost-efficient ways to address Tahoe's housing crunch, such as:

- Severely capping STRs throughout the Tahoe Basin and increase fines and enforcement measures to ensure compliance
- Investing in programs that incentivize repurposing of abandoned buildings that have the infrastructure and parking in place
- Converting existing structures from empty commercial spaces to housing instead of focusing only on new building units
- Requiring large resort employers to provide workforce housing on site
- Encouraging and funding programs such as [Lease to Locals](#).

Decades ago, alarm bells went off when plans took shape to [massively develop Tahoe](#). A 1964 plan once called for a Tahoe population of 313,000 by 1980. The public rallied; those plans didn't come to pass.

Tahoe is far too precious to be paved over and congested further by an urban plan that will jeopardize its future.

Pamela Mahoney Tsigdinos volunteers with Tahoe Basin grassroots groups.
<https://www.rgj.com/story/opinion/2023/11/03/urban-plan-for-tahoe-flawed-shortsighted/71428742007/>

KAUFMAN PLANNING AND CONSULTING
PO BOX 253
CARNELIAN BAY, CA 96140

November 2, 2023

Dear TRPA APC members,

I am providing the following comments based on my experience as a 40-year+ land use planner in the Tahoe Basin, an ex-TRPA employee (where I first started my career), feedback I have received from talking with tourists, business owners, and community members from the North and West shores of Lake Tahoe, and reading through reports, environmental documents, and staff summaries, TBAP redlines, and TRPA proposed Housing Amendments.

TRPA staff and board members are currently soliciting public feedback based on a desire to amend TRPA codes to allow:

“Achievable” housing basin wide along with changes to height, density, land coverage, setbacks, and parking. The environmental analysis for the proposed changes is based on a checklist with tiering from the 2012 EIS and several other reports.

I apologize for this letter’s length and detail and hope you will take the time to read my comments. The public has not had adequate time to review and digest the amount of information presented, and there are also two concurrent fast track planning processes (TRPA Housing amendments and Placer County TBAP amendments) adding to the confusion.

Additional comments based on the TRPA code changes that are being considered for historic structures as part of proposed modifications of the code are enclosed as a separate attachment to avoid confusion.

The following are my comments, suggestions, requests for additional information, and requested clarifications:

1. **Concentration of development:** TRPA and Placer County both state they want to concentrate the remaining basin capacity growth for housing in Town Centers. However, with the proposed inclusion of multiple family zoned properties outside of Town Centers, for “special areas” , bonus area boundary areas, and ” transition areas”, this is not the case. Potentially hundreds of parcels are affected by these amendments. Neighborhoods of potential impact on the North and Westshore include (Kings Beach, Kings Beach Grid, two miles of Tahoe Vista, Carnelian Bay Gateway, Lake Forest, Dollar Hill, Tahoe City, River Road, Sunnyside, Homewood, Tahoma residential, and Tahoma). (Source: GIS.TRPA.org/housing/Placer County TBAP).

The Tahoe Basin Area Plan (TBAP) 2016 EIR states that “*TBAP’s effects on land use are less than significant as there would be transfer of land coverage and development rights from areas outside of Town Centers into Town Centers resulting in environmental gains and that it would not adversely affect the development patterns or land uses within the plan area and would preserve open space and accelerate the pace of SEZ restoration.*”

Additionally,” the TBAP amendments would encourage more concentrated development within the Town Centers with less development outside of the Town Centers. This land use pattern would result in residences in close proximity to commercial uses which would be expected to reduce the number and length of vehicle trips and corresponding VMT”.

The TRPA proposals to add density, height, and coverage into areas outside the Town Centers zoned for multiple family and in “transition areas” are in direct conflict to the TBAP EIR statements as described above and Regional Plan principles. Development patterns will encourage sprawl into areas that are not close to major services, the transit headway is not at 15-minute intervals, there are no parking plans in place, and there has been no evidence to show development rights have been reduced outside the centers, and that preservation of open space has occurred.

Suggestion: (Proposed Section 31.4.8 allowing the rezoning of hundreds of parcels outside of Town Centers is too broad based.

The boundaries of Town Centers were carefully crafted during the Tahoe Basin Area Plan Process and analyzed in a 2016 EIR and should not be changed. The TRPA 2012 EIS envisioned concentrated growth in Town Centers with transfers of development, and land coverage, SEZ restoration and open space coming from parcels located away from the centers. To change the boundaries and include rezoning for “Transition Areas” with incentives for 11 more feet of height (up to 53 feet+/-), unlimited density, and 70 percent land coverage (where 30% is currently allowed), additional height to 42 feet, reduced setbacks, and minimal parking in areas currently allowing “multiple family dwelling” use is NOT concentrating development.

The League, in a letter to the Placer County BOS has suggested adaptive zoning/trigger zoning. “This principle is basically built-in adaptive management that changes zoning and allowances for height/length/density, lot sizes and setbacks based on achieving goals and offsetting impacts, as well as ensuring that proper mitigation truly meets the intended threshold requirements. The idea is to start small and increase the amount and extent of zoning changes and allowances if the Agency is meeting performance standards”. This idea is excellent and would be based on a more go-slow cautious approach.

Concentrating density and massing where it currently does not exist is a change in land use development patterns and must be analyzed in relationship to community character and environmental thresholds. TRPA must start addressing a policy for community character as the continued McMansions, and luxury condos were not envisioned in the 2012 EIS and is a change that has not been evaluated.

TRPA should provide an inventory of the number of affected parcels, the size of the parcels, development status (vacant or developed), and a description of adjoining land uses.

Additionally, TRPA should inform the property owners affected by the proposed amendments of their intentions.

2. TRPA Housing Plan to supersede Area Plans- Code change Clarification:

Proposed code changes for housing amendments states in Section “*HS-3.1: TRPA shall adopt development standards to promote 100% deed-restricted affordable, moderate and achievable housing that **supersede** local jurisdiction’s standards, including in approved area plans.”*

Clarification: Does this imply that Placer County must allow the TRPA changes to height, land coverage, parking, setbacks, and density automatically so the County would be in conformance with TRPA rules and regulations and that adopted Area Plans with height, parking, setback, and density standards no longer apply?

At the October 31st Placer County Board of Supervisors meeting our supervisor Cindy Gustafson specifically asked Placer County legal counsel what takes precedence when reviewing projects if TRPA has greater height allowances etc. Placer County Legal counsel stated the most restrictive regulations would take precedence, but this does not appear to be the case based on language as outlined above. **Current Town Center heights in Placer County are 56 feet for projects not 65 feet as proposed by TRPA under the code changes.**

Alternatively in the language below:

or B. Local jurisdictions may propose within an area plan, alternative development standards for deedrestricted affordable, moderate or achievable housing that adjust TRPA’s standards if the jurisdiction demonstrates that the alternative standards are at least as effective as TRPA standards in facilitating the construction of deed-restricted affordable, moderate, and achievable housing in the applicable jurisdiction.

“Alternative standards shall take effect only through adoption of a new area plan or an amendment to an existing area plan with the appropriate level of environmental review.”

Clarification: Does this mean Placer County must amend the approved October 31, 2023 Area Plan to allow a lesser standard than what TRPA is proposing?

TBAP implementing ordinances state the following:

“Conformity Review for Amendments Made by TRPA to the Regional Plan that Affect an Area Plan. If TRPA approves an amendment to the Regional Plan that would also require amendment of the Placer County Tahoe Basin Area Plan to maintain conformity, Placer County shall amend the Area Plan within one year to demonstrate conformity with the TRPA amendment in accordance with Section 13.6.7, Conformity Review for Amendments Made by TRPA to the Regional Plan that Affect an Area Plan, of the TRPA Code of Ordinances”

Clarification: Since there are two agencies with differing policies will the housing amendments proposed by TRPA require Placer County to amend their TBAP to be in conformance as stated above?

Do TRPA proposed code modifications come with the same expectations for both the Nevada and California sides of the lake? In other words, does Nevada have to implement a certain number of housing units that would be similar to the housing proposals either in progress or planned on the California side? In the past, Nevada has not proposed affordable housing with their development proposals because they did not have to. (Latitude 39 in Stateline and 947 Lakeshore Blvd-\$1,000,000 affordable units)

d). What happens if local jurisdictions do not propose housing utilizing bonus units?

e). Codes should have restrictions from allowing luxury condo developments, or will it be the status quo business as usual, and the housing requirements only be on the California side?

3. **TRPA Housing Consultant Report:** The examples TRPA used for the housing proposals before you to approve are based on 12,000 sf lots yet this is not the case for all affected parcels. Tahoe Vista alone has 1-2-, 3-, 4-, and 5-acre parcels as does Dollar Hill, Tahoma, and other areas. The impacts of the amendments on these larger parcels were not even considered in TRPA's proposed broad-based rezoning or in the Housing consultants' presentations.

Suggestion: Duplex or triplex development, ADUs, JADUs, tiny homes on small half acre or ¼ acre parcels have very different impacts on land use patterns, character, and other resources than projects that are on larger parcels that have the same "one size fits all" rules regarding coverage, height, setback, and density changes. 100% land coverage, and unlimited density proposals on large parcels could result in changes to land use development patterns, community character and growth, loss of open space, impacts to wildlife, increase in noise, potential visual impacts, and unknown VMT, and parking concerns, etc.

More specific details, mitigation measures and thought-out scenarios are warranted before the amendments are finalized to include mitigation measures to preserve large specimen trees, include setbacks from roadways and neighbors, address shading impacts of more than just the ground floor of buildings, and have parking management plans in place.

4. **"Achievable housing** *"Achievable Housing"* should not be confused with *"affordable housing,"* as *"achievable units"* are expected to rent at \$2,450/month for a 650-sf space located in supersized buildings to be profitable. (Source: *TRPA Living Housing and Community Revitalization Initiative Phase 2 Updates May 1, 2023*). This type of housing appears decidedly *not "affordable"* for those in the seasonal J-1 workforce, (who can afford to pay \$200 per week for rent and live with 10 other employees), and moreover to the workforce that power our retail, hospitality, and service industries average pay \$30/hour who should not pay more than 30% of their monthly salary for housing. A \$35 an hour

employee would have to pay 50% of their wages to afford to live in the “achievable housing.” These small apartments may not serve the needs of our local families either, who wish to have a house with a yard and a place to live with a friendlier vibe. (Source: “Shit hit the fan- Tahoe’s young people may not come back” SF Gate).

TRPA says that so far bonus units have been used for “low and moderate affordable housing” and that other types of housing should be considered. However, developers will choose to build the “achievable housing” which is more profitable.

Clarification: The IEC environmental document prepared for conversions states that 50% of the bonus units should be reserved for “affordable housing” and 50% for “achievable housing”. Is this still the case? A reservation of entitlements will ensure that not just “achievable” housing is built for the remaining bonus units. (Source: 2018 Development Rights Strategic Initiative)

5. The “achievable” definition of working in the basin 30 hours a week for someone with a business license will come with loopholes. How do you ensure/enforce that someone truly works 30 hours per week, and is the primary occupant, or what happens if the company goes out of business, or a worker quits or is fired? Since there is no income qualification what is to prevent employees who are on the internet instead of a brick-and-mortar business and potentially earn hundreds of thousands of dollars in salaries and own a second home from renting/owning these units? \$2,450/month rent was just an example- Is there a maximum rent or purchase price that can be charged for these units? Is pricing left completely up to the developer?

Suggestion: A better definition of “achievable” can be found in guidelines for Summit County, Colorado and Teton workforce housing regulations including:

Summit County regulations: The occupancy of for sale or rental units (when authorized) is restricted to persons who, at all times during ownership or occupancy of the unit, reside and are employed within the County year-round, an average of at least 30 hours per week on an annual basis. “Employed within the County” shall mean that the person earns his or her living from a business or organization operating in and serving the County, which requires his or her **physical presence** within the boundaries of County to complete the task or furnish the service, by working in the County at such business or organization an average of at least 30 hours per week on an annual basis. 1. Self-employment and residents that work from home: For individuals claiming self-employment or work from home status, the employment must be for an average of at least 30 hours per week on an annual basis for a business that is located within and serves the county.

Teton regulations: Require that the occupant must occupy the unit for at least 80% of the lease term. (rental only). No ownership of a second home is allowed within a geographical distance of the project.

Some type of maximum rent or maximum purchase price should be part of the package that allows the extra incentives, or the fear is that these will turn into luxury condos under the auspice of “achievable housing.”

6. **Disbursement of bonus units:** We have been told “by TRPA Governing Board members that no more than 200 units” would be spread out in each community basin-wide, but where is that written?

Note: Dollar Hill Crossing is a proposal for 118 affordable and market rate units in Dollar Hill. Chalet Blanc Tahoe is proposed for 18 “achievable” units in a four-story building with mixed use in Tahoe City. Other projects are in the planning stages in Kings Beach.

Would these projects be considered as part of the 200 units planned for the northshore?

Suggestion: TRPA/Counties need to divvy up the remaining 946 entitlements so that housing is spread evenly throughout the north and south shores and between California and Nevada. The

7. **Mixed Use: Clarification: Can TRPA give examples of how mixed uses work with bonus units and if mixed uses include market rate developments as is the case for TBAP? If there is a discrepancy which plan takes precedence?**

Mixed Use Commercial- What percentage of the project would have to be commercial in a deed restricted housing development to be considered mixed- use and eligible for the amendments? Additionally, would all +-the housing on top of the commercial use have to be 100 % deed restricted?

Mixed use Residential- What is mixed use residential? Are market rate units allowed to mix with the “achievable housing” units and if so at what percentage?” If only half of the projects is deed restricted how does this effect land coverage, height standards and density allowances, setbacks, and parking? Does only the deed restricted part of the project qualify for the additional height?

ADU with Single Family Dwelling: Please provide a site plan example. I am perplexed as how do you figure out land coverage if a portion of the property is at 20% land coverage but the ADU is allowed 70% land coverage but not for parking? Does the ADU come with a parking requirement? If not, that is simpler but if parking is required and the lot has maxed coverage, but you need parking then the ADU won’t be allowed because there is no room to park- just room for the structure of 1,200 sf?

Suggestion: Please clarify exactly what is allowed under mixed uses? provide examples of mixed use commercial and mixed-use residential projects utilizing both bonus units and RUU’s in conjunction with the incentive program. Need site plan example for the ADU.

8. **Storm Water Treatment:** Proposed code Section 30.4.4 B.6 is confusing. The language states that projects wishing to utilize the land coverage overrides must associate with area wide storm water system managed by a public entity for eligibility, but the code language states:

*“30.4.2.B.6 Stormwater Collection and Treatment Systems for Affordable, Moderate, and Achievable Housing Multi-residential developments, mixed-use developments with a residential component, as described in subsection 36.13, or accessory dwelling units, provided the units are 100 percent deed-restricted affordable, moderate, and achievable, utilize bonus units and are located in Land Capability Districts 4 through 7 and within an approved area plan, may increase maximum lands in centers. **The project must show that stormwater will be treated either onsite through BMPs or offsite through area-wide stormwater treatment and is managed and maintained by a public entity”.***

Clarification: Which is it? Are on site BMP’s adequate or considered equivalent to area wide storm drainage systems and eligible to receive the extra land coverage?

According to the TRPA GIS map area wide storm drainage systems are sparsely located throughout the basin. (On-site BMP’s are generally not managed by a public entity nor part of an area wide drainage). Since all parcels in the basin were required under 2012 EIS mitigation measures to install BMP’s, this requirement is not beyond normal expectations. Are mixed use developments also eligible to provide onsite BMP’s and receive the same land coverage overrides?

9. **Retirement of vacant parcels clarification needed:** If one retires a parcel of vacant land and receives a bonus unit does that increase the bonus unit pool over the 946+ remaining allocations?
10. **Conversions clarification needed:** How do conversions impact the entitlement pool? For example, if CFA is converted to a residential unit of use (RUU) is this RUU subtracted from the Residential entitlement pool? If CFA is converted to Bonus Units there is no development right requirement but does the conversion to bonus unit come out of the bonus unit pool of entitlements? How do conversions work with bonus units? Can you convert CFA to bonus units or is the CFA the entitlement?
11. **Employee housing in hotels:** Proposed Section HS-3.1 states that TRPA should work with local jurisdictions on long term residency in motel units. Housing workers in hotels reduce the available TOT tax base and lessens the hotel inventory available for tourists resulting in loss of revenue and other impacts.
Clarification: a). Would long term residency in hotels require bonus unit allocations or RUU entitlements as it is a change of use from Tourist Accommodation (TAUs)? b). What accounting is proposed to track the use of motels for long term tenancy?
12. **Renderings:** Renderings used by TRPA staff at the Summit and Farmer’s Markets, and on the TRPA website to solicit feedback on “Height for Housing” are **disingenuous and misleading** and DO NOT represent the TRUE Height of what the TRPA proposals are.

Example). The TRPA triplex exhibit is only 36 feet high with screening trees. It is not the proposed 42 feet of height for mixed use area zoning or the (up to 53+/- foot) tall buildings allowed in "transition areas" (utilizing Table 37.4.1 in the TRPA Code of Ordinances) The TRPA also did not show the public what a 65-foot-tall building would look like especially in context with other buildings with no screening.

The single building exhibit is 44 feet high at its highest point not 65 feet that is proposed for **inside** Town Centers. (refer to enclosed attachment). The triplex is 36 feet high.

The renderings were changed at the zoom meeting held (September 20th), to include the Domus project in Kings Beach which is approximately 46-48 feet high but is not the rendering TRPA used to solicit community feedback for additional height or for comments for the Flash Survey. Flash survey results have not been accurately deciphered by staff and over 630 comments shared. I would suggest you read the comments yourself. Height is a big issue and preference is for the smaller triplex, 10 multiple family dwellings and tiny home or ADU developments.

Suggestion:. TRPA should be held accountable for showing the public accurate and to scale exhibits for the proposed 53 feet of height in transition areas, the 42 feet of height in multiple family dwelling areas and the 65 feet of height in Town Centers, with no screening trees, in context with other adjacent buildings before they solicit surveys or request feedback at public venues. This disingenuous behavior exacerbates the mistrust the public feels for the TRPA and questions motive?

Elevation drawings to scale should be available to reflect heights proposed for Town Centers, Transition Areas, and parcels zoned for multiple family. The exhibits should show adjacent properties which depict the relationship and height more truthfully than perspective drawings which can't be drawn to scale.

Flash survey results with the 630 public comments without biased commentary should be available for board/committee review. 66% of those who responded stated smaller 10-unit multi-family dwelling projects would be their preference.

13. Environmental Analysis: The environmental checklist accompanying the proposed amendments states no significant effect and no impact for any of the proposed amendments based on reference to the 2012 EIS. The 2012 EIS never analyzed concentrated development outside of Town Centers with resultant changes to land use patterns, increased massing, and land coverage over bailey coefficients outside of the centers. The 2012 EIS never analyzed the Manhattan level unlimited density that is proposed for hundreds of proposed parcels. (946 residential units plus unknown are the units that could be proposed with mixed use development or if regular residential units of use (RUU's) would be intermixed to achieve the heights and densities.

14. The checklist is missing any type of analysis regarding regional mitigation measures that have not been fully implemented and RPU benchmarks and performance standards. Threshold level review also is not updated.

The 2012 EIS had policies to concentrate development in Town Centers, stating that it would result in open space, sez restoration and concentration of development rights. The transition areas, and areas zoned multiple family dwellings that encompass acres of land were never analyzed for potential impacts.

In fact, every policy change since 2012 has been done with a watered-down checklist stating no significant impact and no mitigation. (These include transfers of coverage between hydrologic areas, conversions from CFA to multiple family only looking at traffic, transfer of development rights basin wide and now increases of development outside Town Centers, with unlimited density as would be common in Manhattan, and more height).

Environmental impacts may result in removal of vegetation and specimen trees that could affect wildlife and scenic, potential neighborhood compatibility issues because of reduced setbacks and parking, and impacts to noise and air quality, and other resources that were previously evaluated in the EIS based on density, land coverage, and height allowances per the existing Code of Ordinances.

Code Section 36.13 The checklist tiers off of the 2012 EIS but it is unknown the status of the mitigation that was required to allow the basin carrying capacity as part of the EIS and if thresholds are truly being met? Placer County admits that not a lot of progress has been made since 2016 on implementing mitigation as part of TBAP – Are the other jurisdictions in the same position?

Thus, if mitigation measures are not being tracked, enforced, or identified how can one make a finding of no significant effect? Not all the thresholds are in compliance so how can TRPA propose more development without evaluating what the impacts have been so far with the existing growth?

In my 40 years I have only seen things get worse. Invasive species, micro plastics, traffic congestion, trash, and more people. The beaches are at capacity and summertime transportation is dependent on the car.

More housing would be supplied if policies were enacted to incentivize fixing existing boarded buildings, encouraging conversions of empty commercial buildings like Dollar Hill Apartments, and imposing a vacancy tax on the empty homes. TRPA should require TAU entitlements for the STR's.

Additionally, the EIS in 2012 did not analyze the impacts of current development changes such as McMansions, conversions of entitlements, and cumulative impacts of growth outside of the basin or new projects not previously contemplated.

Please Note” Land Use: County-initiated rezone proposals that are required as part of the Placer County Housing Element and is needed for the County to meet the State’s Regional Housing Needs Assessment (RHNA) allocation for Placer County will require an EIR. The CA rezone proposal is to rezone 74 properties, including some parcels in the Tahoe area from their current zoning designation to Residential Multifamily 30, which would allow up to 30 dwelling units per acre”.

In other words, 74 parcels proposed to be rezoned for 30 units per acre density requires an EIR analysis (NOP process is underway) so I question why is only a scaled down checklist stating No Significant Effect for any of the resource topics proposed for the rezoning of hundreds of parcels basin wide for more concentrated development?

Simply saying that overall growth potential won’t be expanded due to a limit on Basin Carrying Capacity, or that there is enough land coverage in the basin for 500,000 sf of transfers, or that the ground floor of an adjacent building can’t be shaded, is not mitigation, it is not findings, it is not benchmarks, it is not an environmental analysis. There has been no analysis of changes since 2016 proposals to allow coverage transfers across hydrologic areas. While some SEZ may have been restored how much open space has been preserved? What about a shift of entitlements basin wide then double purposing the use? I.e. relocating the TAU’s and or RUU’s then retrofitting with affordable units not requiring development rights?

Summary:

Our communities can certainly be enhanced by continued redevelopment and by providing workforce housing within the existing framework that was developed by the community in Area Plans and by growth controls as part of Basin Carrying Capacity. “Achievable” should not be confused with affordable and the proposed rezoning outside of Town Centers is too broad based. The League ideas of a go-slow approach toward rezoning areas outside Town Centers should be considered a high priority.

Extra Height, land coverage, reduced setbacks, reductions, and potential elimination of parking for 960 +/- deed-restricted bonus units in the basin need specific environmental analysis, with consideration for placement, massing, neighboring impacts, noise, scenic viewsheds, habitat, natural resource preservation, and transit solutions such as parking plans in place, and increased transit headways.

RPU mitigation measures that were required in 2012 to achieve basin carrying capacity should be reviewed to determine if the benchmarks are being met, timing and mitigation measures that have not or cannot be achieved and timing for placement of those that haven’t occurred.

Unclear language in the proposed code revisions regarding water quality treatment vs BMP’s must be resolved.

It’s important to make sure we are investing in programs, that INCENTIVIZE repurposing of abandoned buildings, such as the Garni Lodge, and conversions of unused commercial to residential such as what was done for Dollar Hill Apartments, and that our workforce projects

are affordable to the workforce and housing entitlements are reserved that would provide homes for families.

TRPA was remiss in allowing STR's without TAU allocations. The STR's exceed basin capacity for tourist accommodation units as thousands are allowed and they act as defacto hotel rooms.

(Local architects Don Fuda, Elise Fett, and designer Dale Munsterman)tell us that **no** additional height is necessary to craft good profitable designs, and that height comes with impacts to solar/shade of neighboring properties, (not just on the first floor), construction costs that outweigh benefits of gained height, and other impacts such as snow removal, BMP's and parking yet TRPA is relying on one housing developer saying that excessive heights are necessary to create profitable designs and are the basis for TRPA amendments.

The community would like TRPA to go back to their housing consultant and determine what the proposals would look like on larger than 12,000 sf lots and with heights that do not exceed approved conditions in the Town Centers and with renderings that are accurate and show the intended proposals.

The community members are not "Nimbys", we are not "selfish", we are not "uncaring." We want to see progress towards fixing what is broken, and we want housing for our workers.

.

TRPA is removing the integrity of choice by a "one size fits all" proposal. The north and south shores are very different, and the voice of the people should have equal weight along with the developers, resort associations, prosperity centers, etc. In fact, only one environmental voice is present in the Tahoe Living Working Group - that of the League and our community concerns do not feel addressed.

Those of us on the Northshore recognize integrity of choice. If South Lake is okay with the extra height, then it should be there. 65 feet for deed-restricted housing, is not supported by distinguished environmental organizations such as the Mountain Air Preservation (MAP), Tahoe Area Sierra Club, Tahoe Sierra Clean Air, Friends of the West Shore, North Tahoe Preservation Alliance, and the majority of the North Lake Tahoe community.

Respectfully submitted,

Leah Kaufman-

Principal Planner

“ATTACHMENT A “ HISTORIC CHANGES TO THE TRPA CODE:

TRPA proposes code changes to historic resource reviews. In the past State Historic Preservation Office (SHPO) review was required for historic structures however they have not reviewed single family dwellings for years and TRPA approves removal of historic structures based on receiving no feedback from this agency. TRPA code changes would allow staff to review recovery plans and for Hearings Officer review only for designated structures not structures that are proposed to be included on the historic register where historians have recommended that they be included or designated as historic. In the past TRPA would actually require historic structures whether designated or not to be preserved, relocated, repurposed on site and/ or advertised for removal offsite. Recovery plans recently proposed are meaningless- staff can make a finding that if a window is saved that is a recovery plan. I oppose code changes as they have not been vetted and are whitewashing the intent of historic preservation. NO single-family iconic or otherwise historic structures will ever be saved based on proposed TRPA code amendments.

From: Gavin Feiger <gavin@keptahoebblue.org>
Sent: 11/6/2023 3:26:53 PM
To: Public Comment <PublicComment@trpa.gov>
Subject: FW: Comments on Phase 2 Housing Amendments for APC
Attachments: [image001.png](#), [2023.11.06 LTSLT Comments on Housing Phase 2 for TRPA APC Nov. 8.pdf](#)

Apologies – I mistyped the email address.

Gavin Feiger

Policy Director, League to Save Lake Tahoe
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From: Gavin Feiger
Sent: Monday, November 6, 2023 3:08 PM
To: publiccomment@trpa.gov'; Brendan Ferry <brendan.ferry@edcgov.us>; Karen Fink <kfink@trpa.gov>; Alyssa Bettinger <abettinger@trpa.gov>
Cc: Jmarshall <jmarshall@trpa.gov>; Julie Regan <jregan@trpa.gov>; Darcie Goodman Collins <Darcie@keptahoebblue.org>
Subject: Comments on Phase 2 Housing Amendments for APC

Chair Ferry, APC members, and TRPA staff –

Please find our comments attached for the APC meeting on Wednesday. I've spoken with Karen and Alyssa about these comments and am happy to chat with anyone else.

I plan on attending APC virtually on Wednesday.

Gavin Feiger

Policy Director, League to Save Lake Tahoe
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November 6, 2023

Tahoe Regional Planning Agency
Advisory Planning Commission and TRPA staff
128 Market St, Stateline, NV 89410
Submitted via email

Re: Proposed Phase 2 Housing Amendments

Dear APC Chair, members, and TRPA staff -

The League to Save Lake Tahoe (League) is dedicated to protecting and restoring the environmental health, sustainability and scenic beauty of the Lake Tahoe Basin. In connection with our mission, we advocate for the implementation of sound, environmentally-friendly policies contained within regional land use and planning documents.

We have been the only environmental group actively and continuously participating in the Tahoe Living Working Group, and the efforts leading up to its formation over the last few years. It has been great working with the Working Group and TRPA staff, Karen and Alyssa especially. We feel that our concerns have been heard, and many of them have been addressed.

Our concerns have been the same from the start - coverage, density, and transportation impacts - which directly and indirectly impact Lake Tahoe's natural environment. Addressing the housing issues at Lake Tahoe is a top priority but any effort to improve housing must also ensure that we are protecting the environment.

Please consider our comments on a few specific aspects of the proposed Code and Regional Plan changes, and the Initial Environmental Checklist (IEC) as you develop your direction to staff on November 8th. Our comments are based on the proposal included for the November 8th APC meeting and the presentation and discussion at RPIC on September 27, 2023.

Coverage

As we've been saying for years, we would prefer that TRPA look at using its authority to reduce or eliminate parking minimums to reduce the coverage needed (and reduce transportation impacts) instead of, or along with, allowing more coverage. *We remain concerned about proposed coverage exemptions due to the small amount of attention given to reducing parking requirements compared to the large increases in coverage allowances.*

We are concerned about allowing more than the current base allowable coverage through an IEC. The Code language as proposed is limited to deed-restricted housing using bonus units, and the commercial aspects of mixed-use development that supports those bonus units. Our concern is that a finding of no impacts from additional coverage if a project builds or ties into an area wide stormwater system, could open the door to requests for Code and Plan changes to allow these same coverage allowances for other types of development, making the case that an environmental analysis has been done.

With the changes to parking management described below, we are comfortable with the coverage changes as proposed, only for the 946 bonus units, with the requirement that stormwater must be treated onsite or through an area wide stormwater treatment system that

must be managed and maintained by a government agency (new Code section 30.4.2.B.6). To ensure that a broad environmental finding is not made, but instead is limited to the currently remaining 946 bonus units and associated commercial aspects of mixed-use, the Code, Regional Plan, and IEC language must make it abundantly clear that the purpose of these changes and the accompanying environmental review is to respond to a dire urgency for deed-restricted housing and that this effort cannot be used as justification for future changes or interpretations. We suggest the following changes:

1. For areas outside of Town Centers, the “BMP” inclusion for getting up to 70% coverage needs to be removed. Residential BMPs are not regularly monitored or enforced to make sure they have been implemented and are still functioning as designed. We would prefer the same language for allowing more than base allowable coverage inside and outside of Town Centers for consistency and to ensure stormwater collection and treatment systems are in place and monitored and maintained by a government agency. The staff report (page 5) states that the proposal for outside of Town Centers is “consistent with the center coverage proposal.” Specifically, we recommend removing the proposed Code section 30.4.2.B.5.b which has the reference to BMPs.
2. Update the discussion in the IEC for questions 1(Land).a(compaction) on page 8 of the IEC (page 25 of the agenda packet) and 3(Water Quality).b(absorption) and g(quantity of groundwater) to make it clear that this analysis is only for the current 946 bonus units, and the commercial needed to support those units in line with “mixed use” definition, and does not condone and cannot be misconstrued to support additional coverage above base allowable for any other type of development.
 - Include a discussion about, and reasonable estimate for, the commercial floor area that is anticipated to be needed to support development of the 946 bonus units, and update the estimates (example from 1.a, but also needs to be included in 3.b and 3.g):

“As such, under current transfer rules, approximately 7 to 11.2 acres of the calculated maximum land coverage total of 14 acres for buildout of the 946 bonus unit pool would require transfer. This range of potential land coverage transfer equals up to approximately 488,000 square feet of land coverage, a potential benefit to equally or more sensitive lands outside of the urban boundary that would no longer have development potential. Based on data included in the 2012 RPU EIS (Table 3.7-5), over 4,700 acres of high capability land coverage is available for development region-wide. Thus, not only would the additional 7 to 11.2 acres of additional land coverage within the Centers and multi-family housing zones require transfer from other areas (offsetting exceedance of existing land coverage limits in those locations), the total increase in these areas equates to less than 0.3 percent of the total remaining allowable high capability land coverage in the region. Under the current development caps, there is no possibility that even under full build-out, the region will exceed regional land coverage limits.”
 - Our suggested language changes (last paragraph of 1.a, page 8):

“Based on the relatively small amount of high capability land coverage needed to incentivize 946 units of 100 percent deed-restricted affordable, moderate, and achievable housing (bonus units) and associated commercial aspects of mixed-use development that includes only bonus units for the residential component, and the requirements to transfer land coverage over base allowable ~~and provide equally effective stormwater management to current water quality requirements with area-wide stormwater treatment systems~~, the impact of this change is considered to be less than significant. This finding does not condone and cannot be misconstrued to support additional coverage above base allowable for any other type of development.”

Parking

As the Cascadia background information found, parking requirements must be reduced for height, density, and coverage incentives to work. Parking must be treated similarly to the other incentives – along with the proposal to get rid of maximums for density and coverage, parking minimums should be eliminated for deed-restricted housing in Town Centers. The 0.75 minimum should be applied to the multifamily areas outside of Centers within the bonus unit boundary area. To be clear, these are not currently parking *maximums*, which means that a developer can choose to build as much parking as they desire.

There was a thoughtful discussion around parking management and TRPA's role at the September 27th RPIC meeting. Our staff left that meeting feeling hopeful that TRPA was taking a regional role to help reduce dependence on the automobile; and we believed that RPIC had given staff direction to include the 0 and 0.75 per unit parking minimums, as described above, in the proposal. We are disappointed to see that the currently proposed code language requires a parking study to be able to apply those minimum parking standards, despite how the proposal is described in Figures 1 and 2 (packet pages 5 and 6) with no caveats about a parking study. Requiring a study counters the analysis underlying the proposed amendments which specifically recommend the 0 and 0.75 parking standards. Requiring a study also creates a barrier to developing deed-restricted housing, which opposes the underlying goal of the Tahoe Living effort.

In order for us to be comfortable with the coverage allowances, with the changes described above, parking requirements must be reduced.

Our suggestions for reducing coverage needed for parking:

1. Do not require a study to apply the 0 and 0.75 parking minimums, or TRPA conducts a region-wide parking study to support reduced parking minimums, or even maximums, that any deed-restricted housing developer can utilize to achieve lower parking requirements if they choose to.
2. Change the language in the new Code section 34.4.1 to match the language in the staff report on page 4 of the agenda packet which would allow more flexibility in the type of parking study or analysis that would be required:
 "In either case, in order to deviate from existing local parking minimums, the project applicant shall demonstrate that the anticipated parking demand generated by the project, as determined by a parking analysis or information from similarly situated projects, will be accommodated. The applicant may demonstrate compliance through parking management strategies, including but not limited to executed shared parking agreements, unbundling parking and rent, or providing or contributing to alternative transportation methods. Mixed-use projects shall meet local parking requirements for the non-residential portion of the development."
3. Any coverage over base allowable cannot be used for parking spaces. We understand that this is difficult from a project review perspective, but after talking with TRPA staff we are confident that there is a creative solution. For example, a project subject to these amendments cannot get more than base allowable coverage if they are proposing more than the local jurisdiction's current parking minimums.

Height

We do not see the need for increased height allowances. Sixty-five feet in Town Centers is a large change and additional height outside of Town Centers does not align with the goal of concentrating development in Town Centers, and may not be a good fit for those neighborhoods and communities.

Town Center Adjacent Parcels

We are still not generally supportive of incentives outside of Town Centers. We would prefer to start by providing incentives only in Town Centers and then expand them if community and environmental goals are being met and the need is demonstrated. We are willing to make some exceptions to help address the housing crisis in our region, with the changes described above, but *we are not at all supportive of incentives for parcels adjacent to Town Centers.*

A lot of time and thought went into the Town Center boundaries. Giving the Town Center incentives to parcels adjacent to those boundaries should be looked at more holistically in Phase 3.

Thank you for considering our suggestions as you develop your direction to staff.

We look forward to our continued work with the Tahoe Living working group and complementing efforts to increase affordable and workforce housing while minimizing environmental impacts.

Sincerely,

A handwritten signature in black ink, appearing to read "Gavin Feiger", with a long horizontal stroke extending to the right.

Gavin Feiger
Policy Director
on behalf of the League to Save Lake Tahoe

From: fdelfer@att.net <fdelfer@att.net>
Sent: 11/6/2023 12:50:48 PM
To: Public Comment <PublicComment@trpa.gov>
Subject: Stop ! Do not urbanize Tahoe's communities and put my live at risk!

Before increasing Tahoe's building density and population further, calculate what the Basin can safely hold amid rising climate risks. Tahoe lies in a recognized double-hazard zone for wildfire.

There has not been an updated environmental impact study on the cumulative proposed "urban" changes and projects already in the pipeline. Nor has there been adequate recent traffic and wildfire evacuation data-gathering and analysis done.

TRPA do not urbanize Tahoe's communities and put lives at risk.

There are better and more cost-efficient ways to address Tahoe's housing crunch, such as:

- Severely capping STRs throughout the Tahoe Basin and increase fines and enforcement measures to ensure compliance
- Investing in programs that incentivize repurposing of abandoned buildings that have the infrastructure and parking in place
- Converting existing structures from empty commercial spaces to housing instead of focusing only on new building units
- Requiring large resort employers to provide workforce housing on site
- Encouraging and funding programs such as Lease to Locals.

TRPA do not urbanize Tahoe's communities and put lives at risk.

Frank Delfer
538 Dale Dr
Incline Village, NV 89451

From: Diane Heirshberg <dbheirshberg@gmail.com>
Sent: 11/6/2023 1:44:24 PM
To: Public Comment <PublicComment@trpa.gov>; Marja Ambler <mambler@trpa.gov>
Subject: PUBLIC COMMENT TO 11/8/2023 TRPA AND APC MEETINGS ON TRPA Housing Amendments
Attachments: [Section 21094 - Examination of significant effects of later project by using tiered environmental.pdf](#) , [Section 15164 - Addendum to an EIR or Negative Declaration, Cal. Code Regs. tit. 14 § 15164 _ Ca.pdf](#) , [Section 15162 - Subsequent EIRs and Negative Declarations, Cal. Code Regs. tit. 14 § 15162_Cas.pdf](#) , [AEP white paper - Subsequent Environmental Review and Streamlining \(00575964\).DOCX.pdf](#)

PUBLIC COMMENT TO 11/8/2023 TRPA AND APC MEETINGS ON TRPA Housing Amendments

Please distribute to APC and TRPA Members

Dear Governing Board and APC Members,

I am opposed to the TRPA Housing Amendments currently and respectfully submit that a Subsequent or Supplemental EIR is required under the California CEQA Guidelines and the California Public Resources Code Sections, considering the significant changes that are being made.

I. Cal. Pub. Resources Code Section 21166 clearly states that if certain events occur a subsequent or supplement EIR is required:

“When an environmental impact report has been prepared for a project pursuant to this division, no subsequent or supplemental environmental impact report shall be required by the lead agency or by any responsible agency, unless one or more of the following events occurs:

(a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report.

(b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.

(c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.”

The proposed changes are huge because by increasing height and density, and ignoring the current population increases, the current traffic conditions, the current pollution of Lake Tahoe from micro plastics, cyno toxic algae and invasive species including the New Zealand mud snail proliferation, and such important issues as evacuation, traffic, etc. and require preparation of a Subsequent or Supplemental EIR.

2. While CEQA Guideline 15162 recognizes that under certain circumstances TRPA could determine not to do a subsequent of supplemental EIR, however the permitted circumstances that allow an Agency to fail to prepare a Supplement or Subsequent EIR under sub-sections (1), (2) and (3) below do not exist:

“**15162 (a)** When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, based on substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.”

As discussed in Section I above, these circumstances simply do not exist and therefore preparation of a Subsequent or Supplemental EIR is not excused.

III. CEQA Guideline 15164(e), clearly required that if TRPA does not prepare a Subsequent or Supplemental EIR they needed to explain why and TRPA has failed to do so:

“(e) Brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15161 should be included in an addendum to an EIR, the lead Agency’s required findings on the project or elsewhere in the record. The explanation must be supported by substantial evidence. “

There is no sufficient explanation or substantial evidence explaining why the decision not to prepare a Subsequent or Supplemental EIR is correct and supported by substantial evidence.

IV. Also see attached Cal. Pub. Resources Code Section 21094 (a) and (b) which reviews what the agency must examine to avoid a tiered environmental impact report, which has not been fully examined and which could not be factually supported.

V. Also see Cal. Code Regs Title 14, Section 15168(d)(1) (CEQA Guidelines 15168(d)(1) which states:

“(1) If a later activity would have effects that were not examined in the program EIR, a new initial study would need to be prepared leading to either an EIR or a negative declaration. That later analysis may tier from the program EIR as provided in Section 15152. “

If TRPA plans to use these changes to support allowances on the numerous projects currently under review and which it knows are in the pipeline, you will need to do new Supplemental and Subsequent EIRs, and so it makes sense to do this investigation now.

Please protect Lake Tahoe from over-development and over-tourism by first investigating the carrying capacity of our limited roads, especially in case of fire or other emergency evacuation.

Respectfully submitted,

Diane Becker
Full time Incline Village resident



Cal. Pub. Resources Code § 21094

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Current through the 2023 Legislative Session.

Section 21094 - Examination of significant effects of later project by using tiered environmental impact report

(a) Where a prior environmental impact report has been prepared and certified for a program, plan, policy, or ordinance, the lead agency for a later project that meets the requirements of this section shall examine significant effects of the later project upon the environment by using a tiered environmental impact report, except that the report on the later project is not required to examine those effects that the lead agency determines were either of the following:

(1) Mitigated or avoided pursuant to paragraph (1) of subdivision (a) of Section 21081 as a result of the prior environmental impact report.

of the later project.

(b) This section applies only to a later project that the lead agency determines is all of the following:

(1) Consistent with the program, plan, policy, or ordinance for which an environmental impact report has been prepared and certified.

(2) Consistent with applicable local land use plans and zoning of the city, county, or city and county in which the later project would be located.

(3) Not subject to Section 21166.

(c) For purposes of compliance with this section, an initial study shall be prepared to assist the lead agency in making the determinations required by this section. The initial study shall analyze whether the later project may cause significant effects on the environment that were not examined in the prior environmental impact report.

(d) All public agencies that propose to carry out or approve the later project may utilize the prior environmental impact report and the environmental impact report on the later project to fulfill the requirements of Section 21081.

(e) When tiering is used pursuant to this section, an environmental impact report prepared for a later project shall refer to the prior environmental impact report and state where a copy of the prior environmental impact report may be examined.

(f) This section shall become operative on January 1, 2016.

environmental impact reports

limit project if environmental
impact report certified for
planning level decision by city or
county

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Cal. Code Regs. tit. 14 § 15164

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Current through Register 2023 Notice Reg. No. 43, October 27, 2023

Section 15164 - Addendum to an EIR or Negative Declaration

- (a) The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.
- (b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.
- (c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.

subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's required findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

Cal. Code Regs. Tit. 14, § 15164

Note: Authority cited: Section 21083, Public Resources Code. Reference: Section 21166, Public Resources Code; Bowman v. City of Petaluma (1986) 185 Cal.App.3d 1065; and Benton v. Board of Supervisors (1991) 226 Cal.App.3d 1467.

1. Amendment of section heading, text and Note filed 8-19-94; operative 9-19-94 (Register 94, No. 33).
2. Amendment of subsection (b) and Note filed 10-26-98; operative 10-26-98 pursuant to Public Resources Code section 21087 (Register 98, No. 44).
3. Change without regulatory effect amending Note filed 10-6-2005 pursuant to section 100, title 1, California Code of Regulations (Register 2005, No. 40).

Previous Section

[Section 15163 - Supplement to an EIR](#)

Next Section

[Section 15165 - Multiple and Phased Projects](#)

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Cal. Code Regs. tit. 14 § 15162

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Current through Register 2023 Notice Reg. No. 43, October 27, 2023

Section 15162 - Subsequent EIRs and Negative Declarations

(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the

-
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
- (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.
- (b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.
- (c) Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary

shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other responsible agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.

(d) A subsequent EIR or subsequent negative declaration shall be given the same notice and public review as required under Section 15087 or Section 15072. A subsequent EIR or negative declaration shall state where the previous document is available and can be reviewed.

Cal. Code Regs. Tit. 14, § 15162

Note: Authority cited: Section 21083, Public Resources Code. Reference: Section 21166, Public Resources Code; Bowman v. City of Petaluma (1986) 185 Cal.App.3d 1065; Benton v. Board of Supervisors (1991) 226 Cal.App.3d 1467; and Fort Mojave Indian Tribe v. California Department of Health Services et al. (1995) 38 Cal.App.4th 1574.

1. Amendment of section heading, text and Note filed 8-19-94; operative 9-19-94 (Register 94, No. 33).
2. Amendment of subsection (c) and Note filed 10-26-98; operative 10-26-98 pursuant to Public Resources Code section 21087 (Register 98, No. 44).
3. Change without regulatory effect amending subsections (b)-(c) and Note filed 10-6-2005 pursuant to section 100, title 1, California Code of Regulations (Register 2005, No. 40).

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CEQA Portal Topic Paper

Subsequent and Supplemental EIRs and Streamlining

What Are Subsequent and Supplemental EIRs and Streamlining?

Subsequent environmental review and streamlining are complex topics that could each be the subject of its own paper. For purposes of this topic paper, we focus on the relationship between the subsequent review provisions in Public Resources Code Section 21166 and CEQA Guidelines¹ Section 15162, and the tiering provisions for program EIRs in Public Resources Code (PRC) Sections 21093 and 21094 and CEQA Guidelines Sections 15152 and 15168.

Streamlining Generally

Streamlining under CEQA is a process by which an agency can rely on previously adopted environmental review to approve a future discretionary action. Prior to conducting a new environmental analysis for a project, an agency should consider whether the project is covered by a previous environmental review (CEQA Guidelines Section 15153). CEQA provides several opportunities for agencies to streamline environmental review, which practitioners should review intermittently for general knowledge. For example, CEQA and the CEQA Guidelines allow for “staged” EIRs, which an agency may prepare for “complex or phased projects” where the agency does not know specific project details at the time of the first discretionary approval. The agency can then rely on the overarching analysis in the staged EIR and evaluate only project-level details in a later review (CEQA Guidelines Section 15167[a]). Similarly, CEQA allows for “master” EIRs, which can be prepared for classes of projects in order to allow for future streamlining (subject to review five years after certification) (PRC Sections 21157, 21157.1, 21157.5, 21157.6; CEQA Guidelines Sections 15175, 15176, 15177, 15178, 15179).

The California State Legislature has also created specific provisions to promote streamlining environmental review for certain types of projects, including infill development (PRC Section 21094.5; CEQA Guidelines Section 15183.3) and some housing projects (PRC Sections 21159.21, 21159.22, 21159.23, 21159.24, 21159.25, 21159.28). CEQA and the Guidelines also provide streamlined review for projects consistent with zoning, a community plan or a general plan for which an EIR was certified (PRC Section 21083.3, CEQA Guidelines Section 15183).

The statute and the CEQA Guidelines provide a framework for agencies to tier from a “program” EIR prepared for a program, plan, policy, or ordinance (PRC Sections 21093, 21094; CEQA

¹ The CEQA Guidelines are located at Title 14, Division 6, Chapter 3 of the California Code of Regulations.

Guidelines Sections 15168, 15152). The program EIR will cover “general matters and environmental effects” for the overarching program, plan, policy, or ordinance, and the agency will prepare “narrower or site-specific [EIRs] which incorporate by reference the discussion” in the program EIR (PRC Section 21068.5).

To determine whether a project can tier from a certified program EIR, a lead agency should consider whether the later project (PRC Section 21094[b]):

- (1) is consistent with the program, plan, policy, or ordinance for which the original EIR was prepared and certified.
- (2) is consistent with applicable local land use plans and zoning of the city, county, or city and county in which the later project would be located; and
- (3) would not trigger the need for a subsequent or supplemental EIR (discussed in more detail below).

If a project meets these requirements, the lead agency should prepare a tiered EIR that analyzes the later project’s significant effects, except for the environmental effects that were mitigated or avoided as part of the program EIR (PRC Section 21094[a]). The tiered EIR is not required to consider impacts that were analyzed “at a sufficient level of detail ... to enable those effects to be mitigated or avoided by site-specific revisions, the imposition of conditions, or by other means in connection with the approval of the later project” (PRC Section 21094[a]).

In addition, when an agency has prepared a program EIR and a later action is “within the scope” of the program EIR and does not trigger the requirements for subsequent review pursuant to PRC Section 21166 and CEQA Guidelines Section 15162, CEQA does not require preparation of any further environmental review (PRC Section 21094[a] and [b]; *Center for Sierra Nevada Conservation v. County of El Dorado* [2012] 202 Cal.App.4th 1156, 1172). It is important to include a discussion of potential future projects in the program EIR and provide the substantial evidence needed to demonstrate that the proposed project was covered by the program EIR. (*CREED v. San Diego Redevelopment Agency* [2005] 134 Cal.App.4th 598, 610.)

Benefits of Streamlining Environmental Review

Reliance on a program EIR can simplify preparation of later EIRs, which saves time and resources and prevents redundancy. The program EIR can “[p]rovide the basis in an initial study

for determining whether the later activity may have any significant effects” (CEQA Guidelines Section 15168[d][1]). The agency can also incorporate the program EIR by reference into the later EIR, in order “to deal with regional influences, secondary effects, broad alternatives, and other factors that apply to the program as a whole” (CEQA Guidelines Section 15168[d][2]). Subsequent review can focus on a specific later activity “to permit discussion solely of new effects which had not been considered before” (CEQA Guidelines Section 15168[d][3]).

Preparing a program EIR can also streamline an agency’s compliance with regulatory procedures, avoid repetitive and duplicative analysis of environmental effects that an agency has already examined, and allow the agency to focus later analysis on effects that may be mitigated or avoided in connection with a later project (PRC Section 21093[a]). Program EIRs can assist an agency with thoroughly evaluating cumulative impacts that might otherwise be difficult to analyze in a project-level document (CEQA Guidelines Section 15168[b]). Agencies can also avoid duplicative reconsideration of basic policy considerations, which can be addressed comprehensively in a program EIR (CEQA Guidelines Section 15168[b]).

When Is a Program EIR Appropriate?

An agency may prepare a program EIR for “a series of actions that can be characterized as one large program” that are related either: (1) geographically; (2) as part of a single chain of action; (3) in connection with governance of a continuing program; or (4) as individual entities that are allowable under the same statute or regulation with “generally similar” environmental effects and mitigation (CEQA Guidelines Section 15168[a]). Agencies most commonly prepare program EIRs when they adopt a general plan.

CEQA does not specify the level of detail that must be included in a program EIR. Rather, the level of analysis required depends on the nature of the project and is subject to the “rule of reason” (*San Franciscans for Livable Neighborhoods v. City and County of San Francisco* [2018] 26 Cal.App.5th 596, 608). The analysis must disclose what the agency reasonably knows at the time the program EIR is prepared, and it cannot defer analysis of mitigation measures to a later date (*Cleveland National Forest Foundation v. San Diego Association of Governments* [2017] 17 Cal.App.5th 413, 441, 443; CEQA Guidelines Section 15126.4[a][1][B]).

Caution is advised when processing a development project under a general plan–level program EIR. Often the mitigation measures used in a general plan EIR are at a very high level and state policies in the plan that are advisory rather than required. The measures can refer to procedures used to evaluate an environmental impact rather than project-specific measures appropriate to a project-level EIR. As always it is important to complete the analysis consistent with the level of detail of the project. Similarly, project-level mitigation should address the specific impacts that might not be addressed in a general plan–level EIR.

It is important to keep in mind that, when considering the adequacy of an EIR, courts look to the substance rather than the title. “Courts strive to avoid attaching too much significance to titles in ascertaining whether a legally adequate EIR has been prepared for a particular project” (*Citizens for a Sustainable Treasure Island v. City and County of San Francisco* [2014] 227 Cal.App.4th 1036, 1048). In some cases, an EIR may include both program-level and project-level analyses. One example is an EIR for a specific plan, which is generally a program-level analysis, that also includes a project-level analysis for the first phase of development.

Subsequent and Supplemental EIRs

Subsequent environmental review is environmental analysis prepared for a later discretionary approval after an agency has certified a prior EIR or adopted a ND² (PRC Section 21166; CEQA Guidelines Section 15162). Prior to approving a later project based on a program EIR, an agency must first determine whether the project is “within the scope” of the program EIR and whether it triggers the requirements for subsequent environmental review. Both determinations must be supported by substantial evidence. If the agency is required to conduct subsequent environmental review after a program EIR, the later analysis may rely on the program EIR for some portion of the subsequent review (CEQA Guidelines Sections 15168[c][1], 15152).

When Is a Supplemental or Subsequent EIR Required?

When an agency has prepared a program EIR and a further discretionary approval is necessary, a subsequent or supplemental EIR is required only where the later activity, which is within the scope of the program EIR, would have effects that were not examined in the program EIR (CEQA Guidelines Section 15168[c][1]). The requirements for subsequent and supplemental review are limited in order to balance “CEQA’s central purpose of promoting consideration of the environmental consequences of public decisions with interests in finality and efficiency” (*Friends of the College of San Mateo Gardens v. San Mateo County Community College Dist.* [2016] 1 Cal.5th 937, 949).

The agency must first determine, based on substantial evidence, whether the previous EIR retains some informational value (*Friends of the College of San Mateo Gardens v. San Mateo County Community College Dist.* [2016] 1 Cal.5th 937, 949). If so, the agency may prepare an initial study to determine whether the project triggers the requirements for subsequent review (PRC Section 21094[c]).

When a program EIR or project-level EIR has been certified, a subsequent EIR is not required *unless* (PRC Section 21166; CEQA Guidelines Section 15162):

- (1) “Substantial changes are proposed in the project which will require major revisions” to the EIR “due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects”;
- (2) “Substantial changes occur with respect to the circumstances,” and those changes will require “major revisions” to the EIR “due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects”; or
- (3) “New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time” of preparation of the

² This paper focuses on subsequent and supplemental review after certification of an EIR, but agencies can also rely on the subsequent and supplemental review provisions after adoption of an ND. When an agency considers whether to conduct subsequent environmental review after an ND, courts apply the fair argument standard of review (*Friends of the College of San Mateo Gardens v. San Mateo County Community College Dist.* (2016) 1 Cal.5th 937, 959). An agency therefore is required to conduct subsequent review if a proposed modification *may* produce a significant environmental effect that was not studied in the previous ND.

EIR, becomes available. Such information must show either: the project will have one or more significant effects not discussed in the previous EIR; significant effects previously examined will be substantially more severe; mitigation measures or alternatives previously found to be infeasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

If the conditions in either section (1), (2), or (3), above, are triggered, an agency must prepare a subsequent environmental document. It is important to note that although triggering any one of the sections alone would require further review, there are also multiple components within each section. For example, where substantial changes to a project are proposed, the agency is only required to prepare a subsequent EIR if those changes require *major* revisions to the EIR and those changes are due to new significant effects or a substantial increase in the severity of effects identified in the prior EIR. If each of the components in a section is not met, a subsequent or supplemental EIR is not required. Under those circumstances, it may be appropriate to prepare an addendum to the prior EIR instead to consider the project changes and to document the evidence supporting the agency's conclusion that the changes do not result in new or substantially more severe significant effects (CEQA Guidelines Section 15164).³

A subsequent EIR could come about if an agency were attempting to use a certified EIR for a phase of a project that was not sufficiently defined when the EIR was prepared. Many agencies will designate an area in their general plan as "specific plan," assigning an amount of housing, office, commercial, or industrial uses as a lump sum for the area and leaving the physical design until later. A development project within the specific plan designation would then be required to prepare a specific plan that would include the project-level detail that could not be known at the time of EIR certification. If that project-level detail resulted in new significant impacts, then a subsequent EIR could be effective. The subsequent EIR would allow the agency to narrowly focus the subsequent analysis on the environmental impacts based on the newly available project detail.

If the requirements for a subsequent EIR are triggered, but "[o]nly minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation," an agency may decide to prepare a supplemental EIR rather than a subsequent EIR (CEQA Guidelines Section 15163[a]).⁴ Either type of EIR may conclude that there will be new significant unavoidable impacts, in which case the lead agency must adopt a statement of overriding considerations.

³ Where some changes are necessary but the triggers in PRC Section 21166 and CEQA Guidelines Section 15162 are not met, "the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation" (CEQA Guidelines Section 15162[b]).

⁴ A supplemental EIR need only contain "the information necessary to make the previous EIR adequate for the project as revised" (CEQA Guidelines Section 15163[b]). Agencies may limit consideration in a supplemental EIR to effects "not considered in connection with the earlier project" (*Sierra Club v. City of Orange* (2008) 163 Cal.App.4th 523).

An example would be if a project for which a certified EIR was prepared allowed for 50,000 square feet of office space and 15,000 square feet of commercial space and instead wanted to convert the 50,000 square feet of office space to 100 apartments. Using CEQA Guidelines Section 15162, an analysis would be needed that compared the physical changes associated with dwelling units versus office space impacts as reported in the EIR. Instrumental to the discussion would be the findings of fact from the EIR that highlighted the significant impacts and any impacts that were considered significant and unavoidable. Impacts such as those related to parkland, recreation, and public services that may have been dismissed with an entirely nonresidential project may result in a new significant impact because of the new design. If new impacts are significant, then a supplemental or subsequent EIR should be prepared to address the new impact. If the impacts were previously identified, then the analysis would need to determine if the addition of the apartments would result in a “substantial increase” in the severity of the impact. The term “substantial increase” is not defined in CEQA; therefore, each agency must interpret the term and support its interpretation with substantial evidence.

Determining in a particular situation whether it is appropriate to prepare a subsequent or supplemental EIR is a project-specific consideration, based on many factors. If an agency is required under PRC Section 21166 and CEQA Guidelines Section 15162 to conduct subsequent environmental review under a program EIR, the agency should proceed pursuant to PRC Section 21094 and CEQA Guidelines Section 15168 or 15152. The agency must prepare an initial study to consider whether the later project may cause significant effects that were not examined in the program EIR (PRC Section 21093[c]). The later report does not need to consider effects that were mitigated or avoided in the program EIR, or effects that were analyzed at a sufficient level of detail in the program EIR to enable those effects to be mitigated or avoided by site-specific revisions, the imposition of conditions, or by other means in connection with the approval of the later project (PRC Section 21093[b]; CEQA Guidelines Section 15152[d]).

As noted above, the court does not place importance on the title of the EIR, but rather focuses on whether the level of analysis is commensurate with the detail of the project. The subsequent EIR and the supplemental EIR are identical in processing in that both require public circulation of the draft document, response to comments, etc. Where they differ is in the magnitude of change between the project evaluated in the certified EIR and the one being proposed. If major changes to the original project description are required that would create more of an impact on the environment, then a subsequent EIR is appropriate. If new information is all that is needed to allow the newly proposed project to use the existing certified EIR, then a supplement to the original document would suffice. These determinations are necessarily specific to the project and the lead agency.

What If a Subsequent or Supplemental EIR Is Not Required?

When a later project is within the scope of the program EIR and does not meet the requirements in PRC Section 21166 and CEQA Guidelines Section 15162, further environmental review is not required (CEQA Guidelines Section 15168[c][2]; *Cleveland National Forest Foundation v. San Diego Assn. of Governments* [2017] 17 Cal.App.5th 413, 425–426). This situation might arise when, for example, an agency implements changes to its zoning code that were previously

contemplated in its general plan and analyzed in the associated program EIR. When considering whether a later activity is within the scope of the program EIR, the agency may consider, among other factors, “consistency of the later activity with the type of allowable land use, overall planned density and building intensity, geographic area analyzed for environmental impacts, and covered infrastructure as described in the program EIR” (CEQA Guidelines Section 15168[c][2]; *Latinos Unidos de Napa v. City of Napa* [2013] 221 Cal.App.4th 192, 204). An agency’s determination that a later project is within the scope of its program EIR is a factual question, which means courts should defer to the agency’s decision, provided it is supported by substantial evidence (CEQA Guidelines Section 15168[c][2]). It is therefore important that agencies document in the record the reasons and evidence for the agency’s determination.

An agency may prepare an addendum under CEQA Guidelines Section 15164 when a certified EIR has been prepared and some changes or revisions to the project are proposed, or the circumstances surrounding the project have changed, but none of the changes or revisions would result in significant new or substantially more severe environmental impacts. An addendum is not subject to the same notice and public review requirements as a subsequent or supplemental EIR, but the lead agency may elect to provide notices and a public review period.

In Closing

Both subsequent and supplemental EIRs must comply with the same requirements for notice and public review as for a draft EIR (CEQA Guidelines Sections 15162[d], 15163[c]). Response to public comments and a new final EIR, findings of fact, and if necessary a statement of overriding considerations would be required. Therefore, the amount of time saved by preparing a subsequent or supplemental EIR as compared to a project EIR may not be significant.

Important Cases

The following represent some of the published cases that relate to subsequent review and streamlining:

- *Center for Sierra Nevada Conservation v. County of El Dorado* (2012) 202 Cal.App.4th 1156: General plan program EIR did not provide sufficient detail to cover proposed management plan and mitigation fee program; agency was therefore required to prepare a tiered EIR.
- *Citizens Against Airport Pollution v. City of San Jose* (2017) 17 Cal.App.5th 413, 425–426: Substantial evidence in the record supported agency’s determination that an eighth addendum to an airport master plan would not result in any new significant environmental impacts that substantially differed from those identified in an earlier EIR.
- *Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036: The title of a CEQA document is not dispositive. EIR for redevelopment of a former naval station provided decision-makers with sufficient analysis to intelligently consider the environmental consequences of the project.

- *Cleveland National Forest Foundation v. San Diego Association of Governments* (2017) 17 Cal.App.5th 413: Agency failed to disclose known impacts and improperly deferred mitigation in program EIR.
- *Committee for Re-Evaluation of the T-Line Loop v. San Francisco Municipal Transportation Agency* (2019) 6 Cal.App.5th 1237: Substantial evidence supported agency's determinations that initial EIR retained some relevance to the decision-making process and that supplemental review was not required.
- *Friends of the College of San Mateo Gardens v. San Mateo County Community College Dist.* (2016) 1 Cal.5th 937: When there is a change in plans, circumstances, or available information after an agency initially approves a project, the agency must determine, based on substantial evidence, whether the original environmental document retains some informational value. Where it does, CEQA's subsequent review provisions apply. Where an agency relies on a prior EIR, the substantial evidence standard of review applies to the agency's determination not to conduct further review. Where an agency relies on a prior ND, the fair argument standard of review applies.
- *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143: Program EIR for a long-term plan to address ecosystem and water supply problems in Bay-Delta region was not required to identify specific sources of water to carry out the program, which would take place over a 30-year time span.
- *Latinos Unidos de Napa v. City of Napa* (2013) 221 Cal.App.4th 192: Proposed amendments to housing and land use elements in general plan, and minor amendments to zoning ordinances, were within the scope of the prior program EIR. No additional review was required.
- *Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152: Agency failed to provide substantial evidence to show that its climate action plan and significance guidelines were within the scope of its general plan program EIR.
- *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412: EIR failed to identify long-term water source for community plan; "[a]n EIR evaluating a planned land use project must assume that all phases of the project will eventually be built and will need water, and must analyze, to the extent reasonably possible, the impacts of providing water to the entire proposed project."
- *Health First v. March Joint Powers Authority* (2009) 174 Cal.App.4th 1135: In a case involving a reuse plan for a former military base, approval by the developing authority of a design plan for a grocer's warehouse distribution facility was exempt from environmental review because the decision was ministerial. Substantial evidence supported an administrative decision that traffic mitigation measures in a specific plan for a business center were made applicable to the design plan application, as contemplated by PRC Section 21083.3. *Citizens for Responsible Equitable Environmental Development [CREED] v. City of San Diego Redevelopment Agency* (2005) 134 Cal.App. 4th 598: The fair argument standard does not apply to judicial review of an agency's determination that a project is within the scope of a previously completed EIR. Once an agency has prepared an EIR, its decision not to prepare a supplemental or

subsequent EIR for a later project is reviewed under the deferential substantial evidence standard.

Authors

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Reviewers

Legal Disclaimer

The AEP-sponsored CEQA Portal, this topic paper, and other topic papers and information provided as part of the CEQA Portal are not intended as legal advice. The information contained herein is being provided as a public service and has been obtained from sources believed reliable. However, its completeness cannot be guaranteed. Further, additional facts or future developments may affect subjects contained herein. Seek the advice of an attorney before acting or relying upon any information provided herein.

Date Updated: July 23, 2021

From: Katherine Hayes Rodriguez <katherinehayesrodriguez@gmail.com>
Sent: 11/6/2023 9:00:59 AM
To: Public Comment <PublicComment@trpa.gov>
Subject: Comments Re: 11/8 APC Item V.A - Phase 2 Housing Amendments

Hello,

We would like to register our support for a maximum 56 ft building height in the new plan.

Katherine & Neil Rodriguez
530-277-5682

From: Mario Mendoza <chefmendoza14@yahoo.com>
Sent: 11/6/2023 2:27:30 AM
To: Public Comment <PublicComment@trpa.gov>
Subject: [BULK]

stop over development projects and urbanization no new development . thank you .

[Sent from Yahoo Mail on Android](#)

From: CC Gmail <ccroyal22@gmail.com>
Sent: 11/6/2023 8:32:05 AM
To: Public Comment <PublicComment@trpa.gov>
Subject: TRPA please protect Tahoe

Please remember your mission when considering new developments... the developments in the pipeline seem not to be good for Tahoe.

There are better and more cost-efficient ways to address Tahoe's housing crunch, such as:

- Severely capping STRs throughout the Tahoe Basin and increase fines and enforcement measures to ensure compliance
- Investing in programs that incentivize repurposing of abandoned buildings that have the infrastructure and parking in place
- Converting existing structures from empty commercial spaces to housing instead of focusing only on new building units
- Requiring large resort employers to provide workforce housing on site
- Encouraging and funding programs such as Lease to Locals.

I am a 15-year resident of Incline Village and I am watching your actions closely and am concerned.

Cindy Crawford
529 Dale Drive IV NV 89451

Sent from my iPhone

From: Wolf Vogel <wolf.vogel@balcor.com>
Sent: 11/5/2023 10:28:39 AM
To: Public Comment <PublicComment@trpa.gov>
Subject: Keep Tahoe Blue
Attachments: [image.png](#)

From the RGJ:

There are better and more cost-efficient ways to address Tahoe's housing crunch, such as:

- Severely capping STRs throughout the Tahoe Basin and increase fines and enforcement measures to ensure compliance

- Investing in programs that incentivize repurposing of abandoned buildings that have the infrastructure and parking in place

- Converting existing structures from empty commercial spaces to housing instead of focusing only on new building units

- Requiring large resort employers to provide workforce housing on site

- Encouraging and funding programs such as Lease to Locals.

I could not have said it better.
Wolf Vogel
Reno, NV

From: Ellie <tahoellie@yahoo.com>
Sent: 11/5/2023 10:17:00 PM
To: Public Comment <PublicComment@trpa.gov>
Cc: John Hester <jhester@trpa.gov>; Julie Regan <jregan@trpa.gov>; Karen Fink <kfink@trpa.gov>;
Subject: [BULK] Tahoe Regional Planning Agency 11-8-23 Advisory Planning Commission. Comment on V. A Phase 2 Housing Amendments
Attachments: [11-8-23 TRPA APC Tahoe Living Housing Amendements.pdf](#)

Please accept and distribute these comments to t Tahoe Regional Planning Agency 11-8-23 Advisory Planning Commission and appropriate staff.
Comment on V. A Phase 2 Housing Amendments.

Thank you, Ellie Waller

Tahoe Regional Planning Agency (TRPA) 11-8-23 Advisory Planning Commission (APC) meeting
Ellie Waller Public Comment for the Record proposed amendments to Goals and Policies, Land Use and Housing sections

Tahoe Regional Planning Agency Advisory Planning Commissioners and appropriate staff,

I needed reference points for this housing mess. I painstakingly went through agendas and information. I may have missed some Regional Plan Implementation Committee meetings and did not post all Tahoe Living Housing meetings but here is good information for references to committee meetings

<https://www.trpa.gov/?s=tahoe+living+housing+revitalization&type=document>

This is the link to find meetings from the committee, not necessarily posted in date order

I've done my homework. Hope you've done yours.

THIS IS NOT A BLANK SLATE to make recommendations to; It's the Tahoe Basin at capacity. Respectfully, Ellie Waller Comments in **red** are my remarks, suggestions, questions, etc.

Note COVID-19 March 12, 2020: States begin to implement shutdowns. Much of this activity to kick-start the housing plans before you were during Covid Confusion. Most restrictions lifted by July 2022. Notifications to the public for participation questionable. How many knew where to register for meeting notification, newsletters, etc.? Especially during the initial confusion using ZOOM alternative to meeting attendance.

November 8, 2023 Discussion and possible action for Phase 2 Housing Amendments, including proposed changes to Code of Ordinances Chapters 1, 36, 37, 31, 30, 34, 52, and 90; and changes to the Goals and Policies, Land Use and Housing Sections; that would only apply to projects applying for deed-restricted bonus units.

<https://www.trpa.gov/wp-content/uploads/November-8-2023-APC-Packet.pdf>

APC should recommend TRPA staff provide side-by-side comparison of each existing jurisdictions code to proposed changes. This provides additional transparency of the changes that could occur in each neighborhood. Height, density, massing, etc. that all come into play.

What about the current residential built environment? Many residents will be impacted by taller buildings allowing more persons(density) additional parking issues, creating shadows, icy conditions, etc. where they never existed before. Why is that impact analysis not required?

Definitions of types of Housing have created much confusion. The Advisory Planning Commission (APC) discussion and possible recommendations only apply to Discussion and possible action for Phase 2 Housing Amendments that would only apply to projects applying for deed-restricted bonus units.

A general description of what type of housing this includes is necessary before any recommendations are made. For those who have not followed this over the years, they may not understand what type of housing is being addressed. Deed-restricted housing does not adequately explain the achievable definition for housing brought forth by the Mountain Housing Council and has since been modified (10-15-2021)

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<https://www.mountainhousingcouncil.org/achievable-housing-definition/> Mountain Housing
Council Achievable Housing Definition Final Review- 10-15-21

Based on 4 months of partner deliberations and input*, we propose the following final draft
definition:

New Definition Proposed: *“The definition of Community Achievable Housing, as recommended and adopted by the Mountain Housing Council, includes housing that meets the traditional definition of “affordable,” targeting the low-income community members (80% AMI) in our community, and also incorporates housing for local community members who earn more than 80% AMI, but still cannot afford market-rate housing in our region. Since market forces and AMI change frequently, the upper limit of Community Achievable Housing shall be tied to an annual housing needs assessment. Moving forward, local jurisdictions are encouraged to determine how to implement Achievable Local Housing in their own jurisdiction.”* Thank you to the following partners who contributed to the new definition: Brett Williams, Agate Bay Realty; Chase Janvrin, Tahoe Prosperity Center; Emily Setzer, Placer County; Steve Frisch, Sierra Business Council; Teresa Crimmens, Sierra Community House; Supervisor Hardy Bullock, Nevada County; Alyssa Bettinger, **Tahoe Regional Planning Agency**

Current TRPA Code Chapter 90 Definitions

Achievable Housing Single or multi-family residential development to be used exclusively as a residential dwelling by permanent residents who meet one or more of the following criteria:

1. Have a household income not in excess of 120 percent of the respective county’s area median income (AIM) (moderate income households and below); or
2. At least one occupant of the household works at least 30 hours per week or full-time equivalency for an employer with a business license or tax address within the Tahoe region or Tahoe-Truckee Unified School District, including but not limited to public agencies and not-for-profit employers. Full-time equivalency may be confirmed by employer; or
3. Is a retired person who has lived in a deed-restricted unit in the Tahoe Basin for more than seven years

Phase 2 Housing Amendments, including proposed Discussion and changes to Code of Ordinances Chapter 13, Area Plans; Chapter 36, Design Standards; Chapter 37, Height; Chapter 31, Density; Chapter 30, Land Coverage; Chapter 34, Parking Policies; Chapter 52, Bonus Unit Incentive Program and Chapter 90, Definitions; and changes to the Goals and Policies, Land Use and Housing Sections that would only apply to projects applying for deed-restricted bonus units Summary and Staff Recommendation:

Why wasn’t Chapter 13 Area Plans listed in the Subject and staff recommendation of the staff report but identified in opening agenda item of the meeting agenda? Consistency necessary!

A. Phase 2 Housing Amendments, including proposed changes to Code of Ordinances Chapter 13, Area Plans; Chapter 36, Design Standards; Chapter 37, Height; Chapter 31, Density; Chapter 30, Land Coverage;	Discussion and Possible Action/ Recommendation	<u>Page 27</u>
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Chapter 34, Parking Policies; Chapter 52, Bonus Unit Incentive Program and Chapter 90, Definitions; and changes to the Goals and Policies, Land Use and Housing Sections that would only apply to projects applying for deed-restricted bonus units
TRPA staff requests that the Advisory Planning Commission (APC) recommend approval of amendments to the TRPA Code of Ordinances Chapters 1, 13, 36, 37, 31, 30, 34, 52, and 90; and changes to the Goals and Policies, Land Use and Housing Sections. The amendments assist in achieving Regional Plan housing, transportation, and water quality goals. These recommendations are based on a financial feasibility analysis, input from the Tahoe Living Working Group, the Local Government and Housing Committee, the Regional Plan Implementation Committee (RPIC), Governing Board, and community members.

What members of the community ? The development community ? APC should recommend staff provide a list of community participants for transparency.

Recognizing that there is no one-size-fits-all solution to housing affordability and each agency must work to remove barriers to building affordable housing, Phase 2 of TRPA's Tahoe Living Strategic Priority aims to update height, density (a.k.a., units per acre), land coverage, and parking standards for deed-restricted housing.

The goal is to level the playing field financially, enabling the private sector to deliver housing for the "missing middle," significantly reducing costs for delivering subsidized affordable and workforce housing while maintaining and attaining environmental thresholds.

Above example of using terminology (missing middle) that captures what income level ??? without explanation to the reader that has not followed this proposal over several years.

I am requesting that the APC recommend County Planners provide the mapping tool to their constituents: This is about transparency! The mapping tool provided in the staff report <https://gis.trpa.org/housing/>

CHAPTER 6: TRACKING, ACCOUNTING, AND BANKING
6.5 Basic Data for Account Files
6.5.3 Geographic Information

6.5.3. Geographic Information

Geographic information shall include: predominate land capability district and other districts; type of determination (e.g., mapped, field verified, land capability challenge); watershed; hydrologic-related area; shorezone tolerance district, and other geographic information.

6.5.4. IPES Score

If applicable, IPES score and allowable land coverage.

6.5.5. Parcel Size

Size of parcel in square feet or acres, and building site size if rated under IPES.

6.5.6. Plan Area Statement Status

Name, number, primary designation, and special designations of the applicable plan area statement.

6.5.7. Community Plan Status

If applicable, identification of the community plan in which the parcel is located.

6.5.8. Area Plan

If applicable, identification of the Area Plan in which the parcel is located.

TRPA code above says this information is readily available. Besides the mapping tool additional information should be provided to public on how to use the parcel tracker for detailed lot info <https://parcels.laketahoeinfo.org/>

Additional information, you as the APC should recommend staff provide : Units of use accountability for each local jurisdiction, How many current allocations have been provided to each jurisdiction to date, ADU's, etc. can be built in each jurisdiction for clarity.

Development rights conversions (conversion from a different type of development right tourist : accomodation unit, residential unit of use, commercial floor are, etc) data for each jurisdiction as well.

All this information exists and should be provided to the public. Banked unit type by jurisdiction or agency i.e. California Tahoe Conservancy, Placer, whomever else owns the right.

This is about transparency!

CHAPTER 6: TRACKING, ACCOUNTING, AND BANKING
6.7 Units of Use and Other Information for Account Files
6.7.1 Residential Use

6.7. UNITS OF USE AND OTHER INFORMATION FOR ACCOUNT FILES



The following information shall be tracked, verified, and recorded for each parcel and updated upon receipt of new tracking reports:

6.7.1. Residential Use

Account files for parcels containing existing residential density or for parcels that are related to a residential project approved by TRPA shall have the following information:

- A. Number of Existing Units**
Date of approval and number of units approved, including units credited but not yet transferred.
- B. Number of Transfer Units**
 - 1. Receiving Site**
Where the parcel is the receiving site, the following shall be recorded:
 - a. Sending site account number or land bank and project permit number;
 - b. Date of transfer (date transaction is final);
 - c. Cost of transfer per unit, if applicable;
 - d. The mechanism for transfer (e.g., land bank, private transaction or other); and
 - e. Number of units added through transfer, including type and date of retirement or credit.
 - 2. Sending Site**
Where the parcel is the sending site, the following information shall be recorded:
 - a. The receiving parcel and project permit number;
 - b. Date of transfer (date transaction is final);
 - c. Cost of transfer per unit, if applicable;
 - d. The mechanism for transfer (e.g., land bank, private transaction or other); and
 - e. Number of units retired.
- C. Number of Bonus Incentive Units**
Date, number, and reason for units awarded.
- D. Number of Affordable, Moderate, and Achievable Units**
Date of construction and number of affordable, moderate, and achievable units exempted from the allocation.
- E. Number of Residential Unit Allocations Assigned**
Number of allocations assigned to the parcel.

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Ellie Waller Public Comment for the Record proposed amendments to Goals and Policies, Land Use and
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6.8. REGIONAL ALLOCATION ACCOUNTING



TRPA shall maintain current allocation accounts and issue annual allocation account reports for each local jurisdiction, plan area statement, community plan, Area Plan, and specific or master plan. The report shall include:

6.8.1. Residential Allocation Report Contents

For residential allocation reports:

- A. For new allocations:
 - 1. Total number of allocations allowed;

TRPA Code of Ordinances

Adopted by Governing Board December 12, 2012 | Amended June 26, 2023 | Page 6-8

CHAPTER 6: TRACKING, ACCOUNTING, AND BANKING

6.9 Regional Development Right Accounting
6.8.2 Commercial Allocation Report Contents

-
- 2. Total number of allocations allocated; and
 - 3. Total number of units (from allocation) constructed;
 - B. For bonus residential allocations:
 - 1. Total number of allocations allowed;
 - 2. Total number of allocations allocated; and
 - 3. Total number of units (from allocation) constructed; and
 - C. The total number of affordable, moderate, and achievable units constructed.

6.9. REGIONAL DEVELOPMENT RIGHT ACCOUNTING



TRPA shall prepare regional development right reports every two years (consistent with *Section 51.6 Local Government Approval*) for each local jurisdiction, land bank, plan area statement, community plan, area plan, and specific or master plan. The report shall include:

- A. Total number of existing development rights being used within each local jurisdiction, land bank, plan area statement, community plan, area plan, and specific or master plan.

TRPA Code of Ordinances

Adopted by Governing Board December 12, 2012 | Amended June 26, 2023 | Page 6-9

CHAPTER 6: TRACKING, ACCOUNTING, AND BANKING

6.10 Land Bank
6.10.1 Designation of Land Bank

-
- B. The net change of existing development rights being used within each local jurisdiction, land bank, plan area statement, community plan, area plan, and specific or master plan.
 - C. Total number of banked development rights within each local jurisdiction, land bank, plan area statement, community plan, area plan, and specific or master plan.
 - D. Total number of banked or potential development rights transferred out of each local jurisdiction, land bank, plan area statement, community plan, area plan, and specific or master plan by development type and location.
 - E. Total number of banked or potential development rights transferred into each local jurisdiction, land bank, plan area statement, community plan, area plan, and specific or master plan by development type and location.
 - F. Total number of development rights converted by development type and quantity within each local jurisdiction, land bank, plan area statement, community plan, area plan, and specific or master plan.

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Also, CONSIDER this as a recommendation: Here is the opportunity to craft code that requires developers to build affordable units (that should be in general proximity) that benefit their employee base not just buying small, older hotels, many of you call blight, and then possibly provide shuttles or require them to take public transit. Palisades purchasing in Kings Beach and Tahoe Vista miles away from the work location doesn't make them heroes for housing employees. And as outside the basin employers, they are bringing Vehicle Miles Traveled, Greenhouse House Gas, etc. impacts into the basin.

The major employers have never been required to provide housing, in-lieu funding has not amounted to units being built etc. WHY? If so, how many by jurisdiction. Please recommend TRPA staff provide accountability by jurisdiction: How much is in their in-lieu housing fee buckets?

Donating land is not an answer either. Example: allowing Incline 947 to donate land does nothing to get units on the ground. At the TRPA GB approval meeting many, including TRPA Counsel, staff, etc. mentioned it will probably never be built.

Pointing out that these were missed opportunity for appropriate sites directly located by transit centers: Lakeside Casino, Douglas County and Tahoe City Tree Company, Tahoe City. If the local jurisdictions were really serious those two sites were perfectly aligned for workers as they could take public transportation and work and live nearby.

The Phase 2 housing amendments would apply in three areas within the basin where concentration of development is encouraged by the Regional Plan: 1) in Centers (a collective term for town centers, the Regional Center, and the High-Density Tourist District); and 2) in areas currently zoned for multi-family housing; and 3) within the bonus unit boundary.

This is very misleading! The public is already confused. In the staff report narrative, more than these three areas are targeted. Transition areas, parcels directly adjacent and contiguous to a Center, the Bonus Unit Boundary is the area within ½ mile of transit, ½ mile of town center, etc. #2 areas zoned multi-family are outside town centers for clarity as the map showing bonus unit boundary is provided showing village centers etc. Yet another term "village" to confuse this process.

Remove maximum density standards to encourage developments with smaller, more affordable units. This does not mean that larger units cannot be built, but rather leaves that choice to the developer. Region-wide residential growth limits remain in place.

"ENCOURAGE" does nothing. Especially when leaving the decision up to the developer.

Allow nine feet additional height for a total of 65 feet. Buildings must be set back one foot for every foot above 56 feet and would be required to incorporate design features such as pitched roofs, articulated facades, articulated roof planes, and the use of earthtone colors consistent with Design Review Guidelines. Additionally, projects will need to meet TRPA findings that ensure the project is consistent with scenic requirements, minimizes obstruction of existing views, and ensures the building is consistent with surrounding uses. Last, projects are subject to the discretionary processes already established in each jurisdiction

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Additional height does nothing to benefit the existing residential communities. Placer, in their Tahoe Basin Area Plan, allude to working with TRPA to relax scenic requirements because it prohibits development. Discretionary processes at the local jurisdiction level have failed to protect and take into consideration the existing residential communities. The same applies to the neglect of the built residential environmental impacts to those living in the communities.

Allow coverage above 70 percent on high capability lands when the development builds or contributes to an existing area-wide stormwater treatment system. Area-wide stormwater treatments (i.e. area-wide systems) provide an alternative to onsite stormwater treatment through best management practices (BMPs) freeing up more of the site for housing units.

Staff should provide an example of an existing, functioning area-wide system.

Local jurisdictions set parking requirements that vary between 1-2.1 spaces per unit, in most cases depending on unit size. Without flexible parking standards, developers are forced to build more parking than may be needed, which results in a significant portion of the site being used for automobiles versus housing, drives up cost per unit, and continues to fuel dependency on private vehicles. Given the location within Centers that are close to transit, bike paths, and services within walking distance, the proposal would remove mandated parking minimums but require the developer to demonstrate that they are providing sufficient parking for the project.

“developers are forced to build more parking than may be needed”, “continues to fuel dependency on private vehicles” There is no way to predict, beforehand, how many vehicles will need to have parking spaces. The notion that zero parking is the answer is absurd. A couple, two friends, two occupants in all likelihood will NEED 2 cars.

Public transportation is not perfect, is far from accommodating all user needs, etc.

Bike paths in the winter may eventually be cleared but really, biking in a snow storm or unplowed bike path?

Dependency of the automobile is subjective. TRPA cannot predict human behavior and really you think you can influence people to ride a bus with an inadequate public transportation system?

Removing the parking requirement away from the deed-restricted housing units, will in all likelihood, exacerbate the need for the parking that should have been provided, and have tenants parking in localized built parking lots, neighborhoods , etc.

Placer County TBAP proposing .75 spaces for deed-restricted housing coming to TRPA 12-6-23 And in Placer County’s recommendations to allow overnight parking in public lots for those employees using vehicles or tiny-homes to live-in, will take up additional parking spaces for tourists and/or deed-restricted housing developments.

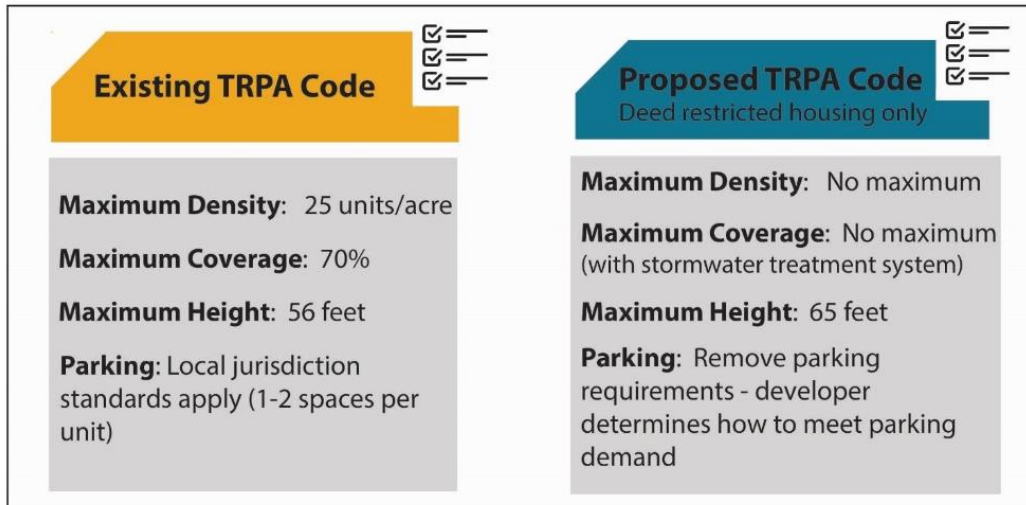


Figure 1: Summary of the Phase 2 Housing proposal in centers.

Multi-family Zones within the Bonus Unit Boundary

The Phase 2 housing amendments incentivize smaller scale multi-family that fit the character of neighborhoods in the region where multi-family is already permissible. For specific details on the proposal, see Attachment A, Draft Regional Plan and Code Language.

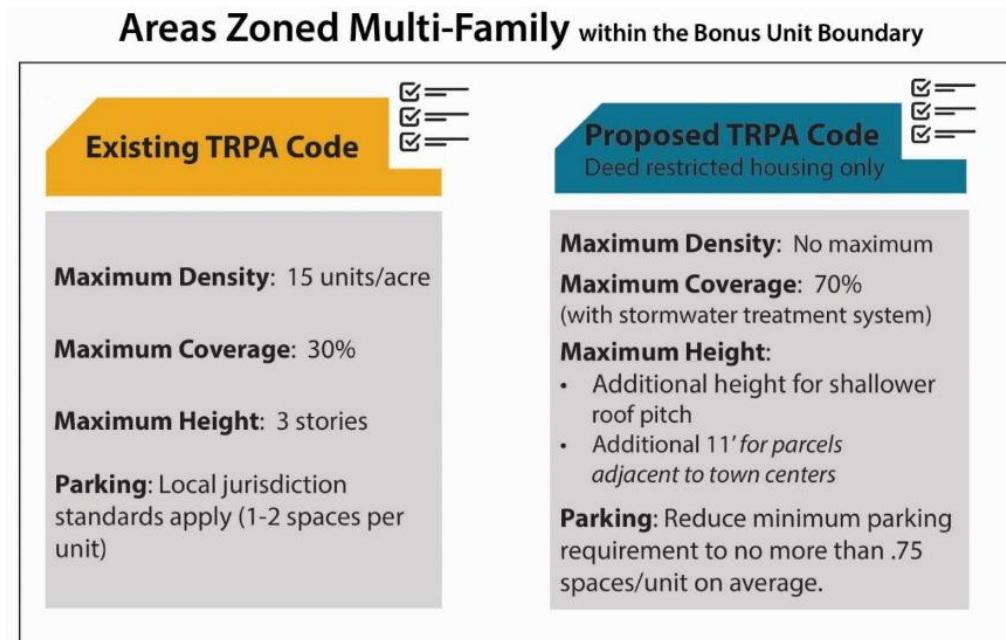


Figure 2: Summary of the Phase 2 Housing proposal in areas zoned multi-family within the bonus unit boundary.

The charts above are ludicrous, nonsensical, preposterous, in my opinion. Back to one-size does not fit all. What prohibits a developer from asking a local jurisdiction for all the goodies? And of course, getting a project on the ground is necessary so they must have all the goodies.

If local jurisdictions want to opt out of the proposed standards, they can do so through an area plan amendment.

However, TRPA would require that any changes to height, density, and parking standards holistically consider the financial impact the changes have on building deed-restricted housing in their jurisdiction. If the jurisdiction cannot demonstrate that deed-restricted housing development is still viable with other subsidies or alternative requirements, staff will recommend that the amendments to the area plan not be approved. An example of an alternative requirement is an area plan amendment that includes the same changes to height and density for market rate developments with an inclusionary requirement; meaning that for every residential development, a portion of the units are set aside as deed-restricted affordable, moderate, or achievable, instead of having fewer developments that are entirely deed-restricted. Or, the local jurisdiction could adopt a lower height limit through their area plan if they provide donated land, or another subsidy, that reduces the cost to build similar to what was shown in the Cascadia analysis.

Repetitious but necessary, donating land is not a guarantee! Placer County made a land purchase of \$3.7 million several years ago and still project on the ground.

Bonus Unit Requirements and Compliance. The Phase 2 housing amendments would apply to deed-restricted units that receive residential bonus units unless local jurisdictions set their own standards through an area plan amendment... Because this proposal will increase the number of bonus units distributed in upcoming years, the proposal adds **a one-time new fee of \$50 per unit as part of the application process to all new residential development to help cover the cost of monitoring and enforcement of deed-restrictions.** This is an interim measure before a more sustainable funding source for deed restriction monitoring is considered in Phase 3 of the Tahoe Living Strategic Priority.

So, \$50.00 x 100 units is \$5,000. That shouldn't hurt the developers' costs!

Public outreach on the Phase 2 Housing Amendments has been a focus for staff throughout the summer and fall of 2023. Staff presented to or attended over 20 community events such as farmers markets, social service events, and local community groups and boards. On September 19th, TRPA staff hosted a public webinar to present an overview and field questions on the proposal.

My opinion, webinars were not conducted correctly and conducive to interaction. No one knew who asked the questions, some of the questions were combined that made no sense, etc. Gathering information at events is not a formal announcement to the public to participate.

This community input has highlighted the broad range of perspectives on the proposal; some that prefer the policy changes to be larger in scope and some that think it should be smaller or focused on other strategies altogether. Staff have worked to address concerns in the current proposal about preserving community character, mitigating parking overflow, and ensuring that deed restricted housing units are providing housing to those who need it.

Some prefer policy changes to be larger scope: developers, my opinion. Some think it should be smaller: the residents that will be most affected, my opinion. Or focused on other strategies' altogether, could go either developer or residents, in my opinion.

Additionally, community input has helped **????** shape the proposal throughout the past few months in the following ways:

- Height in multi-family areas: Reduction in proposed height allowances from 48 feet (original proposal) to 36-42 feet (current proposal) within multi-family areas. **Where is height being reduced. Provide an example**
- Density in centers and multi-family areas: The original proposal included increased density for market-rate developments as well as deed-restricted developments. The current proposal would allow increased density only for deed restricted development. **So mixed-use market rate and deed restricted developments would have deed restricted greater height. The public has been loud and clear on the North Shore NO MORE HEIGHT THAN WHAT IS CURRENTLY ALLOWED BY TRPA.**
- Coverage in centers and multi-family areas: The Tahoe Living Working Group recommended that deed restricted projects be exempt from coverage transfer requirements and water quality mitigation fees when increasing coverage above base allowable. Initial findings in the Initial Environmental Checklist (IEC) identified that exempting coverage transfers could have the potential to increase overall amounts of coverage in the region, thereby creating a potential impact that could not be sufficiently addressed without an additional, significant level of review. As a result, this policy change was removed from the proposal but will be revisited in Phase 3 of the Tahoe Living Strategic Priority, which is scheduled to begin in January of 2024. **North Shore has been loud and clear on the North Shore NO ADDITIONAL COVERAGE THAN WHAT IS CURRENTLY ALLOWED BY TRPA.**
- Parking in centers and multi-family areas: Changes to local jurisdiction parking minimums were not included in the original proposal. However, due to public and stakeholder input and the significant increase in cost parking adds to residential development, the current proposal includes reductions to local jurisdictions parking minimums both in centers and within areas zoned for multi-family. **What public wanted less parking? Who are the stakeholders that want less parking? The increase issue in cost of parking adds to residential development is the developer's issue. Having the RPIC state zero parking is ludicrous.**

Exhibit 2 - COMPLIANCE MEASURES PHASE 2 HOUSING AMENDMENTS

There are too many NO's that do not require analysis to address if they are correctly assessed. Just because TRPA responds NO doesn't make it so.

This is a wish and does not substitute for environmental analysis necessary to prove no impacts will occur.

Of the 222 there are 14 YES for Affected by Action (Y/N) There are not migations in the YES cataegory, but suggestions, my opinion. Where have mitigations been documented that have been accomplished to date?

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YES # 9 Land use planning and controls: See the Goals and Policies: Land Use Element and Code of Ordinances Chapters 11, 12, 13, 14, and 21

Affected Threshold categories WQ, Soils/SEZ, Trans, Scenic

The Phase 2 Housing Amendments amend Chapter 13 to allow additional density and height in area plans. 1) This without Area Plan updates required?

2) Where is the impact analysis/criteria documentation that proves water quality, air quality, soil/steam environment zone, transportation and scenic will not be impacted?

YES # 11/139/205 Limits on land coverage for new development: Goals and Policies: Land Use Element and Code of Ordinances Chapter 30 (referred to s same answer)

Affected Threshold categories WQ, Soils/SEZ, Scenic

The Phase 2 Housing Amendments amend Chapter 30 to allow up to 100% coverage in centers and up to 70% coverage within areas zoned for multi-family. Coverage transfer requirements remain in place with no changes. Projects will continue to be required to treat stormwater runoff from additional coverage either onsite through the use of BMPs or offsite by constructing or contributing to an area-wide stormwater treatment system. 1) This without Area Plan updates required?

2) Contributing to an area-wide stormwater treatment system, much like contributing in-lieu fees to affordable housing provides NO guarantee anything gets built.

YES #19 Improved BMP implementation/enforcement program

Affected Threshold categories WQ,Soils/SEZ

See response to Compliance Measures 1 through 4. The amendments may lead to increased BMP maintenance as there will be additional public oversight of BMP maintenance and compliance.

“may” lead to increased BMP maintenance is not a guaranteed anything gets done and is no longer a requirement at the local jurisdiction level analysis to obtain residential unit allocation.

YES #20 Increased funding for EIP projects for erosion and runoff control

Affected Threshold categories WQ, Soils/SEZ

The amendments would allow developers to have higher coverage in exchange for financial contributions to construct a new area-wide stormwater treatment system or participate in an existing area-wide stormwater treatment system. 1) This without Area Plan updates required?

2) “allow” developers to have higher coverage in exchange for financial contributions. Contributing to an area-wide stormwater treatment system, much like contributing in-lieu fees to affordable housing provides NO guarantee anything gets built. N existing system may not exist.

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YES #23 Improved mass transportation

Affected Threshold categories WQ, Trans, Noise

The amendments do not directly improve mass transportation, however they may indirectly support mass transportation systems by facilitating and better incentivizing new residential development in centers and multi-family areas that are in close proximity to transit, providing additional demand.

“do not directly improve mass transportation” may???? indirectly support transportation by facilitating new residential development. Additional demand is a unicorn. Do not and may is not a guarantee to accomplish anything.

YES # 24 Redevelopment and redirection of land use: Goals and Policies: Land Use Element and Code of Ordinances Chapter 13

Affected Threshold categories WQ, Soils/SEZ, Scenic

The Phase 2 Housing Amendments specifically encourage the redirection of residential land uses to areas well-served by transit and services by allowing higher residential densities in centers and areas zoned for multi-family. 1) This without Area Plan updates required?

2) “encourage the redirection” of residential land uses to areas well-served... is not a guarantee to accomplish anything.

YES# 84/207 Parking Standards. The amendments reduce parking requirements for deed restricted housing and allow project applicants to determine adequate amount of parking for the project based on demand. The amendments do not make any changes related to parking management areas, parking fees, or parking facilities. 1) This without Area Plan updates required?

Affected Threshold categories Trans

2) Parking Management Plans MUST be completed before a developer can assess demand., location for off-site if appropriate, etc.

YES # 206 Height Standards: Code of Ordinances Chapter 37 Scenic. The amendments would allow an additional nine feet of height in town centers, an additional 11 feet of height on parcels adjacent and contiguous to town centers and more flexible roof pitch in areas zoned for multi-family housing. Projects must make specific findings that prevent view obstruction and scenic impacts, require building articulation and step backs, and prevent shadows on adjacent buildings. 1) This without Area Plan updates required?

Affected Threshold categories Scenic

2) Additional height is not what North Lake Tahoe communities want in Kings Beach specifically. Placer County, in the past, have adopted TRPA maximums where the communities' concerns and objections go on deaf ears.

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Coincidentally, The Placer Tahoe Basin Area Plan <https://www.placer.ca.gov/3342/Tahoe-Basin-Area-Plan> started housing updates. Area Plan Conformance Checklist was Sept 2020, IEC was December 2020 Attachment F, 2021 approval by TRPA. Then February 2021 they started the next round of amendments. Track Changes July 2023 on-line. Comments from the March 2023 workshop on-line. NO NTRAC or Planning commission comments on the TBAP web page. TBAP approved by Placer Board of Supervisors October 31, 2023

This is where it all began, in my opinion and for reference to better understand the process that has come forth to provide these proposed amendments 11-8-23 to the APC. This begs the question does the 2012 Regional Plan need another update before any of these amendments should be considered?

November 13, 2019 Governing Board Packet <https://www.trpa.gov/2019/11/?cat=9>

Discussion and Possible Direction Regarding Housing Program Work Plan. This is where it all started 4 years ago, in my opinion. 13-page staff report.

<https://www.trpa.gov/wp-content/uploads/documents/archive/Local-Government-Housing-Committee-Agenda-Item-No.-3-Housing-Work-Program-Staff-Report.pdf>

November 13, 2019 To: TRPA Local Government & Housing Committee

From: TRPA Staff

Subject: Discussion and Possible Direction Regarding Housing Program Work Plan

Background:

The Tahoe Prosperity Center and the Mountain Housing Council have completed Housing Needs Assessments that cover the South Shore and the Placer County portion of Tahoe's North Shore. They are now using those assessments as the basis for crafting Housing Action Plans. These plans will outline and prioritize tools that local partners can use as they design local and regional strategies to provide sufficient workforce and local resident housing, either through provision of new housing, or preservation of existing housing stock for the local market. An important aspect of these strategies will be how to ensure that needed housing for the local workforce is not converted into second or vacation homes.

As these discussions begin to take shape, local agencies and partners will need to determine how they work together on a larger strategy of housing provision. **At a regional level, there does not yet exist an organization that convenes partners and stakeholder groups from all sides of the Lake to share information and ideas, or to set regional housing goals. The Local Government and Housing Committee is poised to take on such a role.**

Who (please name) determined the Mountain Housing Council and the Prosperity Center were the correct candidates to assess housing needs? Do Tell.

I do not believe any environmental analysis experience is associated with these two non-profits. No environmental documentation has been provided if they did perform environmental analysis, please provide the documentation

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Introduction

Housing Program Work Plan

Over the last two years, recognition of a housing crisis in the Tahoe Region has grown. Nearly all local jurisdictions, as well as many other public entities, non-profit organizations and citizen-based groups have initiated steps to tackle different aspects of the problem. The housing problem is complex – there is no single factor that is impeding housing production or preservation. Instead a multitude of factors, such as construction costs, historical zoning practices, tourism pressures, uncertainty in the building process, social perceptions, technology-driven shifts in employment and wages and many other causes layer one on top of the other to drive housing costs up and market delivery of new units down.

The Tahoe Regional Planning Agency is committed to partnering in the collaborative effort to unravel these layers, identifying regional gaps, and committing to leadership and participation by the agency in order to further implementation of the Regional Plan.

January 15, 2020 <https://www.trpa.gov/2020/01/?cat=9>

To help determine the most appropriate actions for TRPA to take, and to identify possible regional gaps in implementation of the action plans, the Housing Program Work Plan proposes a series of Governing Board workshops, beginning in January 2020. The workshops will focus on:

- Housing policies and actions underway at the state and local levels, with the goal of understanding how these policies affect the Lake Tahoe Region
- North and South Shore housing action plans
- Identifying appropriate regional actions that TRPA could take to facilitate the provision of affordable and workforce housing in the Region.

TRPA, as facilitator, should provide the environmental impact analysis which has not been provided and as stated , the IEC is sufficient.

<https://www.trpa.gov/wp-content/uploads/documents/archive/Agenda-Item-No.-VIII.A-Housing-Work-Plan-Overview-and-Presentation-on-State-Housing-Legislation-Staff-Report.pdf>

Informational item only. Staff will present the Housing Program Work Plan approved by the Local Government and Housing Committee in November 2019 and identify how the workshops proposed in the work plan lead towards Regional Plan implementation. Guest speakers will provide an overview of recent changes to California and Nevada housing legislation with discussion on how these changes relate to the Lake Tahoe housing environment.

To better quantify and develop strategies to address the resident/worker housing issues in Lake Tahoe, the Tahoe Prosperity Center and the Mountain Housing Council have completed housing needs assessments and are in the process of developing housing action plans that cover the South Shore and the Placer County portion of Tahoe's North Shore. The action plans will outline and prioritize tools that local partners can use as they design local and regional strategies to provide sufficient workforce and local resident housing, either through provision of new housing, or preservation of existing housing stock for the local market.

The TIMELINE was published in the November 2019 meeting packet as well.

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Timeline

Housing Work Plan Timeline	Nov/ Dec- 19	Jan- 20	Feb- 20	Mar- 20	Apr- 20	May- 20	Jun- 20	Jul- 20
Housing Work Plan, Overview of Housing Actions in the Basin Presentation (LGHC/GB)								
South Shore/North Shore Needs Assessment and Housing Action Plans Presentation (GB)								
Mountain Housing Council Presentation of ADU Policy Paper (GB)								
CA and NV Statewide Legislation Presentation (GB)								
Local Government Policy Changes Under Consideration (GB)								
Best Practices Presentations (ADUs, FAR/Density, Housing Types, Streamlining, Other Regional Approaches, etc.) (GB)								
TRPA Housing Action Plan Presentation and direction (LGHC/GB)								

February 2020

<https://www.trpa.gov/wp-content/uploads/documents/archive/LGHC-2.12-IV.A.pdf>

Discussion and Possible Direction Regarding Alignment between TRPA Code and State of California Accessory Dwelling Unit Legislation. Draft Code Changes and Initial Environmental Checklist completed by the March 11, 2020, Local Government and Housing Committee meeting.

May 2020 <https://www.trpa.gov/wp-content/uploads/documents/archive/Agenda-Item-No.-VII.A-Operations-Work-Plan-Priorities-Staff-Report.pdf>

This is the first time I found the Tahoe Living: Housing and Community Revitalization name.
 2-page staff report :Tahoe Living: Housing and Community Revitalization – Viable, vibrant, and healthy communities updated to current environmental standards are a key component of the vision underlying the 2012Regional Plan update, including adequate housing as an essential community component. Recent housing assessments identify affordable and achievable housing gaps. **This initiative addresses coherent strategies for implementing housing as a key component of the Region’s communities, the Regional Plan, the housing needs identified in the Regional Transportation Plan/Sustainable Communities Strategy, and the Regional Housing Needs Allocation.**

All plans above should have been attachments to the proposed amendment for reference.

June 2020 The working group is formed, selected and approved

<https://www.trpa.gov/2020/06/?cat=9>

https://www.trpa.gov/wp-content/uploads/documents/Agenda-Item-No.-VI.B-Housing_CommunityRevitalizaiton.pdf

- Local Government Staff representatives
 from APC • 2 LGHC – Sue Novasel, Jim Lawrence
 • 2 RPIC – Cindy Gustafson, Shelly Aldean
 • Community stakeholders

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STAKEHOLDER REPRESENTATIVES

Owners of public lands
Affordable-achievable housing provider
Affordable-achievable housing developer
Affordable-achievable service provider
Building contractors
Realtors
Employers
Environmental community
Affordable-Achievable Community

A motion to form the Tahoe Living: Housing and Community Revitalization Working Group, with the membership and responsibilities as described in this staff report.

No public at-large engaged

January 27, 2021

<https://www.trpa.gov/wp-content/uploads/documents/archive/3/Agenda-Item-No.-VIII.B-Tahoe-Living-Recommendation-Staff-Report.pdf>

Request for Approval on Priority Housing Actions for Further Development by the Tahoe Living: Housing and Community Revitalization Working Group

<https://www.trpa.gov/wp-content/uploads/Agenda-Item-No.-VIII.B-Tahoe-Living.pdf>

Staff will present a set of priority TRPA housing actions recommended by the Tahoe Living: Housing and Community Revitalization Initiative for further development. The Governing Board is asked to approve the set of priority recommendations. The Local Government and Housing Committee recommended approval of the priority housing actions at their meeting on January 6, 2021

June 23, 2021 Phase 1 Housing Amendments

<https://www.trpa.gov/wp-content/uploads/RPIC-Item-3-Housing-Code-Amendments.pdf>

Basic” Housing Package supports: Walkability, Local housing targets, Regional housing targets

July 29, 2021 Phase 1 Housing Amendment Request for Approval

<https://www.trpa.gov/wp-content/uploads/Agenda-Item-No.-VI.A-Phase-1-Housing-Code-Amendments.pdf>

New Bonus Unit Boundary Area Compared to Low-VMT Traffic Analysis Zones

Proposed Code Change: Non- Conforming Tourist Density

Proposed Changes Parcel Size: No size limit 2 ADUs per parcel Permitting: Noticing is the same as for other single-family uses

May 25, 2022

<https://www.trpa.gov/wp-content/uploads/LGHC-Agenda-Item-No.-4A-Development-Standards-Workforce-Housing.pdf>

Policy Direction for Possible Amendments to TRPA Development Standards to Promote Workforce Housing. **For a variety of reasons, TRPA development standards limit development of housing in the Tahoe Basin.** TRPA staff and consultants will present nine policy-level options on coverage, height, density, and pilot programs to facilitate development of more workforce housing. Staff requests feedback and direction from the Local Government

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Housing Committee on which policy options should be further analyzed. **Staff developed the policy options based on Working Group and public input, one-on-one meetings with local jurisdiction staff, and the initial results of a workforce housing financial feasibility analysis by Cascadia Partners.** This staff report incorporated input from the May 30, 2022 Tahoe Living Working Group meeting.

Financial feasibility is not required to be presented by the developer applicants. The developer stakeholders have participated in discussions but the reality is the buildability costs have increased and how many incentives have or should be entitlements?

Background:

In January of 2021, the Governing Board approved a framework and timeline for priority housing actions that were the result of consultation with the Tahoe Living Working Group, analysis using the Housing Cost Analysis Tool, and individual meetings with local jurisdiction staff. This framework showed density (which included consideration of height) as a near-term priority action, with coverage identified as a longer-term priority.

However, at the October 2021 Working Group meeting, members noted that coverage, height, and density should be analyzed together, as they all relate to building dimensions and each standard has a direct impact on the other(s). In response, in addition to policy proposals for density and height for workforce housing projects, TRPA also included policy changes related to coverage for workforce housing. Once the Local Government and Housing Committee and the Regional Plan Implementation Committee have provided input, **staff recommends analyzing these proposed policy changes for environmental impacts, including scenic, VMT, water quality, etc.** **Show me the analysis and how many incentives have or should be entitlements?**

Cascadia Proforma

https://www.trpa.gov/wp-content/uploads/02_Staff_report_Development-Standards_051322_AttachmentA_Cascadia-Presentation.pdf

Semi-Technical Code Updates to Improve Housing Delivery Under Existing Programs

https://www.trpa.gov/wp-content/uploads/LGHC-Agenda-Item-No.-4B-Code-Updates_Housing.pdf

Phase 2 Attachment A – Phase 2 Technical Amendment Element – draft code changes

https://www.trpa.gov/wp-content/uploads/01_staff_report_Better_implement_AttachmentA_2022.05.13.pdf

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
ACHIEVABLE AREA MEDIAN INCOME HOUSING ("DEED RESTRICTION")

https://www.trpa.gov/wp-content/uploads/01_staff_report_Better_implement_AttachmentC_Achievable-Deed-Restriction-and-Compliance-Form-1.pdf

January 2021 meeting minutes included

<https://www.trpa.gov/wp-content/uploads/January-6-2021-LGHC-Minutes.pdf>

June 2021 Meeting minutes included

<https://www.trpa.gov/wp-content/uploads/June-9-2021-LGHC-Minutes.pdf>

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The package includes 3 main recommendations supported by the Working Group. They include changes to TRPA's Code of Ordinances, TRPA's Rules of Procedure, and 3 area plans related to 1) Bonus Unit Boundary, 2) Non-Conforming Tourist Density and 3) Accessory Dwelling Units (ADUs).

This is the first recommendation to increase residential densities at the Code level that's been brought forward since the Regional Plan was approved in 2012. The second recommendation is to allow more flexibility for Accessory Dwelling Units (ADUs) and to encourage allowing for this smaller housing type more widely. The Local Government and Housing Committee hosted a workshop on Missing Middle Housing by Opticos Design in January. The code amendments being presented today align with some of the concepts presented in that workshop which many committee members attended. The main takeaway was to keep an eye out for how the layering of different land use regulations can preclude housing types that are affordable for middle-income families. The amendments being brought forward are focused on encouraging a diversity of housing types and sizes. **This begs the question does the 2012 Regional Plan need another update before any of these amendments should be considered?**

Affordable/Workforce Progress To Date

<https://www.trpa.gov/wp-content/uploads/Local-Government-Housing-Committee-Agenda-Item-IV.A-Affordable-and-Workforce-Housing-Development-Standards.pdf>

Residential Bonus Unit Program Achievable definition - EXISTING/PROPOSED

<https://www.trpa.gov/wp-content/uploads/Local-Government-Housing-Committee-Agenda-Item-No.-IV.B-Achievable-Housing-Definition.pdf>

February 22, 2023 Achievable Definition RPIC

<https://www.trpa.gov/wp-content/uploads/Attachment-A-Achievable-Code-Changes-p.pdf>

April 26, 2023 "Achievable" Definition Updates

<https://www.trpa.gov/wp-content/uploads/Agenda-Item-No-VIIB-Proposed-code-amendments-to-the-Achievable-deed-restriction-category-definition.pdf>

May 24, 2023 RPIC Mixed-Use Definition

<https://www.trpa.gov/wp-content/uploads/RPIC-Agenda-Item-No-5-Mixed-Use-Definition.pdf>

September 27, 2023 RPIC Phase 2 Housing Amendments: Market Solutions to Encourage Affordable and Workforce Housing Development

<https://www.trpa.gov/wp-content/uploads/Regional-Plan-Implementation-Committee-Item-3-Phase-2-Housing-Amendments-2.pdf>

65 pages of public comment

<https://www.trpa.gov/wp-content/uploads/RPIC-Agenda-Item-No-3-Public-Comments.pdf>

34 more pages public comment

https://www.trpa.gov/wp-content/uploads/documents/Late-RPIC-Agenda-Item-No-3-Informational-Phase-2-Housing-Amendments-Public-Comments_Sept-27-2023.pdf

From: Reed Williams <reedwilliams@charter.net>
Sent: 11/5/2023 2:03:21 PM
To: Public Comment <PublicComment@trpa.gov>
Subject: Tahoe Area Plan

Now is the time to pause the Tahoe Area Plan amendment process and not to urbanize Tahoe's communities. A mistake in allowing overbuilding now can't not be undone and would harm Tahoe's fragile environment.

Sent from my iPad

From: preserve@ntpac.org <preserve@ntpac.org>
Sent: 11/5/2023 7:37:45 PM
To: Public Comment <PublicComment@trpa.gov>
Cc: 'Doug Flaherty' <tahoesierracleanair@gmail.com>; jmtornese@aol.com <jmtornese@aol.com>; 'Ron Grassi' <ronsallygrassi@mac.com>; tylertahoe1@gmail.com <tylertahoe1@gmail.com>; carolyntahoe@sbcglobal.net <carolyntahoe@sbcglobal.net>; 'Ellie' <tahoellie@yahoo.com>; 'leah kaufman' <leah.lkplanning@sbcglobal.net>; Gavin Feiger <gavin@keptahoeblue.org>; 'Alexis Ollar' <alexis@mapf.org>; rinnn@aol.com <rinnn@aol.com>;
Subject: Comments to TRPA APC on TRPA Housing Amendments-Please distribute to members
Attachments: [image001.png](#) , [TRPA APC letter for housing amendments.docx](#)

APC-

Please deny approval of the TRPA housing amendments. No limit on density, no minimum parking requirements, 16-26% more height, and unlimited coverage is an outrageous abuse of power. They are not ready for prime time for all the reasons outlined in Leah Kaufman's attached comments. Please incorporate Leah Kaufman's attached comments as North Tahoe Preservation Alliance comments.

Also, incorporate the comments in the article, Urban plan for Tahoe flawed, shortsighted.

<https://www.rgj.com/story/opinion/2023/11/03/urban-plan-for-tahoe-flawed-shortsighted/71428742007/>

In addition, please consider or answer the following:

1. What are the offsets outside Town Centers to rationalize concentrating development inside Town Centers?
2. An inventory of existing low income, affordable and achievable units by County should be provided. How will the 900+ bonus units be allocated to each county and specifically Placer County?
3. Sugarpine Village affordable housing in the South Shore is 3 stories/40' high. There is one parking spot per unit. The land was free, but this development model could be used everywhere.
4. The TRPA "two step" development process where multi-family can be immediately converted to single family units must be eliminated immediately. Single family units bring higher prices than multi-family and the developer profit motive will always try to convert to single family.
5. The fatal flaw in TRPA development rules is the fact that TRPA only considers coverage, but not massing. A perfect example is the Boulder Bay project. It was originally 115k sf of build out, but since it reduced coverage by 5% it was allowed to morph into over 800k sf of structures. No clear accounting has been provided by TRPA that considers these conversations of build out for projects.
6. Reducing or eliminating required parking without a clear parking management program is foolhardy at best.
7. TRPA's growth cap and 2012 environmental analysis is flawed. Tahoe is not at buildout and we already experience gridlock traffic during peak periods. How can the cap or analysis be considered competent.
8. Area growth (Truckee, Reno and Carson City) has not been, but must be considered when discussing area growth. STR's haven't been included in the calculation of area growth. Charter schools attendance (approx. 700 on north shore) hasn't been included.
9. Transition areas are now expanding Town Center boundaries and have additional height, coverage and density.
10. TRPA has claimed they will only perform an environmental checklist. No thorough environmental analysis will be performed.

For all the reasons mentioned above and reasons outlined in Leah Kaufman's analysis and the RGJ attached article, a complete environmental analysis of the impacts associated with this dangerous and radical new proposal must be performed.

Ann Nichols



North Tahoe Preservation Alliance

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"Helping preserve the natural beauty and rural character of North Lake Tahoe"

Preserve Lake Tahoe (Video): <https://youtu.be/WKzPL-EwEUw>

TikTok Video: https://www.tiktok.com/@northtahoepreservation?_t=8XCElbNFbSt&_r=1

Instagram Video: <https://www.instagram.com/northtahoepreservation/>

KAUFMAN PLANNING AND CONSULTING
PO BOX 253
CARNELIAN BAY, CA 96140

November 2, 2023

Dear TRPA APC members,

I am providing the following comments based on my experience as a 40-year+ land use planner in the Tahoe Basin, an ex-TRPA employee (where I first started my career), feedback I have received from talking with tourists, business owners, and community members from the North and West shores of Lake Tahoe, and reading through reports, environmental documents, and staff summaries, TBAP redlines, and TRPA proposed Housing Amendments.

TRPA staff and board members are currently soliciting public feedback based on a desire to amend TRPA codes to allow:

“Achievable” housing basin wide along with changes to height, density, land coverage, setbacks, and parking. The environmental analysis for the proposed changes is based on a checklist with tiering from the 2012 EIS and several other reports.

I apologize for this letter’s length and detail and hope you will take the time to read my comments. The public has not had adequate time to review and digest the amount of information presented, and there are also two concurrent fast track planning processes (TRPA Housing amendments and Placer County TBAP amendments) adding to the confusion.

Additional comments based on the TRPA code changes that are being considered for historic structures as part of proposed modifications of the code are enclosed as a separate attachment to avoid confusion.

The following are my comments, suggestions, requests for additional information, and requested clarifications:

1. **Concentration of development:** TRPA and Placer County both state they want to concentrate the remaining basin capacity growth for housing in Town Centers. However, with the proposed inclusion of multiple family zoned properties outside of Town Centers, for “special areas” , bonus area boundary areas, and ” transition areas”, this is not the case. Potentially hundreds of parcels are affected by these amendments. Neighborhoods of potential impact on the North and Westshore include (Kings Beach, Kings Beach Grid, two miles of Tahoe Vista, Carnelian Bay Gateway, Lake Forest, Dollar Hill, Tahoe City, River Road, Sunnyside, Homewood, Tahoma residential, and Tahoma). (Source: GIS.TRPA.org/housing/Placer County TBAP).

The Tahoe Basin Area Plan (TBAP) 2016 EIR states that “*TBAP’s effects on land use are less than significant as there would be transfer of land coverage and development rights from areas outside of Town Centers into Town Centers resulting in environmental gains and that it would not adversely affect the development patterns or land uses within the plan area and would preserve open space and accelerate the pace of SEZ restoration.*”

Additionally,” the TBAP amendments would encourage more concentrated development within the Town Centers with less development outside of the Town Centers. This land use pattern would result in residences in close proximity to commercial uses which would be expected to reduce the number and length of vehicle trips and corresponding VMT”.

The TRPA proposals to add density, height, and coverage into areas outside the Town Centers zoned for multiple family and in “transition areas” are in direct conflict to the TBAP EIR statements as described above and Regional Plan principles. Development patterns will encourage sprawl into areas that are not close to major services, the transit headway is not at 15-minute intervals, there are no parking plans in place, and there has been no evidence to show development rights have been reduced outside the centers, and that preservation of open space has occurred.

Suggestion: (Proposed Section 31.4.8 allowing the rezoning of hundreds of parcels outside of Town Centers is too broad based.

The boundaries of Town Centers were carefully crafted during the Tahoe Basin Area Plan Process and analyzed in a 2016 EIR and should not be changed. The TRPA 2012 EIS envisioned concentrated growth in Town Centers with transfers of development, and land coverage, SEZ restoration and open space coming from parcels located away from the centers. To change the boundaries and include rezoning for “Transition Areas” with incentives for 11 more feet of height (up to 53 feet+/-), unlimited density, and 70 percent land coverage (where 30% is currently allowed), additional height to 42 feet, reduced setbacks, and minimal parking in areas currently allowing “multiple family dwelling” use is NOT concentrating development.

The League, in a letter to the Placer County BOS has suggested adaptive zoning/trigger zoning. “This principle is basically built-in adaptive management that changes zoning and allowances for height/length/density, lot sizes and setbacks based on achieving goals and offsetting impacts, as well as ensuring that proper mitigation truly meets the intended threshold requirements. The idea is to start small and increase the amount and extent of zoning changes and allowances if the Agency is meeting performance standards”. This idea is excellent and would be based on a more go-slow cautious approach.

Concentrating density and massing where it currently does not exist is a change in land use development patterns and must be analyzed in relationship to community character and environmental thresholds. TRPA must start addressing a policy for community character as the continued McMansions, and luxury condos were not envisioned in the 2012 EIS and is a change that has not been evaluated.

TRPA should provide an inventory of the number of affected parcels, the size of the parcels, development status (vacant or developed), and a description of adjoining land uses.

Additionally, TRPA should inform the property owners affected by the proposed amendments of their intentions.

2. TRPA Housing Plan to supersede Area Plans- Code change Clarification:

Proposed code changes for housing amendments states in Section “*HS-3.1: TRPA shall adopt development standards to promote 100% deed-restricted affordable, moderate and achievable housing that **supersede** local jurisdiction’s standards, including in approved area plans.”*

Clarification: Does this imply that Placer County must allow the TRPA changes to height, land coverage, parking, setbacks, and density automatically so the County would be in conformance with TRPA rules and regulations and that adopted Area Plans with height, parking, setback, and density standards no longer apply?

At the October 31st Placer County Board of Supervisors meeting our supervisor Cindy Gustafson specifically asked Placer County legal counsel what takes precedence when reviewing projects if TRPA has greater height allowances etc. Placer County Legal counsel stated the most restrictive regulations would take precedence, but this does not appear to be the case based on language as outlined above. **Current Town Center heights in Placer County are 56 feet for projects not 65 feet as proposed by TRPA under the code changes.**

Alternatively in the language below:

or B. Local jurisdictions may propose within an area plan, alternative development standards for deedrestricted affordable, moderate or achievable housing that adjust TRPA’s standards if the jurisdiction demonstrates that the alternative standards are at least as effective as TRPA standards in facilitating the construction of deed-restricted affordable, moderate, and achievable housing in the applicable jurisdiction.

“Alternative standards shall take effect only through adoption of a new area plan or an amendment to an existing area plan with the appropriate level of environmental review.”

Clarification: Does this mean Placer County must amend the approved October 31, 2023 Area Plan to allow a lesser standard than what TRPA is proposing?

TBAP implementing ordinances state the following:

“Conformity Review for Amendments Made by TRPA to the Regional Plan that Affect an Area Plan. If TRPA approves an amendment to the Regional Plan that would also require amendment of the Placer County Tahoe Basin Area Plan to maintain conformity, Placer County shall amend the Area Plan within one year to demonstrate conformity with the TRPA amendment in accordance with Section 13.6.7, Conformity Review for Amendments Made by TRPA to the Regional Plan that Affect an Area Plan, of the TRPA Code of Ordinances”

Clarification: Since there are two agencies with differing policies will the housing amendments proposed by TRPA require Placer County to amend their TBAP to be in conformance as stated above?

Do TRPA proposed code modifications come with the same expectations for both the Nevada and California sides of the lake? In other words, does Nevada have to implement a certain number of housing units that would be similar to the housing proposals either in progress or planned on the California side? In the past, Nevada has not proposed affordable housing with their development proposals because they did not have to. (Latitude 39 in Stateline and 947 Lakeshore Blvd-\$1,000,000 affordable units)

d). What happens if local jurisdictions do not propose housing utilizing bonus units?

e). Codes should have restrictions from allowing luxury condo developments, or will it be the status quo business as usual, and the housing requirements only be on the California side?

3. **TRPA Housing Consultant Report:** The examples TRPA used for the housing proposals before you to approve are based on 12,000 sf lots yet this is not the case for all affected parcels. Tahoe Vista alone has 1-2-, 3-, 4-, and 5-acre parcels as does Dollar Hill, Tahoma, and other areas. The impacts of the amendments on these larger parcels were not even considered in TRPA's proposed broad-based rezoning or in the Housing consultants' presentations.

Suggestion: Duplex or triplex development, ADUs, JADUs, tiny homes on small half acre or ¼ acre parcels have very different impacts on land use patterns, character, and other resources than projects that are on larger parcels that have the same "one size fits all" rules regarding coverage, height, setback, and density changes. 100% land coverage, and unlimited density proposals on large parcels could result in changes to land use development patterns, community character and growth, loss of open space, impacts to wildlife, increase in noise, potential visual impacts, and unknown VMT, and parking concerns, etc.

More specific details, mitigation measures and thought-out scenarios are warranted before the amendments are finalized to include mitigation measures to preserve large specimen trees, include setbacks from roadways and neighbors, address shading impacts of more than just the ground floor of buildings, and have parking management plans in place.

4. **"Achievable housing** *"Achievable Housing"* should not be confused with *"affordable housing,"* as *"achievable units"* are expected to rent at \$2,450/month for a 650-sf space located in supersized buildings to be profitable. (Source: *TRPA Living Housing and Community Revitalization Initiative Phase 2 Updates May 1, 2023*). This type of housing appears decidedly *not "affordable"* for those in the seasonal J-1 workforce, (who can afford to pay \$200 per week for rent and live with 10 other employees), and moreover to the workforce that power our retail, hospitality, and service industries average pay \$30/hour who should not pay more than 30% of their monthly salary for housing. A \$35 an hour

employee would have to pay 50% of their wages to afford to live in the “achievable housing.” These small apartments may not serve the needs of our local families either, who wish to have a house with a yard and a place to live with a friendlier vibe. (Source: “Shit hit the fan- Tahoe’s young people may not come back” SF Gate).

TRPA says that so far bonus units have been used for “low and moderate affordable housing” and that other types of housing should be considered. However, developers will choose to build the “achievable housing” which is more profitable.

Clarification: The IEC environmental document prepared for conversions states that 50% of the bonus units should be reserved for “affordable housing” and 50% for “achievable housing”. Is this still the case? A reservation of entitlements will ensure that not just “achievable” housing is built for the remaining bonus units. (Source: 2018 Development Rights Strategic Initiative)

5. The “achievable” definition of working in the basin 30 hours a week for someone with a business license will come with loopholes. How do you ensure/enforce that someone truly works 30 hours per week, and is the primary occupant, or what happens if the company goes out of business, or a worker quits or is fired? Since there is no income qualification what is to prevent employees who are on the internet instead of a brick-and-mortar business and potentially earn hundreds of thousands of dollars in salaries and own a second home from renting/owning these units? \$2,450/month rent was just an example- Is there a maximum rent or purchase price that can be charged for these units? Is pricing left completely up to the developer?

Suggestion: A better definition of “achievable” can be found in guidelines for Summit County, Colorado and Teton workforce housing regulations including:

Summit County regulations: The occupancy of for sale or rental units (when authorized) is restricted to persons who, at all times during ownership or occupancy of the unit, reside and are employed within the County year-round, an average of at least 30 hours per week on an annual basis. “Employed within the County” shall mean that the person earns his or her living from a business or organization operating in and serving the County, which requires his or her **physical presence** within the boundaries of County to complete the task or furnish the service, by working in the County at such business or organization an average of at least 30 hours per week on an annual basis. 1. Self-employment and residents that work from home: For individuals claiming self-employment or work from home status, the employment must be for an average of at least 30 hours per week on an annual basis for a business that is located within and serves the county.

Teton regulations: Require that the occupant must occupy the unit for at least 80% of the lease term. (rental only). No ownership of a second home is allowed within a geographical distance of the project.

Some type of maximum rent or maximum purchase price should be part of the package that allows the extra incentives, or the fear is that these will turn into luxury condos under the auspice of “achievable housing.”

6. **Disbursement of bonus units:** We have been told “by TRPA Governing Board members that no more than 200 units” would be spread out in each community basin-wide, but where is that written?

Note: Dollar Hill Crossing is a proposal for 118 affordable and market rate units in Dollar Hill. Chalet Blanc Tahoe is proposed for 18 “achievable” units in a four-story building with mixed use in Tahoe City. Other projects are in the planning stages in Kings Beach.

Would these projects be considered as part of the 200 units planned for the northshore?

Suggestion: TRPA/Counties need to divvy up the remaining 946 entitlements so that housing is spread evenly throughout the north and south shores and between California and Nevada. The

7. **Mixed Use: Clarification: Can TRPA give examples of how mixed uses work with bonus units and if mixed uses include market rate developments as is the case for TBAP? If there is a discrepancy which plan takes precedence?**

Mixed Use Commercial- What percentage of the project would have to be commercial in a deed restricted housing development to be considered mixed- use and eligible for the amendments? Additionally, would all +-the housing on top of the commercial use have to be 100 % deed restricted?

Mixed use Residential- What is mixed use residential? Are market rate units allowed to mix with the “achievable housing” units and if so at what percentage?” If only half of the projects is deed restricted how does this effect land coverage, height standards and density allowances, setbacks, and parking? Does only the deed restricted part of the project qualify for the additional height?

ADU with Single Family Dwelling: Please provide a site plan example. I am perplexed as how do you figure out land coverage if a portion of the property is at 20% land coverage but the ADU is allowed 70% land coverage but not for parking? Does the ADU come with a parking requirement? If not, that is simpler but if parking is required and the lot has maxed coverage, but you need parking then the ADU won’t be allowed because there is no room to park- just room for the structure of 1,200 sf?

Suggestion: Please clarify exactly what is allowed under mixed uses? provide examples of mixed use commercial and mixed-use residential projects utilizing both bonus units and RUU’s in conjunction with the incentive program. Need site plan example for the ADU.

8. **Storm Water Treatment:** Proposed code Section 30.4.4 B.6 is confusing. The language states that projects wishing to utilize the land coverage overrides must associate with area wide storm water system managed by a public entity for eligibility, but the code language states:

*“30.4.2.B.6 Stormwater Collection and Treatment Systems for Affordable, Moderate, and Achievable Housing Multi-residential developments, mixed-use developments with a residential component, as described in subsection 36.13, or accessory dwelling units, provided the units are 100 percent deed-restricted affordable, moderate, and achievable, utilize bonus units and are located in Land Capability Districts 4 through 7 and within an approved area plan, may increase maximum lands in centers. **The project must show that stormwater will be treated either onsite through BMPs or offsite through area-wide stormwater treatment and is managed and maintained by a public entity”.***

Clarification: Which is it? Are on site BMP’s adequate or considered equivalent to area wide storm drainage systems and eligible to receive the extra land coverage?

According to the TRPA GIS map area wide storm drainage systems are sparsely located throughout the basin. (On-site BMP’s are generally not managed by a public entity nor part of an area wide drainage). Since all parcels in the basin were required under 2012 EIS mitigation measures to install BMP’s, this requirement is not beyond normal expectations. Are mixed use developments also eligible to provide onsite BMP’s and receive the same land coverage overrides?

9. **Retirement of vacant parcels clarification needed:** If one retires a parcel of vacant land and receives a bonus unit does that increase the bonus unit pool over the 946+ remaining allocations?
10. **Conversions clarification needed:** How do conversions impact the entitlement pool? For example, if CFA is converted to a residential unit of use (RUU) is this RUU subtracted from the Residential entitlement pool? If CFA is converted to Bonus Units there is no development right requirement but does the conversion to bonus unit come out of the bonus unit pool of entitlements? How do conversions work with bonus units? Can you convert CFA to bonus units or is the CFA the entitlement?
11. **Employee housing in hotels:** Proposed Section HS-3.1 states that TRPA should work with local jurisdictions on long term residency in motel units. Housing workers in hotels reduce the available TOT tax base and lessens the hotel inventory available for tourists resulting in loss of revenue and other impacts.
Clarification: a). Would long term residency in hotels require bonus unit allocations or RUU entitlements as it is a change of use from Tourist Accommodation (TAUs)? b). What accounting is proposed to track the use of motels for long term tenancy?
12. **Renderings:** Renderings used by TRPA staff at the Summit and Farmer’s Markets, and on the TRPA website to solicit feedback on “Height for Housing” are **disingenuous and misleading** and DO NOT represent the TRUE Height of what the TRPA proposals are.

Example). The TRPA triplex exhibit is only 36 feet high with screening trees. It is not the proposed 42 feet of height for mixed use area zoning or the (up to 53+/- foot) tall buildings allowed in "transition areas" (utilizing Table 37.4.1 in the TRPA Code of Ordinances) The TRPA also did not show the public what a 65-foot-tall building would look like especially in context with other buildings with no screening.

The single building exhibit is 44 feet high at its highest point not 65 feet that is proposed for **inside** Town Centers. (refer to enclosed attachment). The triplex is 36 feet high.

The renderings were changed at the zoom meeting held (September 20th), to include the Domus project in Kings Beach which is approximately 46-48 feet high but is not the rendering TRPA used to solicit community feedback for additional height or for comments for the Flash Survey. Flash survey results have not been accurately deciphered by staff and over 630 comments shared. I would suggest you read the comments yourself. Height is a big issue and preference is for the smaller triplex, 10 multiple family dwellings and tiny home or ADU developments.

Suggestion:. TRPA should be held accountable for showing the public accurate and to scale exhibits for the proposed 53 feet of height in transition areas, the 42 feet of height in multiple family dwelling areas and the 65 feet of height in Town Centers, with no screening trees, in context with other adjacent buildings before they solicit surveys or request feedback at public venues. This disingenuous behavior exacerbates the mistrust the public feels for the TRPA and questions motive?

Elevation drawings to scale should be available to reflect heights proposed for Town Centers, Transition Areas, and parcels zoned for multiple family. The exhibits should show adjacent properties which depict the relationship and height more truthfully than perspective drawings which can't be drawn to scale.

Flash survey results with the 630 public comments without biased commentary should be available for board/committee review. 66% of those who responded stated smaller 10-unit multi-family dwelling projects would be their preference.

13. Environmental Analysis: The environmental checklist accompanying the proposed amendments states no significant effect and no impact for any of the proposed amendments based on reference to the 2012 EIS. The 2012 EIS never analyzed concentrated development outside of Town Centers with resultant changes to land use patterns, increased massing, and land coverage over bailey coefficients outside of the centers. The 2012 EIS never analyzed the Manhattan level unlimited density that is proposed for hundreds of proposed parcels. (946 residential units plus unknown are the units that could be proposed with mixed use development or if regular residential units of use (RUU's) would be intermixed to achieve the heights and densities.

14. The checklist is missing any type of analysis regarding regional mitigation measures that have not been fully implemented and RPU benchmarks and performance standards. Threshold level review also is not updated.

The 2012 EIS had policies to concentrate development in Town Centers, stating that it would result in open space, sez restoration and concentration of development rights. The transition areas, and areas zoned multiple family dwellings that encompass acres of land were never analyzed for potential impacts.

In fact, every policy change since 2012 has been done with a watered-down checklist stating no significant impact and no mitigation. (These include transfers of coverage between hydrologic areas, conversions from CFA to multiple family only looking at traffic, transfer of development rights basin wide and now increases of development outside Town Centers, with unlimited density as would be common in Manhattan, and more height).

Environmental impacts may result in removal of vegetation and specimen trees that could affect wildlife and scenic, potential neighborhood compatibility issues because of reduced setbacks and parking, and impacts to noise and air quality, and other resources that were previously evaluated in the EIS based on density, land coverage, and height allowances per the existing Code of Ordinances.

Code Section 36.13 The checklist tiers off of the 2012 EIS but it is unknown the status of the mitigation that was required to allow the basin carrying capacity as part of the EIS and if thresholds are truly being met? Placer County admits that not a lot of progress has been made since 2016 on implementing mitigation as part of TBAP – Are the other jurisdictions in the same position?

Thus, if mitigation measures are not being tracked, enforced, or identified how can one make a finding of no significant effect? Not all the thresholds are in compliance so how can TRPA propose more development without evaluating what the impacts have been so far with the existing growth?

In my 40 years I have only seen things get worse. Invasive species, micro plastics, traffic congestion, trash, and more people. The beaches are at capacity and summertime transportation is dependent on the car.

More housing would be supplied if policies were enacted to incentivize fixing existing boarded buildings, encouraging conversions of empty commercial buildings like Dollar Hill Apartments, and imposing a vacancy tax on the empty homes. TRPA should require TAU entitlements for the STR's.

Additionally, the EIS in 2012 did not analyze the impacts of current development changes such as McMansions, conversions of entitlements, and cumulative impacts of growth outside of the basin or new projects not previously contemplated.

Please Note” Land Use: County-initiated rezone proposals that are required as part of the Placer County Housing Element and is needed for the County to meet the State’s Regional Housing Needs Assessment (RHNA) allocation for Placer County will require an EIR. The CA rezone proposal is to rezone 74 properties, including some parcels in the Tahoe area from their current zoning designation to Residential Multifamily 30, which would allow up to 30 dwelling units per acre”.

In other words, 74 parcels proposed to be rezoned for 30 units per acre density requires an EIR analysis (NOP process is underway) so I question why is only a scaled down checklist stating No Significant Effect for any of the resource topics proposed for the rezoning of hundreds of parcels basin wide for more concentrated development?

Simply saying that overall growth potential won’t be expanded due to a limit on Basin Carrying Capacity, or that there is enough land coverage in the basin for 500,000 sf of transfers, or that the ground floor of an adjacent building can’t be shaded, is not mitigation, it is not findings, it is not benchmarks, it is not an environmental analysis. There has been no analysis of changes since 2016 proposals to allow coverage transfers across hydrologic areas. While some SEZ may have been restored how much open space has been preserved? What about a shift of entitlements basin wide then double purposing the use? I.e. relocating the TAU’s and or RUU’s then retrofitting with affordable units not requiring development rights?

Summary:

Our communities can certainly be enhanced by continued redevelopment and by providing workforce housing within the existing framework that was developed by the community in Area Plans and by growth controls as part of Basin Carrying Capacity. “Achievable” should not be confused with affordable and the proposed rezoning outside of Town Centers is too broad based. The League ideas of a go-slow approach toward rezoning areas outside Town Centers should be considered a high priority.

Extra Height, land coverage, reduced setbacks, reductions, and potential elimination of parking for 960 +/- deed-restricted bonus units in the basin need specific environmental analysis, with consideration for placement, massing, neighboring impacts, noise, scenic viewsheds, habitat, natural resource preservation, and transit solutions such as parking plans in place, and increased transit headways.

RPU mitigation measures that were required in 2012 to achieve basin carrying capacity should be reviewed to determine if the benchmarks are being met, timing and mitigation measures that have not or cannot be achieved and timing for placement of those that haven’t occurred.

Unclear language in the proposed code revisions regarding water quality treatment vs BMP’s must be resolved.

It’s important to make sure we are investing in programs, that INCENTIVIZE repurposing of abandoned buildings, such as the Garni Lodge, and conversions of unused commercial to residential such as what was done for Dollar Hill Apartments, and that our workforce projects

are affordable to the workforce and housing entitlements are reserved that would provide homes for families.

TRPA was remiss in allowing STR's without TAU allocations. The STR's exceed basin capacity for tourist accommodation units as thousands are allowed and they act as defacto hotel rooms.

(Local architects Don Fuda, Elise Fett, and designer Dale Munsterman)tell us that **no** additional height is necessary to craft good profitable designs, and that height comes with impacts to solar/shade of neighboring properties, (not just on the first floor), construction costs that outweigh benefits of gained height, and other impacts such as snow removal, BMP's and parking yet TRPA is relying on one housing developer saying that excessive heights are necessary to create profitable designs and are the basis for TRPA amendments.

The community would like TRPA to go back to their housing consultant and determine what the proposals would look like on larger than 12,000 sf lots and with heights that do not exceed approved conditions in the Town Centers and with renderings that are accurate and show the intended proposals.

The community members are not "Nimbys", we are not "selfish", we are not "uncaring." We want to see progress towards fixing what is broken, and we want housing for our workers.

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TRPA is removing the integrity of choice by a "one size fits all" proposal. The north and south shores are very different, and the voice of the people should have equal weight along with the developers, resort associations, prosperity centers, etc. In fact, only one environmental voice is present in the Tahoe Living Working Group - that of the League and our community concerns do not feel addressed.

Those of us on the Northshore recognize integrity of choice. If South Lake is okay with the extra height, then it should be there. 65 feet for deed-restricted housing, is not supported by distinguished environmental organizations such as the Mountain Air Preservation (MAP), Tahoe Area Sierra Club, Tahoe Sierra Clean Air, Friends of the West Shore, North Tahoe Preservation Alliance, and the majority of the North Lake Tahoe community.

Respectfully submitted,

Leah Kaufman-

Principal Planner

“ATTACHMENT A “ HISTORIC CHANGES TO THE TRPA CODE:

TRPA proposes code changes to historic resource reviews. In the past State Historic Preservation Office (SHPO) review was required for historic structures however they have not reviewed single family dwellings for years and TRPA approves removal of historic structures based on receiving no feedback from this agency. TRPA code changes would allow staff to review recovery plans and for Hearings Officer review only for designated structures not structures that are proposed to be included on the historic register where historians have recommended that they be included or designated as historic. In the past TRPA would actually require historic structures whether designated or not to be preserved, relocated, repurposed on site and/ or advertised for removal offsite. Recovery plans recently proposed are meaningless- staff can make a finding that if a window is saved that is a recovery plan. I oppose code changes as they have not been vetted and are whitewashing the intent of historic preservation. NO single-family iconic or otherwise historic structures will ever be saved based on proposed TRPA code amendments.

From: Niobe Burden Austere <niobe.burden@gmail.com>
Sent: 11/5/2023 11:01:10 PM
To: Hilary Roverud <hroverud@cityofsl.us>; Kevin Hill <nwlfpack@icloud.com>; Judy Simon <judymike@mac.com>; Kevin Drake <kevin@alibi.beer>; Brendan Ferry <Brendan.Ferry@edcgov.us>; Jennifer Carr <jcarr@ndep.nv.gov>; Ben Letton <ben.letton@waterboards.ca.gov>; Garth Alling <galling@sierraecotonesolutions.com>; Crystal Jacobsen <C.Jacobsen@placer.ca.gov>; Ellery Stahler <estahler@lands.nv.gov>; Executive Assistant Washoe <executive.assistant@washoe.tribe.us>; Susan Chandler <susankesslerchandler@gmail.com>; Jason Drew <jdrew@ncenet.com>; Eric Young <EYoung@washoecounty.us>; Steve Teshara <SteveTeshara@gmail.com>; Heather Ferris <hferris@carson.org>; Kmoneil <Kmoneil@douglasnv.us>; Chad Stephen <stephen@lakevalleyfire.org>; Public Comment <PublicComment@trpa.gov>
Subject: Public Comment - TRPA Advisory Planning Commission meeting - Nov 8 2023 - agenda item VA Phase 2 Housing Amendments - Close the Code Language Loopholes
Attachments: [New Code 13.5.3.1.jpeg](#)

Please accept this as Public Comment for the Nov 8 2023 TRPA Advisory Planning Commission meeting

Dear Committee Members,
Please consider the following.....

From TRPA Achievable Housing webpage - <https://storymaps.arcgis.com/stories/62ae9110d85c43ecb381eb3f3ccec196>

The proposed changes to land coverage, height, and units per acre in the Phase 2 Housing Amendments only apply to deed-restricted affordable/workforce housing projects. - BUT it doesn't specify what percentage of a mixed use project needs to be a 100% deed restricted workforce housing component to qualify.

So my question is under the code language 13.5.3.I below: Can a mixed use project developer utilize the entirety of these proposed code incentives in a Town Center if they include ONE for sale 100% deed restricted achievable housing unit in their project or just a few? What *percentage* of a mixed use project would need to be 100% deed restricted housing and again, could it all be "achievable"? Seems ridiculous but that's how I read it currently..... PLEASE CLARIFY

Code Language -

<p>13.5.3.1 [NEW CODE SECTION] Allows up to 65' for deed-restricted housing in centers. Allows additional height on multi-family zoned parcels depending on slope of the parcel, roof pitch, and if adjacent and contiguous to a town center boundary.</p>	<p>13.5.3.1 Height and Density Standards for Affordable, Moderate, and Achievable Housing in Centers Effective in Area Plans A. The maximum height specified in Table 13.5.3-1 may be increased for residential or mixed-use developments with a residential component that is 100% deed-restricted affordable, moderate, or achievable housing, as described in subsection 36.13. The maximum height shall be no greater than 65', provided the additional height is stepped back one foot for each additional foot of height, additional ground level shade is not created at the winter solstice, and TRPA makes findings 1, 2, 3, 8, and 14, as set forth in Section 37.7. The project shall incorporate community design features such as pitched roofs, articulated facades, articulated roof planes, and the use of earth tone colors, consistent with the Design Review Guidelines. B. Residential or mixed-use developments with a residential component that is 100% deed-restricted affordable, moderate, or achievable, as described in subsection 36.13, are exempt from the density maximums in Table 13.5.3.1 and Section 31.3.</p>
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Where's the housing need? What income level has the most need?

From the 2021 No Tahoe-Truckee Regional Housing Implementation Plan- The overall need in Eastern Placer County (Tahoe area) is:
Studio or 1 bedroom: 66% of the need (1 person or possibly a couple)
2-bedroom: 31% of the need (2 roommates)
3-bedroom: 3% of the need

WHO is the "missing middle"? Singles or a Couple with no kids making management or technical higher per hour wages? Is \$2450/mo rent reasonable? **Is a 650 sq ft unit what these tenants want, with no parking or storage for recreational equipment?? They want to live in Tahoe for a reason :D recreation??**
Rent Calculations and affordability need to be determined and the real need addressed.....and it likely won't be feasible without being a subsidized 100% Workforce Housing Development.....not Private development mixed use.

As I currently see it, the "Achievable" housing definition is a "loophole" to allow private developers to qualify an entire mixed use project for the beneficial "housing amendment code changes" with an unspecified number of "deed restricted units" for a minor sector of the workforce that really doesn't need a hand..... WHERE IS THE SPECIFIC Language in the Code that indicates otherwise?

- Tahoe Regional Planning Agency's Definiton: April 2023
Achievable Housing - Single or multi-family residential development to be used exclusively as a residential dwelling by permanent residents who meet one or more of the following criteria:
 - Have a household income not in excess of 120 percent of the respective county's area median income (AIM) (moderate income households and below); or
 - At least one occupant of the household works at least 30 hours per week or full- time equivalency for an employer with a business license or tax address within the Tahoe region or Tahoe-Truckee Unified School District, including but not limited to public agencies and not-for-profit employers. Full-time equivalency may be confirmed by employer; or
 - Is a retired person who has lived in a deed-restricted unit in the Tahoe Basin for more than seven years.

The employment requirement may be waived for accessory dwelling units when the unit is occupied by a family member related by birth, marriage or adoption to the owner of the primary dwelling. TRPA may include asset limits for purchasers of deed-restricted homes. Achievable housing units shall meet the criteria and restrictions in accordance with Chapter 52: Bonus Unit Incentive Program. Achievable deed-restrictions issued before June 26, 2023 may utilize this definition or the definition of "achievable" in effect from December 20, 2018 to June 26, 2023

IS this as confusing for YOU as it is for ME??

Other questions that need to be answered for the public (and likely for you as the Advisory Planning Commission)-

1. As indicated on the TRPA Achievable Housing webpage - development must use "bonus units," a type of residential development right reserved for deed-restricted housing. There are only **946 bonus units left**, and many are already reserved for existing housing.

How many of these bonus housing units have already been reserved?

How many for each income bucket? Affordable - Moderate - Achievable

And then further broken down to how many are actually reserved for each jurisdiction around the basin?

Is there a table?

Shouldn't ALL of the 946 bonus units be allocated for Workforce Housing - where the NEED is - Affordable and Moderate and Missing Middle under a revised definition

2. As indicated on the TRPA Achievable Housing webpage - To qualify for an "achievable" unit, a household must either meet the "affordable" or "moderate" income requirements **OR have at least one household member who works a minimum of 30 hours a week for an employer with a business license or tax address in the Tahoe-Truckee region.**

Take out this "Loophole".....how is it going to be efficiently monitored, to be sure not just anyone with any income level who obtains "a business license and tax address in the Tahoe-Truckee region" can qualify? THIS IS NOT WHERE THE WORKFORCE HOUSING NEED IS.

*** A resident that is retired and has lived in a deed restricted unit in the Tahoe basin for more than 7 years - would likely qualify under "affordable" or "moderate" income requirements. How many are there?**

The TRPA "achievable" definition does say it "may" include asset limits. If they did, it would keep a billionaire' son from qualifying, but it doesn't say that. If the requirement for deed restricted housing was an equal percentage of low income, moderate and achievable/missing middle, it would appear more in line with "supporting workforce housing" as stated in the TBAP ordinance to repeal. But it doesn't say that either.

Obviously, even staff have doubts, especially since TRPA doesn't have the best track record to monitor this type of program - their proposed program with a 10% sample is not enough!

"Homes with deed-restrictions cannot garner the same increases in value over time that a non deed-restricted home can (*does that really matter to someone who just wants to live in Tahoe?*), and the pool of buyers is much more limited (*do you really think so if they are offered for less and their are no income or asset restrictions?*). And because the pool of buyers or renters is smaller and restricted to households that qualify based on their income or employment location, TRPA does not anticipate a large demand for these homes from anyone who can afford to purchase an unrestricted home (*I think they are WRONG - are there studies proving otherwise?*).

Nevertheless, TRPA is continuing to adaptively manage deed restrictions and will consider whether there are additional, reasonable restrictions that can be added to the achievable definition in the future. Any changes to deed restrictions must be approved by the TRPA Governing Board". **How about a 120% of AMI "single" income limit and scale for multi-person qualification and a low asset limit to start?**

TRPA needs to determine what income level has the greatest need for housing in the Tahoe Basin and address this housing need !

3. ZERO and Reduced Parking in the Housing amendments - IS THIS REALLY REALISTIC??

From the TRPA Achievable Housing webpage - Four percent of Tahoe Basin households do not own cars, **29 percent own 1 car, 44 percent own 2 cars**, 22 percent own 3+ cars.

Reducing it to ZERO in Town Centers and .75 per unit in multi family zones is UNREALSITIC, **reducing it to 1 per unit is a reasonable STEP** until Public Transit is efficient and timely.

Requiring local jurisdictions to have **parking management and snow removal plans on designated parking lots in place for MOUs PRIOR to approving ANY projects should be mandated.**

4. Consider the Other Key Takeaways from the Tahoe Pro Forma Analysis slides - link - pg 32-35 Cascadia study report -

"List of some ways to offset the cost of development: Zoning reforms can only do so much to create more deeply affordable units 19% reduction in feasible rents "

- Cost reductions (fees waivers or exemptions)
- Direct investments (subsidy)
- Land banking (land cost)
- Construction technology changes (modular)

These should be initiated for current property owners who want to redevelop their properties, especially for mixed use, onsite housing and TAUs.

Thank you for your attention and consideration! Happy to discuss with anyone.

Kindly,

Niobe Burden Austere

(530)320-2100

www.niobeburdenphotoart.com

Lake Tahoe Advocate and property owner in Tahoe Vista since 1998

13.5.3.1	<p>[NEW CODE SECTION]</p> <p>Allows up to 65' for deed-restricted housing in centers. Allows additional height on multi-family zoned parcels depending on slope of the parcel, roof pitch, and if adjacent and contiguous to a town center boundary.</p>	<p><u>13.5.3.1 Height and Density Standards for Affordable, Moderate, and Achievable Housing in Centers Effective in Area Plans</u></p> <p><u>A. The maximum height specified in table 13.5.3-1 may be increased for residential or mixed-use developments with a residential component that is 100% deed-restricted affordable, moderate, or achievable housing, as described in subsection 36.13. The maximum height shall be no greater than 65', provided the additional height is stepped back one foot for each additional foot of height, additional ground level shade is not created at the winter solstice, and TRPA makes findings 1, 2, 3, 8, and 14, as set forth in Section 37.7. The project shall incorporate community design features such as pitched roofs, articulated facades, articulated roof planes, and the use of earth tone colors, consistent with the Design Review Guidelines.</u></p> <p><u>B. Residential or mixed-use developments with a residential component that is 100% deed-restricted affordable, moderate, or achievable, as described in subsection 36.13, are exempt from the density maximums in Table 13.5.3.1 and Section 31.3.</u></p>
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From: Niobe Burden Austere <niobe.burden@gmail.com>

Sent: 11/5/2023 5:50:12 PM

To: Hilary Roverud <hroverud@cityofslt.us>; Kevin Hill <nwlfpack@icloud.com>; Judy Simon <judymike@mac.com>; Kevin Drake <kevin@alibi.beer>; Brendan Ferry <Brendan.Ferry@edcgov.us>; Jennifer Carr <jcarr@ndep.nv.gov>; Ben Letton <ben.letton@waterboards.ca.gov>; Garth Alling <galling@sierraecotoneresolutions.com>; Crystal Jacobsen <CJacobse@placer.ca.gov>; ElleryStahler <estahler@lands.nv.gov>; ExecutiveAssistant Washoe <executive.assistant@washoetribe.us>; Susan Chandler <susankesslerchandler@gmail.com>; Jason Drew <jdrew@ncenet.com>; Eric Young <EYoung@washoecounty.us>; Steve Teshara <SteveTeshara@gmail.com>; Heather Ferris <hferris@carson.org>; Kmoneil <Kmoneil@douglasnv.us>; Chad Stephen <stephen@lakevalleyfire.org>; Public Comment <PublicComment@trpa.gov>

Subject: Public Comment - Nov 8 TRPA Advisory Planning Commission meeting - agenda item V.A. Phase 2 Housing Amendments

PLEASE ACCEPT THIS EMAIL AS A PUBLIC COMMENT TO NOV 8 2023 MEETING OF THE TRPA ADVISORY PLANNING COMMISSION REGARDING NEPA ENVIRONMENTAL REVIEW RESPONSIBILITIES

cc: members of the TRPA Advisory Planning Commission members

Dear TRPA Advisory Planning Commission,

At the last meeting, THANK YOU for seeing the necessities of definitive thresholds whether they are attained or not. It is a daunting task to keep the TRPA bi-state compact on target to keep its main objective in protecting the lake. I'm glad it was recognized by the commission that threshold targets should be targeted and details regarding any deviation therefrom in threshold evaluation reports explained recognizing that a statement of intent is too broad.

The public also feels that an Environmental Checklist is also too broad to pass sweeping "Housing Amendments to the 2012 Regional Plan" as stated. There should be an update **ten years later** to the EIR that supports the 2012 Regional Plan. **A Basin Wide Cumulative Environmental Impact Report (including a report on the Environmental Thresholds which is due in 2024) to consider not only the mitigations that would be included in these amendments but the cumulative climate and demographic changes that have occurred since the last full EIR. There are many "loopholes" in the "Housing Amendments" with mixed use projects that still need to be addressed.** Questions I will include in a separate Public Comment along with another Public Comment questioning whether these amendments really will address the needs of "affordable" and "moderate" income levels as they are geared for developers to "make a profit". **We all know "affordable housing" is not a profit driven venture!**

As indicated in the meeting, all four of the proposed Environmental Thresholds that TRPA proposes to change are ones that are currently in question of being attained in the next publicly available Threshold Evaluation 4 year report (next year). TRPA staff are fearful that thresholds will not be attained as is and as a result be an ultimate detriment to put proposed Regional Plan and code changes in front of the public. Thresholds have been slipping and we need to keep the definitions of targeted thresholds in place and give explanatory reason and mitigation to any deviation. I'm sorry this is more work for staff but it is the ultimate responsibility of TRPA.

The timing of these proposals threshold changes was purposeful and they were in hopes of getting these passed at the October meeting as now TRPA staff is pushing forward housing amendments to the 2012 Regional Plan to increase height and density WITHOUT a current Cumulative Environmental Impact Report instead providing a Environmental Checklist which has no substantial current environmental research or substance to warrant its use.

1. The following changes have occurred since the last ratified EIR. **It seems to me that it is a matter of interpretation whether there have been any "significant" increases in "Changed Circumstances and New Information" - when in fact it seems obvious to the public that there definitely has been since 2016. The following significant circumstances did not exist in 2016 which is the information supporting the 2017 ratified EIR :**

- **The increase in Truckee, Reno, and Carson City POPULATION of which impacts on the basin have not been analyzed.** (TTD reports visitor and resident population statistics). 44,000 locals (Source Tahoe Fund), serve 25,000,000 basin wide visitors (Source TTD/Nevada Dept. of Transportation).
- **Increase in Short-Term Rentals (STR's) and their unaccounted for TAU impacts, with a saturation of 3,400 active permits of the 3,900 still available in eastern Placer County alone,** including cumulative addition of the Washoe County approval of Short-Term Rentals within Incline Village, NV (Approx 900+ are active).
- Substantially significant increases in the changing natural environment resulting from overtourism and the **current pollution of Lake Tahoe from micro plastics, lead from cables, Cyno toxic algae, and invasive species including the New Zealand mud snail proliferation.**
- **The UC Davis State of the Lake Reports** since the certification of the 2016 EIR.
- **Demonstrated fire and winter evacuation safety perils due to lack of roadway capacity** caused by human overcapacity as demonstrated by the August 2021 Caldor and the January 2017 snowmageddon mass evacuation event. This includes wildfire evacuation tragedies since 2017 documented during the Paradise and Lahaina wildfires fires. While there exists an opinion that more concentrated development within town centers vs development outside of town centers may prevent ignitions, the reality is that the entire TBAP geographical area, including dense concentrated town centers and mixed-use areas exist within the "Wildland Urban Interface Defense Zone", and **per the California State Fire Marshal, the entire geographical area is classified as a Very High Fire Hazard Severity Zones (VHFHSZ).** Therefore, any ignitions, inside or outside the planning area, especially within our wind and slope environments may become out of control significantly impacting wildfire evacuation and emergency access. This then requires prudent up to date best practice life safety wildfire evacuation planning for all locations within the TBAP area, including dense town center and mixed-use areas determining maximum carrying capacity during catastrophic wildfire events.
- The many **large traffic-generating projects along the West and North shores in various stages of the permitting and/or development pipeline,** including but not limited to the Tahoe City Lodge, the Boatworks redevelopment, Palisades Tahoe, Homewood Mountain Resort, and Boulder Bay.
- Increased environmental and wildfire safety and evacuation impacts caused by **2 lanes with resulting congestion on SR 267 and SR 28 from Brockway Summit through Kings Beach in both directions** and from the use of the East Shore Trail, placed in service in July of 2019.

I also want to point out in early October, **Attorney General Bonta joined a Comment Letter in Support of Proposal to Strengthen Federal NEPA Regulations (Press Release Oct 3, 2023, [LINK Here](#)),**

In their comment letter, the attorneys general supports CEQ's proposal and recommend additional changes to strengthen the rule, including:

- **Strengthening analysis of climate change effects in all types of NEPA review, including requiring consideration of climate change effects when**

- conducting environmental reviews of proposed actions that do not require preparation of an environmental impact statement.
- Providing direction to agencies on how to evaluate cumulative disproportionate adverse effects on environmental justice communities.
- Incorporating provisions of CEQ's previously published greenhouse gas emissions guidance.

I ask the TRPA Advisory Planning Commission to require TRPA staff/legal to consult with the Attorney General's office to confirm the "Environmental Checklist" documentation to accompany these proposed "Phase 2 Housing Amendments" to the Area Plan which take precedence over any jurisdiction/county Area Plan in the Tahoe Basin, meets the current environmental review requirements and that they still meet the necessary strengthened Federal NEPA Regulations and CEQA guidelines. It's all a matter of interpretation but ultimately this commission takes responsibility and therefore need to be sure TRPA legal and staff are accurate.

Thank you for your time and consideration.

Niobe Burden Austere
Concerned property owner Tahoe Vista

(530)320-2100

From: Niobe Burden Austere <niobe.burden@gmail.com>
Sent: 11/5/2023 10:47:00 PM
To: Hilary Roverud <hroverud@cityofslt.us>; Kevin Hill <nwlfpack@icloud.com>; Judy Simon <judymike@mac.com>; Kevin Drake <kevin@alibi.beer>; Brendan Ferry <Brendan.Ferry@edcgov.us>; Jennifer Carr <jcarr@ndep.nv.gov>; Ben Letton <ben.letton@waterboards.ca.gov>; Garth Alling <galling@sierraecotonesolutions.com>; Crystal Jacobsen <CJacobse@placer.ca.gov>; Ellery Stahler <estahler@lands.nv.gov>; ExecutiveAssistant Washoe <executive.assistant@washoe.tribe.us>; Susan Chandler <susankesslerchandler@gmail.com>; Jason Drew <jdrew@ncenet.com>; Eric Young <EYoung@washoecounty.us>; Steve Teshara <SteveTeshara@gmail.com>; Heather Ferris <hferris@carson.org>; Kmoneil <Kmoneil@douglasnv.us>; Chad Stephen <stephen@lakevalleyfire.org>; Public Comment <PublicComment@trpa.gov>
Subject: Fwd: Public Comment Information for Nov 8 - TRPA Advisory Planning Commission meeting - agenda item V.A. - "Achievable - Moderate - Affordable" - Where's the real need?
Attachments: [image001.jpg](#)

For Public Record for Nov 8 - TRPA Advisory Planning Commission meeting agenda item V.A.

Dear Advisory Board Members,

Please see below my email to Housing and Community Revitalization Program Manager, Karen Fink. Again, I will reiterate..... I can see plenty of people being able to "qualify" for the three housing options (achievable, moderate, affordable) but how many will be able to actually "afford" the housing that would be allowed to be built by a private developer. WE ALL know that Affordable Housing is not a private developers domain. It needs subsidies and concessions and although I agree with some of the proposed details but I have submitted separate public comments where I disagree with details and want "loopholes" to be closed.

What's the real need of the community and what does the community want?

1. The **Flash survey put out by TRPA** in late September indicated the following questions -

Q2

Which of the following, if any, do you think are the best options to provide more housing in the Tahoe Basin (Choose all that apply)

Had the most votes -

Small multi-family buildings (up to 10 units) - 66%

Please see [link to the survey](#) for details and read the more than 600 free text comments, it's quite enlightening.....

Q3

How much do you agree or disagree with the following statement?

"I would be OK with taller and larger buildings in and around our town centers if that created more affordable housing options"

This question does not indicate any actual height, yet the largest percentage of 31.9% indicated that they strongly disagree.

Workforce housing can be built without increasing heights to 65' in town centers. Affordable Housing developments will still NOT be attractive to private developers unless their are loopholes ,and such projects should be treated in a different way.

2. The TRPA Achievable Housing webpage - <https://storymaps.arcgis.com/stories/62ae9110d85c43ecb381eb3f3ccec196>

the webpage show NO actual renderings at 65' (5 stories) and it talks about AMI but doesn't clarify that it's actually based on a **3 person household income** - [source](#) - when **most of the "needed" workforce housing is for 1 or 2 person households**

There is a disconnect with the public about AMI and what it is based on (1, 2, or 3 person households?). Only when you dig deep into the "TRPA Residential Bonus Unit Fact Sheet" above, do you realize this when the only rental example I've seen is \$2450/mo rent for a 650sqft unitis this meant to be for 3 people?

In this same report there are "suggested sales prices" but there are no suggested rental calculations based on the determined AMI percentage - why not?

These rental calculations should not be too difficult to determine for examples.

Rental Price Guidance in the report indicates - pg 7 of the report - [link](#)

"TRPA requires that deed restricted units be rented and/or sold to a household that meets the income category restrictions of the deedrestriction; depending on the specific language of the deed-restriction, **rental prices of these units are sometimes left to the discretion of the property owner and the lessee. In this case the rental price should be based on the area median income (AMI)** and the requirements of applicable state and federal law, **including the recommendation that a household not pay more than 30% of their monthly income in rent and utilities.** Because homes may be occupied by households of varying sizes, **federal guidance provides for rents to be set by number of bedrooms.** TRPA suggests using **Fair Market Rents by number of bedrooms to develop rents, published by the Housing and Urban Development (HUD) and California Department of Housing and Community Development (HCD).** Fair Market Rent is calculated by HUD annually using census estimates and can be found here. Other methodologies may also be appropriate.

Can we see rental calculation parameters from TRPA based on the NEED for a 1 bedroom/studio - based on available calculations of the Fair Market Rents by number of bedrooms, published by the Housing and Urban Development (HUD) and California Department of Housing and Community Development (HCD)?

The example I asked Karen Fink about below for the **recently published Placer County Parking Enforcement Officer starting at \$29.70/hr** indicates that although **he/she may qualify**, a rent of \$2450/mo for a 1 bedroom/650 sqft unit **would not be affordable as the rent is 60% of his/her take home pay before utilities.** **What "suggested parameters" for rents will be in the ordinance?**

Thanks for your consideration of this investigation into the details of these Housing Amendments.

kindly,
Niobe Burden Austere

----- Forwarded message -----

On Mon, Oct 23, 2023 at 1:56 PM Karen Fink <kfink@trpa.gov> wrote:

Hi Niobe,

Thanks for your e-mail. We did not end up having a Tahoe Living Working Group meeting in October, and the next group that will consider the amendments is the APC, on November 8. Let me know if you would like me to include your comment as part of the public comments that accompany the packet for that meeting.

I included responses to your questions, in red, below.

Karen Fink, AICP

Housing and Community Revitalization Program Manager

Office: 775-589-5258

kfink@trpa.gov



From: Niobe Burden Austere <niobe.burden@gmail.com>

Sent: Wednesday, October 18, 2023 10:33 AM

To: distHousing <housing@trpa.gov>

Subject: Information for your meeting today

Hello Tahoe Living Working Group,

As we've heard from the public, there are many concerns about what truly is "affordable" in the eyes of your group.

An Example -

Yesterday, there was this job posting for a county employee-

Parking Enforcement Officer Recruitment #2023-16601-01 \$29.70 - \$37.09/hour; \$61,776.00 - \$77,147.20/year + \$1,000/mo Tahoe Assignment Premium

<https://www.jobapscloud.com/Placer/sup/BulPreview.asp?R1=2023&R2=16601&R3=01>

Would this Placer Parking Enforcement officer be able to afford ANY of the proposed housing options?

Depending on how many people are in this employee's household, they may be able to qualify for any of the three income categories that TRPA requires for deed-restricted housing. See the income limits in our [Residential Bonus Unit Fact Sheet](#). However, they would likely qualify for "moderate" or "achievable." For a 3-person household, the income limit in Placer County to qualify for "moderate-income" housing is \$123,000. For a 1-person household, it's \$95,700. There is no income limit for our "achievable" deed-restriction, only a local workforce requirement.

Would they qualify for housing rent assistance? If they got a raise or promotion to the higher end of this job classification would they still qualify.....what's that income level of qualification? Less than \$70k annually?

TRPA does not oversee rental assistance, but some counties may have different programs to provide rental assistance. As noted above, the "achievable" deed-restriction does not have an income limit, just a local workforce requirement. So, even if they received a promotion at their job they would not become unqualified for the housing.

TRPA's deed-restrictions have these clauses:

4. *An owner-occupant household of a Property who has provided all required annual compliance reports and who has had an increase in income so that it no longer meets the income eligibility requirements for Achievable Housing may apply to TRPA and receive an exemption to the income requirement until the unit is sold. To receive the exemption, the owner must either continue to be the occupant and provide annual compliance reports to remain eligible for the exemption and not be subject to the annual fine; or rent the unit only to an income qualified renter if no longer the occupant. When the unit is sold it may only be sold to a qualified buyer.*

5. *A renter household which has had an increase in income or change in circumstances such that it no longer meets the qualifying criteria may remain in the home for up to one year, after which time the household is required to re-locate if qualifying factors have not been re-established.*

I did a quick calculation if they could afford (starting out) what I've seen as proposed:

\$2450/mo rent - 650sf 1bdm BOX in a 5 story building

Starting out - \$29.07/hr - \$61,776 before taxes

If you're single and live in California

Fed 2022 taxes - 6359

FICA taxes - 4726

State 2022 taxes - 2163

Total taxes - 13,248

Retirement contributions - 0

Take-home pay \$48,528

Allowance for housing

Divided by 12 = \$4,044 / month

4,044 x 40% of take home pay = \$1,617 (Higher than Housing allowance per standard bank lending practices)

4,044 x 50% of take home pay = \$2,022

4,044 x 60% of take home pay = \$2,450

This is a good paying job. More than most earn at administrative jobs at Tahoe Forest Hospital which start at \$23/hr. Try that example and see how much they can afford.

Not everyone has a partner nor wants to **share a bedroom with a roommate.?!**

"Achievable" housing for sale isn't where the need is and it is quite obvious that subsidiary funds are necessary to build affordable rental housing in this community like it is nationwide. What funding sources are being looked at?

We all know it takes alot of work and red tape but it is where the need is.

The feasible rent calculations that were shown as part of the Cascadia analysis are meant to demonstrate how much a developer would need to charge to make a project pencil under our current regulations, and how much that cost could be lowered with changes to our regulations. It is not intended to show the rental rates that TRPA would allow or require. As you note, subsidies will likely still be needed, particularly for deed-restricted "affordable" and "moderate." So far, most subsidies have come in the form of land donations or grants. The solutions for providing housing for our communities and workforce will need to come from a variety of solutions.

STRs -

The community also doesn't understand why Placer County doesn't lower the cap for STRs immediately. The number of STR permits has hovered between 3200-3300 for a year now and defensible space inspections aren't being completed by lazy STR property owners. It's time to lower the cap in Placer County by 500-1000 and attrition the permit holders who are only benefiting their pocketbook. At the same time this change happens, the option of incentives to rent to the local workforce needs to be marketed to these property owners to consider housing the workforce. This could take immediate effect and provide some relief.

The Flash Survey-

Please read the 2 day TRPA flash survey put out in late September. There were 1255 respondents, 631 free text comments. They are worth reading!

TRPA staff indicated to the TRPA Regional Plan Implementation committee on Sept 27 that the flash survey indicated a 50/50 split regarding approval of height (not even indicated). When in fact, the largest percentage of respondents strongly disagreed with the question 3 - "I would be OK with taller and larger buildings in and around our town centers if that created more affordable housing options" - a BLATANT LIE to the COMMITTEE who is relying on the staff to summarize for them.

See comments under each question for the real concerns that community members couldn't vote on with this survey. Especially pay attention to the 403 comments under question 5....a good summary of how the community feels. These results are available for the following meetings, but again most committees are relying on TRPA staff to summarize.

WE the PUBLIC encourage you to READ the Comments and make your own deductions and then question TRPA.

Also remember, people who come to Tahoe to work, do not expect to live in a box apartment in a 5 story building. They come to enjoy living in a cabin, in law unit, small older house with a trail behind their dwelling where they can take a walk in the woods or a bike ride from their door. Please also **consider storage for recreational equipment (at least bikes/skis/SUP), it's a way of life here in Tahoe, don't you think?**

Thanks for your consideration and hard work.

Niobe Burden Austere

Concerned property owner

(530)320-2100

From: Hilary Huffman <hilaryhuffman6@hotmail.com>

Sent: 11/5/2023 7:14:54 AM

To: Public Comment <PublicComment@trpa.gov>

Subject: Stop over developing lake tahoe area. It cannot and should not support massive growth. Put back the restrictions that will keep the area beautiful and more natural.

Sent via the Samsung Galaxy S22+ 5G, an AT&T 5G smartphone
Get [Outlook for Android](#)

From: Don Kanare <donkanare@hotmail.com>
Sent: 11/5/2023 11:50:09 AM
To: Public Comment <PublicComment@trpa.gov>
Subject: Placer County and Lake Tahoe Overdevelopment

Dear TRPA Board of Governors,

I'm a long time and successful real estate broker at North Lake Tahoe and extremely perturbed by the attempt to allow the higher density developments that are being proposed for the North Shore and elsewhere around the lake. I opposed the new plans for Placer County especially since there have been no recent studies on environmental impacts, wildfire evacuation, and other serious issues.

Protecting the environment and restoring lake clarity are the most important priorities. The additional development being proposed will only lead to further over crowding and degradation of the environment.

I implore you to listen to the people who live at Lake Tahoe and not to the economic interests that only care about extracting wealth out of one of America's most beautiful and precious places.

Sincerely,

Don Kanare
Incline Village, NV

From: Carol Coats <coatsmd@gmail.com>
Sent: 11/5/2023 8:58:35 AM
To: Public Comment <PublicComment@trpa.gov>
Subject: Stop increasing density in Tahoe

TRPA has become a pro- development group. Please stop approving more building projects! Our environment and infrastructure can't support it.
Carol Coats
Nevada

Sent from my iPhone

From: Chuck Goldhaber <cgoldhaber@gmail.com>
Sent: 11/5/2023 12:29:16 PM
To: Public Comment <PublicComment@trpa.gov>
Subject: Concern with Economic Sustainability and Housing Plan

Dear TRPA,

I have been following the announcements and development of the TRPA's so-called "Economic Sustainability and Housing Plan." While I am interested in the economic sustainability of the region, I am concerned that the current plan is not in the region's best interest. My main concerns have to do with the increased building height and density. I worry that this will bring notable increases to the traffic along the already over-congested two lane highway around the lake. This alone threatens the preservation of the lake's beauty and communities. But I also suspect it creates significant further obstacles to fire evacuation, and so poses a safety risk. So I humbly request that the TRPA rethink the proposed increase the building heights and density. I also request that the TRPA conduct new traffic and wildfire evacuation data before pushing this measure through.

Best regards,

Charles Goldhaber

College professor and concerned citizen
9818 Lake St,
Kings Beach, CA 96143

From: Ellie <tahoellie@yahoo.com>
Sent: 11/4/2023 7:44:31 AM
To: Public Comment <PublicComment@trpa.gov>
Subject: [BULK] 11-8-23 TRPA Advisory Planning Commission: Tahoe Living Housing and Community proposed amendments

Please distribute this comment to TRPA Advisory Planning Commissioners: Tahoe Living Housing and Community proposed amendments.
Thank you ~Ellie Waller

I previously sent to the Government and Housing Committee Members

The Affordable Housing Experiment Hopkins Village June 2023

REMINDER just how much it costs to build the affordable

----- Forwarded Message -----

From: Ellie <tahoellie@yahoo.com>

To: cisco@sos.nv.gov <cisco@sos.nv.gov>; belindaustinos@gmail.com <belindaustinos@gmail.com>; jfriedrich@cityofslt.us <jfriedrich@cityofslt.us>; whoenigman@yahoo.com <whoenigman@yahoo.com>; bosfive@edc.gov.us <bosfive@edc.gov.us>; wrice@douglasnv.us <wrice@douglasnv.us>; Shelly Aldean <shellyaldean@gmail.com>; Cindy Gustafson Placer BOS <cindygustafson@placer.ca.gov>; Alexis Hill <ahill@washoecounty.gov>; Karen Fink <kfink@trpa.gov>; Alyssa Bettinger <abettinger@trpa.gov>; Julie Regan TRPA <jregan@trpa.gov>; John Hester <jhester@trpa.gov>

Cc: Marja Ambler <mambler@trpa.gov>; Ann Nichols Tahoe Community <ann@annnichols.com>; Leah Kaufman <leah.lkplanning@sbcglobal.net>; Kristina Hill Tahoe Community <tahoehills@att.net>; Sue and Dan Daniels <susan.daniels@cbnorcal.com>; Ronda Tyker <rondatyker@aol.com>; Pamela Tsigdinos <ptsigidinos@yahoo.com>; Doug Flaherty <tahoebblue365@gmail.com>; Denise Davis <ddaviscab@hotmail.com>; Niobe Burden <niobe.burden@gmail.com>; Aaron Vanderpool <avanderpool@ucdavis.edu>

Sent: Friday, June 16, 2023 at 08:41:32 AM PDT

Subject: The Affordable Housing Experiment Hopkins Village June 2023

Please accept this comment for the record and please distribute to other appropriate staff members

Dear Local Government and Housing Committee Members,
This article captures some of the issues that usually do not surface.
I'm glad to see this recent Moonshine Ink article that captures some very important underlying issues.

~Ellie Waller

<https://www.moonshineink.com/tahoe-news/the-affordable-housing-experiment/>

Excerpts from the article.

New homeowners are beginning to move in as soon as construction finishes up on their units, one by one. To purchase one of the duplexes, buyers must work within the boundaries of the Tahoe Truckee Unified School District. Households can earn up to 180% of the area median income, which for Placer County comes to \$183,960 for a family of four. The sales price is currently fixed at \$615,000, about a 12% increase from the original price set in 2020. After five years the income restrictions and the price cap both go away, at which point homeowners are free to sell their property to any income level at the market rate. But the deed restriction remains: the new buyer must work locally. These homes are built for people who make a living in Truckee and Tahoe, and that will never change.

The Martis Fund's down payment assistance program — loans were recently increased to \$100,000 and the program has been key for homeowners to afford the Hopkins duplexes — also limits incomes to 180% AMI.

Fraiman, who is the CEO of a local construction company and serves on Truckee's planning commission, told *Moonshine Ink* he initiated talks with the original developers, DMB Highlands, about reviving the affordable, for-sale housing project in 2018. Conversations took about two years to land a deal and a viable business model. DMB Highlands would give Fraiman the land, which already had the infrastructure built, and the Martis Fund would provide financial aid to help homeowners with the down payments. In exchange, Fraiman would build the remaining 40 units. Placer County would support the project with logistics: vetting applications, permitting, marketing, and hosting the website. At the starting line, the project penciled, giving Fraiman's company a "very modest profit," he said. In December 2020, DMB, Fraiman, and Placer County signed the contract.

Fraiman told *Moonshine Ink* he asked the county to raise the ceiling on income limitations that applicants have to meet to qualify to purchase, from 180% to 245% of the area median income. In addition, he requested approval of a higher sale price for the units, increasing it from \$550,000 to \$615,000. And he sought permission to sell directly to employers at market rate, hoping that would help make up some of the cost.

Another alternative to make the project work: Fraiman has also approached the county about providing funding, in the range of \$4 million to \$5 million, to cover the project's losses.

In May, the Placer County Board of Supervisors approved a new contract with Fraiman and the Martis Fund, which allows the units to be sold at \$615,000, with the 180% AMI requirement intact. The board is also letting Fraiman sell the units to employers at market rate.

Another alternative to make the project work: Fraiman has also approached the county about providing funding, in the range of \$4 million to \$5 million, to cover the project's losses.

Gustafson said Placer County's challenge is to make sure that spending public dollars is justified, and the county needs access to receipts and the project's accounting to make that call. Fraiman is due a reasonable profit that accounts for the risks and investments he's made, she said.

"And so, what is that reasonable profit, right?" Gustafson said. "We know we need to invest public dollars to make these things happen."

Discussions about whether the county will help fund the project are ongoing.



**The Affordable Housing Experiment -
Moonshine Ink**

Two decades after its inception, Hopkins Village has become an experiment: How do you build affordable homes and...

From: Mike Monts <rmmons@gmail.com>
Sent: 11/4/2023 10:49:44 AM
To: Public Comment <PublicComment@trpa.gov>
Subject: [BULK] Tahoe are development

I have enjoyed the Lake Tahoe Basin for more than 50 years. I feel that future development in the Tahoe basin must be curtailed. There is not sufficient room for additional growth now, or in the future. As responsible steward of the incredible area it would be reckless to add any new developments to an already crowded area. Thank you.

Rufus Michael Monts IV

Sparks, Nevada

(775) 830-0709

From: rbeaty7891@aol.com <rbeaty7891@aol.com>
Sent: 11/4/2023 11:44:16 AM
To: Public Comment <PublicComment@trpa.gov>
Subject: Land Use Plans

Dear Sirs,

It is inexcusable that the TRPA is now largely composed of people with close ties to developers. TRPA was created to protect the environment, not to be a handmaiden to development or developers.

As a longtime resident of Lake Tahoe, I have seen firsthand (in South Lake Tahoe) the destruction of Tahoe's natural beauty in favor of strip mall tourist driven development. I do NOT agree that this is necessary or desirable. Condy Gustafson is the worst in terms of conflicts of interest, but she is by no means the only one. Further, all the special groups put together by and for developers (Tahoe Prosperity Center etc. etc. ad nauseam) are there to further push development under the guise of community participation.

The facts are clear - Tahoe is already pushed beyond the carrying capacity it can sustain. TRPA needs to be reconstructed with environmentalists and pro-local businesspeople not outside big developers and backstabbing political appointees. We reject the new TRPA Land Use plan and will fight against it.

Of course, this message will be ignored by TRPA's current members, but I want to say that we are coming for you with both PR and legal actions and activism, and we will prevail.

Sincerely,

Richard Beaty
PO Box 1672
Kings Berach, Ca 96143

From: Patty Lomanto <lomantopatty@gmail.com>
Sent: 11/4/2023 11:58:33 AM
To: Public Comment <PublicComment@trpa.gov>
Subject: Comments Re: 11/8 APC Item V.A - Phase 2 Housing Amendments

I have attended workshops for Tahoe Basin Area Plan and believe that the Plan as proposed should not be adopted. While most agree that Affordable and workforce housing are needed, it should not require degradation of the environment and the character of Town Centers, quality of life and substantially raise risks of wildfire and evacuation.

The loss of scenic view sheds and building shading are only a few of the byproducts of proposed HP building density and heights.

Baseline conditions are not up to date and require further analysis of environmental impacts.

The EIR is inadequate, Community benefits need to be determined, and cumulative impacts should not be ignored.

I believe that further changes are needed to provide an environmentally sound plan that truly addresses the current and future housing needs.

Sincerely

Patty Lomanto

From: Katie Avery <katie@averyhomedesign.com>
Sent: 11/4/2023 8:43:44 PM
To: Public Comment <PublicComment@trpa.gov>
Subject: Public comment

Please do not urbanize our mountain communities. It will put lives at risk.

Instead of new development, let's limit STR's more (I am an STR owner and very much support severe limitations), require resorts to provide employee housing, we need more wildfire risk assessments for new builds, and environmental impact studies. We need to keep this pristine place we call home, exactly that. A home for tens of thousands of people who very much care about the environment and keeping Tahoe blue. I am a general contractor and Truckee local who cares deeply about the impact of further development and it's impact on our environment.

Please do not allow more development of the basin without further study, restoration and restrictions.

Katie Avery
CA General Contractor + Truckee local

From: Kathy Echols <kathyechols4543@gmail.com>
Sent: 11/4/2023 10:49:36 AM
To: Public Comment <PublicComment@trpa.gov>
Subject: Comments Re: 11/8 APC Item V.A - Phase 2 Housing Amendments

I am concerned about many aspects of the Tahoe Basin Area Plan. I attended online workshops where concerns were raised, but it seems that the changes have not been adequate. Please do not adopt these new amendments for the following reasons:

-I agree with the need for more affordable and workforce housing, but the new rules will not provide the needed housing units without a degradation of the environment and character of the town centers.

- Concerns are:

Traffic

Wildfire and Evacuation Risks

Water quality degradation

Building heights

The proposed building heights will result in loss of scenic viewsheds, shading issues, etc

Density and massing of buildings

Concern that new housing will be expensive condos, rather than workforce housing

Details of a manual to encourage community benefits need to be determined before the amendments are adopted

The EIR is inadequate

Baseline conditions have changed and further analysis of environmental impacts is needed

Environmental concerns including air quality, water quality need to be further addressed

Cumulative Impacts need to be analyzed

Please make changes to the amendments that will result in an environmentally sound plan that truly addresses the housing needs.

Thank you,
Kathy Echols

From: Deborah Hager-Woodcock <dghw1923@yahoo.com>
Sent: 11/4/2023 8:20:32 AM
To: Public Comment <PublicComment@trpa.gov>
Subject: Over building

My Husband and I have been living in Incline for 14 years. Before that we have lived in South lake.
Our daughter her husband, and hew born baby have been her for 5 years.
We are afraid what is happening around the lake, traffic is horrible, garbage everywhere. More and more wildlide being killed, drivers speeding around the lake. It takes forever to get anywhere around the lake.
What is most scary is no way out doing a wildfire!!!!
This needs to STOP! Peoples lives are in danger!!! Money isn't everything when lives are in danger!!!!

Paul & Deborah Woodcock

Sent from [Mail](#) for Windows

From: christopher terrell <christopher.terrell@gmail.com>
Sent: 11/4/2023 2:24:39 PM
To: Public Comment <PublicComment@trpa.gov>
Subject: Housing amendment

Hi,

I am a resident of Truckee, I work from home. I take my kids to school by bike for most of the year.

I am fully in support of your initiative to increase density in the urban cores of the Tahoe area and to do so without increasing the amount of space designated to parking.

Some in the community are anti-growth, working under the guise of environmental concerns. They claim that the higher the building, the more dangerous the community, especially in winter when ice may lurk in the shade for unwitting passersby.

That is simply NIMBYism in all it's glory. Zero growth policies that favor the rich are not going to support Tahoe's economy and diversity of our community into the future.

I applaud your organization for focussing on the needs of all of our community, not just the people who own a home here, but the people who should be able to find work here and raise their kids here, without having to endure the traffic gridlock that is the result of pro-car policies pushed by environmental non-profits.

There is a large body of younger people out there, who don't hold the concerns of Californias who are 50+ years old that everyone needs a garden behind their house and needs a garage. This larger, younger body of people yearn to work and live affordably in Tahoe and many of them are higher earners who seek high density homes, in walkable communities.

Here are the facts, we are investing in public transport that is carbon neutral. We have not enough protected bike lanes for our kids to bike to school, we have chronic congestion issues, especially on the weekends and we need affordably housing so that we can provide homes for the people who live and work here to remain here and to make this place a diverse environment and diverse economy.

In Truckee, the area across the street from the high school has trailer homes with insufficient insulation, who have to burn wood all winter to keep their homes liveable. That community should be living in high density homes that are heated by their neighbors below, with no increase in parking needed, because Truckee is a 15 minute city, a dream of urban planners.

Continue your good work, higher density and no increase in parking is the future, and let us all embrace it. Heed not the NIMBYists who hide behind the environment to stop growth at all costs. They are not the future of the Tahoe area.

Sincerely,

Chris

From: Ellie <tahoellie@yahoo.com>
Sent: 11/3/2023 1:01:25 PM
To: Public Comment <PublicComment@trpa.gov>
Cc: Julie Regan <jregan@trpa.gov>; John Hester <jhester@trpa.gov>; Jeff Cowen <jcowen@trpa.gov>;
Subject: Public comment Nov 8, Nov15, Dec13 all TRPA meetings DL Bliss closed another year

<https://www.sfgate.com/renotahoe/article/dlblisstahoesummer2024closure-18465254.php>

Please accept this public comment for all three meetings. Where's the accountability and oversight? This is a regional asset and you are responsible for regional issues.

Ellie Waller Tahoe Is My Backyard

From: Ellie <tahoellie@yahoo.com>
Sent: 11/3/2023 11:44:16 AM
To: Public Comment <PublicComment@trpa.gov>
Cc: Julie Regan <jregan@trpa.gov>; John Hester <jhester@trpa.gov>;
Subject: [BULK] Nov 8, Nov15, Dec 13 Public Comment all three meetings

Please accept this public comment as related to the Tahoe Living Housing Amendments and The Placer Tahoe Basin Area Plan Update

Urban plan for Tahoe flawed, shortsighted

<https://www.rgj.com/story/opinion/2023/11/03/urban-plan-for-tahoe-flawed-shortsighted/71428742007/>

From: Sheila Bowman <sbowman.meyer@gmail.com>
Sent: 11/3/2023 2:34:42 PM
To: Public Comment <PublicComment@trpa.gov>
Subject: TRPA/Developers

I have been coming to Lake Tahoe since 1969 and have owned property at Kings Beach and Incline Village since 1984.

I am very concerned about what is happening at Lake Tahoe and do not feel the TRPA has the Lake, or the residents as your first priority!!!

First of all, according to a recent article on the situation, there are people on the TRPA with conflicts of interest and are voting for the Developers not the safety of the Lake nor the people who live there.

We do not need more congestion, road closures due to construction, or pollution of Lake Tahoe, and what about evacuation if we have a wildfire?

The TRPA needs to be voting for those types of things rather than making the Developers happy.

The TRPA should be planning how to bring tourists to the lake area by bus (like Zion National Park has), have an emergency and evacuation plan if we have a wildfire, and fine people who drop garbage on the beaches and in the lake.

If your concern is more congestion, more tourism, and giving what the Developers want, then there is no need for TRPA and it should be dismantled.

LAKE TAHOE AND ITS RESIDENTS SHOULD COME FIRST!

Sheila Bowman-Meyer
sbowman.meyer@gmail.com

From: preserve@ntpac.org <preserve@ntpac.org>
Sent: 11/3/2023 6:57:41 AM
To: Public Comment <PublicComment@trpa.gov>
Subject: Please Distribute Placer Meeting Recap to APC and GB
Attachments: [image001.png](#)

[https://mailchi.mp/74cb8d49bdb7/the-future-of-tahoe-is-more?e=\[UNIQID](https://mailchi.mp/74cb8d49bdb7/the-future-of-tahoe-is-more?e=[UNIQID)



North Tahoe Preservation Alliance

P.O. Box 4
Crystal Bay, Nv. 89402
preserve@ntpac.org
775-831-0625
www.ntpac.org

“Helping preserve the natural beauty and rural character of North Lake Tahoe”

Preserve Lake Tahoe (Video): <https://youtu.be/WKzPL-EwEUw>

TikTok Video: https://www.tiktok.com/@northtahoepreservation?_t=8XCElbNFbSt&_r=1

Instagram Video: <https://www.instagram.com/northtahoepreservation/>

From: NICOLE GULLIXSON <nicole.gullixson@gmail.com>
Sent: 11/3/2023 9:49:44 AM
To: Public Comment <PublicComment@trpa.gov>
Subject: Comments Re: 11/8 APC Item V.A - Phase 2 Housing Amendments

Pleas do NOT increase height limits. We like our quaint town. There are ways to increase housing and fix up areas around the the lake without going high.

Cheers,

Nicole Gullixson
805.452.0503

From: leah kaufman <leah.lkplanning@sbcglobal.net>
Sent: 11/3/2023 1:06:50 PM
To: Public Comment <PublicComment@trpa.gov>
Cc: Karen Fink <kfink@trpa.gov>; John Hester <jhester@trpa.gov>; Kevin Drake <kevin@alibi.beer>; Gavin Feiger <gavin@keptahoebblue.org>;
Subject: Letter for APC
Attachments: [TRPA APC letter for housing amendments.docx](#)

Please distribute my comments to APC
Thank you

Leah Kaufman
Planner

KAUFMAN PLANNING AND CONSULTING
PO BOX 253
CARNELIAN BAY, CA 96140

November 2, 2023

Dear TRPA APC members,

I am providing the following comments based on my experience as a 40-year+ land use planner in the Tahoe Basin, an ex-TRPA employee (where I first started my career), feedback I have received from talking with tourists, business owners, and community members from the North and West shores of Lake Tahoe, and reading through reports, environmental documents, and staff summaries, TBAP redlines, and TRPA proposed Housing Amendments.

TRPA staff and board members are currently soliciting public feedback based on a desire to amend TRPA codes to allow:

“Achievable” housing basin wide along with changes to height, density, land coverage, setbacks, and parking. The environmental analysis for the proposed changes is based on a checklist with tiering from the 2012 EIS and several other reports.

I apologize for this letter’s length and detail and hope you will take the time to read my comments. The public has not had adequate time to review and digest the amount of information presented, and there are also two concurrent fast track planning processes (TRPA Housing amendments and Placer County TBAP amendments) adding to the confusion.

Additional comments based on the TRPA code changes that are being considered for historic structures as part of proposed modifications of the code are enclosed as a separate attachment to avoid confusion.

The following are my comments, suggestions, requests for additional information, and requested clarifications:

1. **Concentration of development:** TRPA and Placer County both state they want to concentrate the remaining basin capacity growth for housing in Town Centers. However, with the proposed inclusion of multiple family zoned properties outside of Town Centers, for “special areas” , bonus area boundary areas, and ” transition areas”, this is not the case. Potentially hundreds of parcels are affected by these amendments. Neighborhoods of potential impact on the North and Westshore include (Kings Beach, Kings Beach Grid, two miles of Tahoe Vista, Carnelian Bay Gateway, Lake Forest, Dollar Hill, Tahoe City, River Road, Sunnyside, Homewood, Tahoma residential, and Tahoma). (Source: GIS.TRPA.org/housing/Placer County TBAP).

The Tahoe Basin Area Plan (TBAP) 2016 EIR states that “*TBAP’s effects on land use are less than significant as there would be transfer of land coverage and development rights from areas outside of Town Centers into Town Centers resulting in environmental gains and that it would not adversely affect the development patterns or land uses within the plan area and would preserve open space and accelerate the pace of SEZ restoration.*”

Additionally,” the TBAP amendments would encourage more concentrated development within the Town Centers with less development outside of the Town Centers. This land use pattern would result in residences in close proximity to commercial uses which would be expected to reduce the number and length of vehicle trips and corresponding VMT”.

The TRPA proposals to add density, height, and coverage into areas outside the Town Centers zoned for multiple family and in “transition areas” are in direct conflict to the TBAP EIR statements as described above and Regional Plan principles. Development patterns will encourage sprawl into areas that are not close to major services, the transit headway is not at 15-minute intervals, there are no parking plans in place, and there has been no evidence to show development rights have been reduced outside the centers, and that preservation of open space has occurred.

Suggestion: (Proposed Section 31.4.8 allowing the rezoning of hundreds of parcels outside of Town Centers is too broad based.

The boundaries of Town Centers were carefully crafted during the Tahoe Basin Area Plan Process and analyzed in a 2016 EIR and should not be changed. The TRPA 2012 EIS envisioned concentrated growth in Town Centers with transfers of development, and land coverage, SEZ restoration and open space coming from parcels located away from the centers. To change the boundaries and include rezoning for “Transition Areas” with incentives for 11 more feet of height (up to 53 feet+/-), unlimited density, and 70 percent land coverage (where 30% is currently allowed), additional height to 42 feet, reduced setbacks, and minimal parking in areas currently allowing “multiple family dwelling” use is NOT concentrating development.

The League, in a letter to the Placer County BOS has suggested adaptive zoning/trigger zoning. “This principle is basically built-in adaptive management that changes zoning and allowances for height/length/density, lot sizes and setbacks based on achieving goals and offsetting impacts, as well as ensuring that proper mitigation truly meets the intended threshold requirements. The idea is to start small and increase the amount and extent of zoning changes and allowances if the Agency is meeting performance standards”. This idea is excellent and would be based on a more go-slow cautious approach.

Concentrating density and massing where it currently does not exist is a change in land use development patterns and must be analyzed in relationship to community character and environmental thresholds. TRPA must start addressing a policy for community character as the continued McMansions, and luxury condos were not envisioned in the 2012 EIS and is a change that has not been evaluated.

TRPA should provide an inventory of the number of affected parcels, the size of the parcels, development status (vacant or developed), and a description of adjoining land uses.

Additionally, TRPA should inform the property owners affected by the proposed amendments of their intentions.

2. TRPA Housing Plan to supersede Area Plans- Code change Clarification:

Proposed code changes for housing amendments states in Section “*HS-3.1: TRPA shall adopt development standards to promote 100% deed-restricted affordable, moderate and achievable housing that **supersede** local jurisdiction’s standards, including in approved area plans.”*

Clarification: Does this imply that Placer County must allow the TRPA changes to height, land coverage, parking, setbacks, and density automatically so the County would be in conformance with TRPA rules and regulations and that adopted Area Plans with height, parking, setback, and density standards no longer apply?

At the October 31st Placer County Board of Supervisors meeting our supervisor Cindy Gustafson specifically asked Placer County legal counsel what takes precedence when reviewing projects if TRPA has greater height allowances etc. Placer County Legal counsel stated the most restrictive regulations would take precedence, but this does not appear to be the case based on language as outlined above. **Current Town Center heights in Placer County are 56 feet for projects not 65 feet as proposed by TRPA under the code changes.**

Alternatively in the language below:

or B. Local jurisdictions may propose within an area plan, alternative development standards for deedrestricted affordable, moderate or achievable housing that adjust TRPA’s standards if the jurisdiction demonstrates that the alternative standards are at least as effective as TRPA standards in facilitating the construction of deed-restricted affordable, moderate, and achievable housing in the applicable jurisdiction.

“Alternative standards shall take effect only through adoption of a new area plan or an amendment to an existing area plan with the appropriate level of environmental review.”

Clarification: Does this mean Placer County must amend the approved October 31, 2023 Area Plan to allow a lesser standard than what TRPA is proposing?

TBAP implementing ordinances state the following:

“Conformity Review for Amendments Made by TRPA to the Regional Plan that Affect an Area Plan. If TRPA approves an amendment to the Regional Plan that would also require amendment of the Placer County Tahoe Basin Area Plan to maintain conformity, Placer County shall amend the Area Plan within one year to demonstrate conformity with the TRPA amendment in accordance with Section 13.6.7, Conformity Review for Amendments Made by TRPA to the Regional Plan that Affect an Area Plan, of the TRPA Code of Ordinances”

Clarification: Since there are two agencies with differing policies will the housing amendments proposed by TRPA require Placer County to amend their TBAP to be in conformance as stated above?

Do TRPA proposed code modifications come with the same expectations for both the Nevada and California sides of the lake? In other words, does Nevada have to implement a certain number of housing units that would be similar to the housing proposals either in progress or planned on the California side? In the past, Nevada has not proposed affordable housing with their development proposals because they did not have to. (Latitude 39 in Stateline and 947 Lakeshore Blvd-\$1,000,000 affordable units)

d). What happens if local jurisdictions do not propose housing utilizing bonus units?

e). Codes should have restrictions from allowing luxury condo developments, or will it be the status quo business as usual, and the housing requirements only be on the California side?

3. **TRPA Housing Consultant Report:** The examples TRPA used for the housing proposals before you to approve are based on 12,000 sf lots yet this is not the case for all affected parcels. Tahoe Vista alone has 1-2-, 3-, 4-, and 5-acre parcels as does Dollar Hill, Tahoma, and other areas. The impacts of the amendments on these larger parcels were not even considered in TRPA's proposed broad-based rezoning or in the Housing consultants' presentations.

Suggestion: Duplex or triplex development, ADUs, JADUs, tiny homes on small half acre or ¼ acre parcels have very different impacts on land use patterns, character, and other resources than projects that are on larger parcels that have the same "one size fits all" rules regarding coverage, height, setback, and density changes. 100% land coverage, and unlimited density proposals on large parcels could result in changes to land use development patterns, community character and growth, loss of open space, impacts to wildlife, increase in noise, potential visual impacts, and unknown VMT, and parking concerns, etc.

More specific details, mitigation measures and thought-out scenarios are warranted before the amendments are finalized to include mitigation measures to preserve large specimen trees, include setbacks from roadways and neighbors, address shading impacts of more than just the ground floor of buildings, and have parking management plans in place.

4. **"Achievable housing** *"Achievable Housing"* should not be confused with *"affordable housing,"* as *"achievable units"* are expected to rent at \$2,450/month for a 650-sf space located in supersized buildings to be profitable. (Source: *TRPA Living Housing and Community Revitalization Initiative Phase 2 Updates May 1, 2023*). This type of housing appears decidedly *not "affordable"* for those in the seasonal J-1 workforce, (who can afford to pay \$200 per week for rent and live with 10 other employees), and moreover to the workforce that power our retail, hospitality, and service industries average pay \$30/hour who should not pay more than 30% of their monthly salary for housing. A \$35 an hour

employee would have to pay 50% of their wages to afford to live in the “achievable housing.” These small apartments may not serve the needs of our local families either, who wish to have a house with a yard and a place to live with a friendlier vibe. (Source: “Shit hit the fan- Tahoe’s young people may not come back” SF Gate).

TRPA says that so far bonus units have been used for “low and moderate affordable housing” and that other types of housing should be considered. However, developers will choose to build the “achievable housing” which is more profitable.

Clarification: The IEC environmental document prepared for conversions states that 50% of the bonus units should be reserved for “affordable housing” and 50% for “achievable housing”. Is this still the case? A reservation of entitlements will ensure that not just “achievable” housing is built for the remaining bonus units. (Source: 2018 Development Rights Strategic Initiative)

5. The “achievable” definition of working in the basin 30 hours a week for someone with a business license will come with loopholes. How do you ensure/enforce that someone truly works 30 hours per week, and is the primary occupant, or what happens if the company goes out of business, or a worker quits or is fired? Since there is no income qualification what is to prevent employees who are on the internet instead of a brick-and-mortar business and potentially earn hundreds of thousands of dollars in salaries and own a second home from renting/owning these units? \$2,450/month rent was just an example- Is there a maximum rent or purchase price that can be charged for these units? Is pricing left completely up to the developer?

Suggestion: A better definition of “achievable” can be found in guidelines for Summit County, Colorado and Teton workforce housing regulations including:

Summit County regulations: The occupancy of for sale or rental units (when authorized) is restricted to persons who, at all times during ownership or occupancy of the unit, reside and are employed within the County year-round, an average of at least 30 hours per week on an annual basis. “Employed within the County” shall mean that the person earns his or her living from a business or organization operating in and serving the County, which requires his or her **physical presence** within the boundaries of County to complete the task or furnish the service, by working in the County at such business or organization an average of at least 30 hours per week on an annual basis. 1. Self-employment and residents that work from home: For individuals claiming self-employment or work from home status, the employment must be for an average of at least 30 hours per week on an annual basis for a business that is located within and serves the county.

Teton regulations: Require that the occupant must occupy the unit for at least 80% of the lease term. (rental only). No ownership of a second home is allowed within a geographical distance of the project.

Some type of maximum rent or maximum purchase price should be part of the package that allows the extra incentives, or the fear is that these will turn into luxury condos under the auspice of “achievable housing.”

- 6. Disbursement of bonus units:** We have been told “by TRPA Governing Board members that no more than 200 units” would be spread out in each community basin-wide, but where is that written?

Note: Dollar Hill Crossing is a proposal for 118 affordable and market rate units in Dollar Hill. Chalet Blanc Tahoe is proposed for 18 “achievable” units in a four-story building with mixed use in Tahoe City. Other projects are in the planning stages in Kings Beach.

Would these projects be considered as part of the 200 units planned for the northshore?

Suggestion: TRPA/Counties need to divvy up the remaining 946 entitlements so that housing is spread evenly throughout the north and south shores and between California and Nevada. The

- 7. Mixed Use: Clarification: Can TRPA give examples of how mixed uses work with bonus units and if mixed uses include market rate developments as is the case for TBAP? If there is a discrepancy which plan takes precedence?**

Mixed Use Commercial- What percentage of the project would have to be commercial in a deed restricted housing development to be considered mixed- use and eligible for the amendments? Additionally, would all +-the housing on top of the commercial use have to be 100 % deed restricted?

Mixed use Residential- What is mixed use residential? Are market rate units allowed to mix with the “achievable housing” units and if so at what percentage?” If only half of the projects is deed restricted how does this effect land coverage, height standards and density allowances, setbacks, and parking? Does only the deed restricted part of the project qualify for the additional height?

ADU with Single Family Dwelling: Please provide a site plan example. I am perplexed as how do you figure out land coverage if a portion of the property is at 20% land coverage but the ADU is allowed 70% land coverage but not for parking? Does the ADU come with a parking requirement? If not, that is simpler but if parking is required and the lot has maxed coverage, but you need parking then the ADU won’t be allowed because there is no room to park- just room for the structure of 1,200 sf?

Suggestion: Please clarify exactly what is allowed under mixed uses? provide examples of mixed use commercial and mixed-use residential projects utilizing both bonus units and RUU’s in conjunction with the incentive program. Need site plan example for the ADU.

- 8. Storm Water Treatment:** Proposed code Section 30.4.4 B.6 is confusing. The language states that projects wishing to utilize the land coverage overrides must associate with area wide storm water system managed by a public entity for eligibility, but the code language states:

*“30.4.2.B.6 Stormwater Collection and Treatment Systems for Affordable, Moderate, and Achievable Housing Multi-residential developments, mixed-use developments with a residential component, as described in subsection 36.13, or accessory dwelling units, provided the units are 100 percent deed-restricted affordable, moderate, and achievable, utilize bonus units and are located in Land Capability Districts 4 through 7 and within an approved area plan, may increase maximum lands in centers. **The project must show that stormwater will be treated either onsite through BMPs or offsite through area-wide stormwater treatment and is managed and maintained by a public entity”.***

Clarification: Which is it? Are on site BMP’s adequate or considered equivalent to area wide storm drainage systems and eligible to receive the extra land coverage?

According to the TRPA GIS map area wide storm drainage systems are sparsely located throughout the basin. (On-site BMP’s are generally not managed by a public entity nor part of an area wide drainage). Since all parcels in the basin were required under 2012 EIS mitigation measures to install BMP’s, this requirement is not beyond normal expectations. Are mixed use developments also eligible to provide onsite BMP’s and receive the same land coverage overrides?

9. **Retirement of vacant parcels clarification needed:** If one retires a parcel of vacant land and receives a bonus unit does that increase the bonus unit pool over the 946+ remaining allocations?
10. **Conversions clarification needed:** How do conversions impact the entitlement pool? For example, if CFA is converted to a residential unit of use (RUU) is this RUU subtracted from the Residential entitlement pool? If CFA is converted to Bonus Units there is no development right requirement but does the conversion to bonus unit come out of the bonus unit pool of entitlements? How do conversions work with bonus units? Can you convert CFA to bonus units or is the CFA the entitlement?
11. **Employee housing in hotels:** Proposed Section HS-3.1 states that TRPA should work with local jurisdictions on long term residency in motel units. Housing workers in hotels reduce the available TOT tax base and lessens the hotel inventory available for tourists resulting in loss of revenue and other impacts.
Clarification: a). Would long term residency in hotels require bonus unit allocations or RUU entitlements as it is a change of use from Tourist Accommodation (TAUs)? b). What accounting is proposed to track the use of motels for long term tenancy?
12. **Renderings:** Renderings used by TRPA staff at the Summit and Farmer’s Markets, and on the TRPA website to solicit feedback on “Height for Housing” are **disingenuous and misleading** and DO NOT represent the TRUE Height of what the TRPA proposals are.

Example). The TRPA triplex exhibit is only 36 feet high with screening trees. It is not the proposed 42 feet of height for mixed use area zoning or the (up to 53+/- foot) tall buildings allowed in "transition areas" (utilizing Table 37.4.1 in the TRPA Code of Ordinances) The TRPA also did not show the public what a 65-foot-tall building would look like especially in context with other buildings with no screening.

The single building exhibit is 44 feet high at its highest point not 65 feet that is proposed for **inside** Town Centers. (refer to enclosed attachment). The triplex is 36 feet high.

The renderings were changed at the zoom meeting held (September 20th), to include the Domus project in Kings Beach which is approximately 46-48 feet high but is not the rendering TRPA used to solicit community feedback for additional height or for comments for the Flash Survey. Flash survey results have not been accurately deciphered by staff and over 630 comments shared. I would suggest you read the comments yourself. Height is a big issue and preference is for the smaller triplex, 10 multiple family dwellings and tiny home or ADU developments.

Suggestion:. TRPA should be held accountable for showing the public accurate and to scale exhibits for the proposed 53 feet of height in transition areas, the 42 feet of height in multiple family dwelling areas and the 65 feet of height in Town Centers, with no screening trees, in context with other adjacent buildings before they solicit surveys or request feedback at public venues. This disingenuous behavior exacerbates the mistrust the public feels for the TRPA and questions motive?

Elevation drawings to scale should be available to reflect heights proposed for Town Centers, Transition Areas, and parcels zoned for multiple family. The exhibits should show adjacent properties which depict the relationship and height more truthfully than perspective drawings which can't be drawn to scale.

Flash survey results with the 630 public comments without biased commentary should be available for board/committee review. 66% of those who responded stated smaller 10-unit multi-family dwelling projects would be their preference.

13. Environmental Analysis: The environmental checklist accompanying the proposed amendments states no significant effect and no impact for any of the proposed amendments based on reference to the 2012 EIS. The 2012 EIS never analyzed concentrated development outside of Town Centers with resultant changes to land use patterns, increased massing, and land coverage over bailey coefficients outside of the centers. The 2012 EIS never analyzed the Manhattan level unlimited density that is proposed for hundreds of proposed parcels. (946 residential units plus unknown are the units that could be proposed with mixed use development or if regular residential units of use (RUU's) would be intermixed to achieve the heights and densities.

14. The checklist is missing any type of analysis regarding regional mitigation measures that have not been fully implemented and RPU benchmarks and performance standards. Threshold level review also is not updated.

The 2012 EIS had policies to concentrate development in Town Centers, stating that it would result in open space, sez restoration and concentration of development rights. The transition areas, and areas zoned multiple family dwellings that encompass acres of land were never analyzed for potential impacts.

In fact, every policy change since 2012 has been done with a watered-down checklist stating no significant impact and no mitigation. (These include transfers of coverage between hydrologic areas, conversions from CFA to multiple family only looking at traffic, transfer of development rights basin wide and now increases of development outside Town Centers, with unlimited density as would be common in Manhattan, and more height).

Environmental impacts may result in removal of vegetation and specimen trees that could affect wildlife and scenic, potential neighborhood compatibility issues because of reduced setbacks and parking, and impacts to noise and air quality, and other resources that were previously evaluated in the EIS based on density, land coverage, and height allowances per the existing Code of Ordinances.

Code Section 36.13 The checklist tiers off of the 2012 EIS but it is unknown the status of the mitigation that was required to allow the basin carrying capacity as part of the EIS and if thresholds are truly being met? Placer County admits that not a lot of progress has been made since 2016 on implementing mitigation as part of TBAP – Are the other jurisdictions in the same position?

Thus, if mitigation measures are not being tracked, enforced, or identified how can one make a finding of no significant effect? Not all the thresholds are in compliance so how can TRPA propose more development without evaluating what the impacts have been so far with the existing growth?

In my 40 years I have only seen things get worse. Invasive species, micro plastics, traffic congestion, trash, and more people. The beaches are at capacity and summertime transportation is dependent on the car.

More housing would be supplied if policies were enacted to incentivize fixing existing boarded buildings, encouraging conversions of empty commercial buildings like Dollar Hill Apartments, and imposing a vacancy tax on the empty homes. TRPA should require TAU entitlements for the STR's.

Additionally, the EIS in 2012 did not analyze the impacts of current development changes such as McMansions, conversions of entitlements, and cumulative impacts of growth outside of the basin or new projects not previously contemplated.

Please Note” Land Use: County-initiated rezone proposals that are required as part of the Placer County Housing Element and is needed for the County to meet the State’s Regional Housing Needs Assessment (RHNA) allocation for Placer County will require an EIR. The CA rezone proposal is to rezone 74 properties, including some parcels in the Tahoe area from their current zoning designation to Residential Multifamily 30, which would allow up to 30 dwelling units per acre”.

In other words, 74 parcels proposed to be rezoned for 30 units per acre density requires an EIR analysis (NOP process is underway) so I question why is only a scaled down checklist stating No Significant Effect for any of the resource topics proposed for the rezoning of hundreds of parcels basin wide for more concentrated development?

Simply saying that overall growth potential won’t be expanded due to a limit on Basin Carrying Capacity, or that there is enough land coverage in the basin for 500,000 sf of transfers, or that the ground floor of an adjacent building can’t be shaded, is not mitigation, it is not findings, it is not benchmarks, it is not an environmental analysis. There has been no analysis of changes since 2016 proposals to allow coverage transfers across hydrologic areas. While some SEZ may have been restored how much open space has been preserved? What about a shift of entitlements basin wide then double purposing the use? I.e. relocating the TAU’s and or RUU’s then retrofitting with affordable units not requiring development rights?

Summary:

Our communities can certainly be enhanced by continued redevelopment and by providing workforce housing within the existing framework that was developed by the community in Area Plans and by growth controls as part of Basin Carrying Capacity. “Achievable” should not be confused with affordable and the proposed rezoning outside of Town Centers is too broad based. The League ideas of a go-slow approach toward rezoning areas outside Town Centers should be considered a high priority.

Extra Height, land coverage, reduced setbacks, reductions, and potential elimination of parking for 960 +/- deed-restricted bonus units in the basin need specific environmental analysis, with consideration for placement, massing, neighboring impacts, noise, scenic viewsheds, habitat, natural resource preservation, and transit solutions such as parking plans in place, and increased transit headways.

RPU mitigation measures that were required in 2012 to achieve basin carrying capacity should be reviewed to determine if the benchmarks are being met, timing and mitigation measures that have not or cannot be achieved and timing for placement of those that haven’t occurred.

Unclear language in the proposed code revisions regarding water quality treatment vs BMP’s must be resolved.

It’s important to make sure we are investing in programs, that INCENTIVIZE repurposing of abandoned buildings, such as the Garni Lodge, and conversions of unused commercial to residential such as what was done for Dollar Hill Apartments, and that our workforce projects

are affordable to the workforce and housing entitlements are reserved that would provide homes for families.

TRPA was remiss in allowing STR's without TAU allocations. The STR's exceed basin capacity for tourist accommodation units as thousands are allowed and they act as defacto hotel rooms.

(Local architects Don Fuda, Elise Fett, and designer Dale Munsterman)tell us that **no** additional height is necessary to craft good profitable designs, and that height comes with impacts to solar/shade of neighboring properties, (not just on the first floor), construction costs that outweigh benefits of gained height, and other impacts such as snow removal, BMP's and parking yet TRPA is relying on one housing developer saying that excessive heights are necessary to create profitable designs and are the basis for TRPA amendments.

The community would like TRPA to go back to their housing consultant and determine what the proposals would look like on larger than 12,000 sf lots and with heights that do not exceed approved conditions in the Town Centers and with renderings that are accurate and show the intended proposals.

The community members are not "Nimbys", we are not "selfish", we are not "uncaring." We want to see progress towards fixing what is broken, and we want housing for our workers.

.

TRPA is removing the integrity of choice by a "one size fits all" proposal. The north and south shores are very different, and the voice of the people should have equal weight along with the developers, resort associations, prosperity centers, etc. In fact, only one environmental voice is present in the Tahoe Living Working Group - that of the League and our community concerns do not feel addressed.

Those of us on the Northshore recognize integrity of choice. If South Lake is okay with the extra height, then it should be there. 65 feet for deed-restricted housing, is not supported by distinguished environmental organizations such as the Mountain Air Preservation (MAP), Tahoe Area Sierra Club, Tahoe Sierra Clean Air, Friends of the West Shore, North Tahoe Preservation Alliance, and the majority of the North Lake Tahoe community.

Respectfully submitted,

Leah Kaufman-

Principal Planner

“ATTACHMENT A “ HISTORIC CHANGES TO THE TRPA CODE:

TRPA proposes code changes to historic resource reviews. In the past State Historic Preservation Office (SHPO) review was required for historic structures however they have not reviewed single family dwellings for years and TRPA approves removal of historic structures based on receiving no feedback from this agency. TRPA code changes would allow staff to review recovery plans and for Hearings Officer review only for designated structures not structures that are proposed to be included on the historic register where historians have recommended that they be included or designated as historic. In the past TRPA would actually require historic structures whether designated or not to be preserved, relocated, repurposed on site and/ or advertised for removal offsite. Recovery plans recently proposed are meaningless- staff can make a finding that if a window is saved that is a recovery plan. I oppose code changes as they have not been vetted and are whitewashing the intent of historic preservation. NO single-family iconic or otherwise historic structures will ever be saved based on proposed TRPA code amendments.

From: davehen@sonic.net <davehen@sonic.net>
Sent: 11/3/2023 5:44:15 PM
To: Public Comment <PublicComment@trpa.gov>
Subject: Public input on Economic Sustainability and Housing

Dear TRPA,

As a Californian who has been visiting Lake Tahoe for 70 years (I am 80), I have to say that I heartily agree with the recent published remarks by *Pamela Mahoney Tsigdinos*, of which I am sure you are aware.

Like her, I find the recent pace and dimensions of development around the lake totally insensitive to the natural capacity of the lake environment, to the point that almost any wildfire will be a human disaster of immense proportions. And you are going to bring us even more!

Although it would seem that all the instincts and development interests represented on the TRPA itself are pushing towards massive, virtually-unrestricted development, I hope that a densely-developed, quasi-urban Lake Tahoe is not the way you want to be remembered. But I suppose you don't really care.

In any case, I appeal to you to reverse course and to recognize that you are stewards of a unique, one-of-a-kind jewel that you should be protecting, not destroying.

Sincerely,

Dave Henderson

Healdsburg

davehen@sonic.net

From: amy kacher <amykacher1@gmail.com>
Sent: 11/3/2023 10:39:45 AM
To: Public Comment <PublicComment@trpa.gov>
Subject: Comments Re: 11/8 APC Item V.A - Phase 2 Housing Amendments

TRPA

I am a homeowner in Truckee and Tahoe City. I have built homes and have experienced the extremely rigid building regulations your entity enforces. Although challenging as a homeowner I understand the importance of dig dates for water clarity and other issues.

What I can't understand is the way your entity is finding it OK to approve building without adequate parking. For that matter, approving housing that even may have parking in communities with NO MORE NEW ROADS. This is basic. Too many cars already on a set number of roads-adding MORE dense housing will create even more traffic.

Further, with the reality that forest fire evacuation is something we need to have on the forefront of our emergency plan, how can you expect safe evacuation if you are piling in more cars and people into an area with one or two roads? This is actually very disturbing and I am surprised you all can sleep at night when will be the result of your aggressive plan for high rises and dense housing. If there is a fire and people are stuck in their cars like they were in Paradise, the TRPA will be responsible. It's avoidable, and to say otherwise is a lie.

Regarding aesthetics- The debacle at Homewood with the developer not following the "old tahoe" vernacular and TRPA going ahead and approving a Walton A&E modern building is another example of TRPA having no guiding light. Thank god Keep Homewood Public has stepped up to hold TRPA accountable and stop the modern architecture there.

Why is it that non profits in the area have to FIGHT for smart development with TRPA when you all are the entity that is responsible for just that?

It is really disheartening to see our communities suffer under leadership that calls for ticky tacky tall box structures when we could have smart development scattered around in traditional mountain style instead.

Please listen to what MAP is pointing out. They are seeing this from all sides and have good ideas.

Amy Kacher
1280 West Lake Blvd
Tahoe City

From: Leah Kaufman <leah.lkplanning@sbcglobal.net>
Sent: Thursday, November 2, 2023 5:50 PM
To: Cindy.Gustafson <cindygustafson@placer.ca.gov>; Megan Wood Placer Clerk of the Board <mwood@placer.ca.gov>; Crystal Jacobsen <cjacobse@placer.ca.gov>; Stacy Wydra <swydra@placer.ca.gov>; Emily Setzer <Esetzer@placer.ca.gov>; John Hester <jhester@trpa.gov>; Karen Fink <kfink@trpa.gov>; Julie Regan <jregan@trpa.gov>; Gavin Feiger <gavin@keoptahoebblue.org>; Alexis Ollar <alexis@mapf.org>
Cc: Leah Kaufman <leah.lkplanning@sbcglobal.net>; Stephanie Holloway <shollow@placer.ca.gov>
Subject: Fw: Bos october 31 st meeting

November 2, 2023

Dear Cindy and Placer County BOS, (Please distribute to other board members)

It was a disappointment and, in my opinion, **undemocratic** that the October 31st hearing was closed by Supervisor Holmes without allowing public comment based on Placer Counties' faulty perspective that no new information was received by the County from the public and that the County in the "Attachment M and Errata" had **addressed** all the public's comments. How would the board and staff know if any new information was presented if they did not take public testimony at the October 31st hearing or if the public felt they had answers to their comments? The 300 pages of public comments referenced were not even part of the board packet. People take time out of their day to attend meetings and it would have been considerate to let people know this was going to be the case.

It is also very distressing when supervisors do not respect the valued expertise of community members. Our community has architectural, engineering, real estate, planning, construction, wildfire, legal, and other backgrounds with positive contributions. Our community is articulate and well-spoken and cares deeply about Lake Tahoe. Why bother to show up at meetings or submit comments when all that is allowed are three-minute speeches that are totally ineffective?

I truly believe there would not have been so much upset if Placer County had re engaged the original 35-member plan team that crafted the 2016 TBAP to review the amendments instead of just developer, economic, or housing-based contributors for some healthy debate and conversation. The process worked and a plan was approved in 2017 so why the hesitation?

Additionally, as stated by one of the board members the community must be in favor of the amendments if the NTRAC committee approved them in a split vote. NTRAC is composed of members that are not affected by the amendments and members that represent large corporations so saying that they voted for amendments and must be representative of the community is not the case. Those that did express concerns about the amendments were architects, and longtime members of the NORTHSHORE community.

That being said,

Our local supervisor Cindy Gustafson asks for specifics so there were two items that I wanted to discuss as follows.

1. TRPA Code changes to supersede Area Plans:

The Community is very concerned about TBAP and TRPA proposed code changes for housing and how they are integrated between the TRPA and Placer County planning documents. I have cc TRPA so they can also contribute to the conversation.

Clarification: What takes precedence regarding the two plans? Cindy brought up this issue at the meeting and it was my understanding that legal counsel said whatever ordinance is more restrictive.

However, in research of code language proposed by TRPA and code language approved by the County as part of TBAP this does not seem clear.

TRPA Housing Plan Proposed Code Changes:

Proposed code changes for TRPA housing amendments states in Section "HS-3.1: TRPA shall adopt development standards to promote 100% deed-restricted affordable, moderate and achievable housing that supersede local jurisdiction's standards, including in approved area plans."

Clarification: Does this imply that Placer County must allow the TRPA changes to height, land coverage, parking, setbacks, and density **automatically** so the County would be in conformance with TRPA rules and regulations and that adopted Area Plans with height, parking, setback, and density standards no longer apply?

Note: Current Town Center heights in Placer County are 56 feet for projects not 65 feet as proposed by TRPA under the code changes. Density standards are also far less than the proposed unlimited density heralded by TRPA.

Alternatively in the language below:

or B." Local jurisdictions may propose within an area plan, alternative development standards for deed **restricted** affordable, moderate or achievable housing that adjust TRPA's standards if the jurisdiction demonstrates that the alternative standards are at least as effective as TRPA standards in facilitating the construction of deed-restricted affordable, moderate, and achievable housing in the applicable jurisdiction."

"Alternative standards shall take effect only through adoption of a new area plan or an amendment to an existing area plan with the appropriate level of environmental review."

Clarification: Does this mean Placer County must amend the October 31st approved Area Plan and provide additional environmental review if they want a different height, density, setback, and parking standard than what TRPA is proposing?.

Placer County TBAP changes:

To further complicate matters: The implementing guidelines of the TBAP document approved on October 31st, in track changes states:

"Conformity Review for Amendments Made by TRPA to the Regional Plan that Affect an Area Plan. If TRPA approves an amendment to the Regional Plan that would also require amendment of the Placer County Tahoe Basin Area Plan to maintain conformity, Placer County shall amend the Area Plan within one year to demonstrate conformity with the TRPA amendment in accordance with Section 13.6.7, Conformity Review for Amendments Made by TRPA to the Regional Plan that Affect an Area Plan, of the TRPA Code of Ordinances."

Clarification: Will the housing amendments proposed by TRPA require Placer County to amend their TBAP to be in conformance as stated above or is this an automatic approval based on TRPA requirement that the Area Plans are superseded based on a no substance Environmental Document stating that the proposed plan amendments have no impacts at all for any of the resource topics? If Placer County does propose alternative standards...

2. Multi person per acre density:

The first time Placer County presented the multi person density to the Placer County Planning Commission the argument to change from 25 persons per acre to 62 persons per acre was based on bedrooms for multiple person dwellings having three bedrooms and density of 25 units per acre so that was the number of persons that could fit in a acre as a reason. Then on October 31st there was no information about the multi person density until legal counsel? stated that the density was proposed to be in conformance with TRPA code. I have attached the TRPA code and that is not the case. It is 25 persons per acre density. I have attached the TBAP prior to amendment and it is 25 persons per acre density. Am I missing something? I am not judging if this is good or bad, but it should be acknowledged as a density change in the TBAP and evaluated as such. 62 persons per acre with no parking minimums is a lot when Palisades has represented that 50% of their employees have cars. There could be impacts to neighboring properties, parking issues etc. that should be evaluated as part of a density increase. It is also zoning added into everywhere that multiple family zoning is allowed so a change in land use development/pattern. Was there a reason this zoning was not included in the 2016 EIR document?

In summary, I appreciate the time that staff spent on developing plans and ordinances and in answering questions when they could, and while I do not agree with all of the changes, I appreciate their commitment.

I hope that you can clarify the above for myself and the community.

Thank you,

Leah Kaufman

Principal Planner - Kaufman Planning and Consulting



**TAHOE
REGIONAL
PLANNING
AGENCY**

Adopted by the
TRPA Governing Board
December 12, 2012
Effective February 9, 2013
Amended September 27, 2023

CODE OF ORDINANCES

TAHOE REGIONAL PLANNING AGENCY

Lake Tahoe



31.3.2. Table of Maximum Densities

Except where a TRPA plan area statement or adopted standard, no person shall create a density that exceeds 1 unit per parcel, except as provided in Section 31.4, *Increases to Maximum Density*

TABLE 31.3.2-1: MAXIMUM DENSITY

Use	
Residential Uses	
<u>California</u> Single-family dwelling	1 unit per parcel
<u>Nevada</u> Single-family dwelling (parcels less than one acre) Single-family dwelling (parcels greater than or equal to one acre)	1 unit per parcel 2 units per parcel authorized A
Summer home	1 unit per parcel
Multiple-family dwelling	15 units per acre
Mobile-home dwelling	8 units per acre
Multi-person dwelling, nursing and personal care, and residential care	25 persons per acre
Tourist Accommodation Uses	
Bed and breakfast	10 units per acre
All other - If less than 10 percent of the units have kitchens - If greater than or equal to 10 percent of the units have kitchens	40 units per acre 15 units per acre

Recreational Uses

Developed campgrounds

Recreation vehicle parks

8 sites per acre

10 sites per acre



acer

TABLE 2.04.C-2: DENSITY, BUILDING HEIGHT, RECREATION AND NORTH TAHOE WEST MIXED-USE SUBDISTRICTS

	Village Center		
	MU-GW	MU-CCW	MU-
Maximum Density (Units/acre unless otherwise indicated)			
<i>Single Family Dwelling (du/parcel)</i>	1	1	1
<i>Multiple Family Dwelling</i>	15	15	15
<i>Multi-Person Dwelling (people per acre)</i>	25	25	
<i>Residential Care (people per acre)</i>		25	
<i>Employee Housing (units per acre)</i>	As per the limitations above	As per the limitations above	As per the limitations above
Tourist Accommodation			
<i>Bed and Breakfast Facilities</i>	10	10	10
<i>Hotel, Motel and Other Transient Dwelling Units with less than 10% of units with kitchens</i>	40	40	40

<i>Hotel, Motel and Other Transient Dwelling Units with 10% or more units with kitchens</i>	15	15	15
<i>Timeshare (units per acre)</i>	As set forth above	As set forth above	As set forth above
Recreation			
<i>Developed Campgrounds (sites per acre)</i>	8		
<i>Group Facilities (persons per acre)</i>	25		
<i>Recreational Vehicle Park (sites per acre)</i>	10		
Building Height	TRPA Code of Ordinances		

Leah

Sent from AT&T Yahoo Mail on Android

From: Victoria Railton <vic.rarebear@gmail.com>

Sent: 11/1/2023 9:34:02 AM

To: Cindy Gustafson <cindygustafson@placer.ca.gov>; Hayley Williamson <hayley.a.williamson@gmail.com>; Shelly Aldean <shellyaldean@gmail.com>; Francisco Aguilar <cisco@sos.nv.gov>; Ashley Conrad-Saydah <ashleyc@alumni.princeton.edu>; Jessica Diss <jdiss.trpa@gmail.com>; Belinda Faustinos <belindafaustinos@gmail.com>; John Friedrich <jfriedrich@cityofslt.us>; Meghan Hays <Meghan.hays9@gmail.com>; Alexis Hill <AHill@washoecounty.us>; Vince Hoenigman <vhoenigman@yahoo.com>; James Settelmeyer <JSettelmeyer@dcnr.nv.gov>; BOSFive@edcgov.us <BOSFive@edcgov.us>; Wesley Rice <wrice@douglasnv.us>; Alexandra Leumer <TRPALeumer@yahoo.com>; Julie Regan <jregan@trpa.gov>; John Marshall <jmarshall@trpa.gov>; Public Comment <PublicComment@trpa.gov>

Subject: REALLY? Who are you people?

Dear TRPA Advisory Planning Commission and Governing Board:

REALLY? Who are you people?

I am VEHEMENTLY opposed to the "Affordable and Workforce Housing Amendments" to the Regional Plan being proposed by TRPA Staff. **And what kind of bait-and-switch name is that? Do you think we're stupid? "Affordable and Workforce Housing Amendments" my ars.**

The changes will dramatically reshape the basin in an adverse way by increasing the population and density.

I ask, with little belief, that you reject the proposed amendments outright or return this to TRPA staff **for a new EIR/S analysis to address the following:**

1. **Increased regional traffic congestion. WE CAN'T HANDLE ANY MORE TRAFFIC.** Many roadways, particularly in the town centers have constant congestion. Increased density will only exacerbate the problems, **which were not accounted for in TRPA's last regional analysis in 2012. This is 2023 for God's sake.**

2. Reduced, no **ELIMINATED, fire evacuation safety:** More people, more cars, more wildfire, hampered emergency response! **DO YOU EVEN CARE???** These need to be studied on a street-by-street basis in light of the devastating Maui fire, Camp Fire in Paradise, CA, and other fast-moving fires.

The South Shore had advance notice for evacuation in advance of the Caldor Fire, while visitation was low due to the unhealthy smoke at that time, **yet roads were still clogged.** Imagine if the fire were rushing in the Basin with little advance notice as happened in the Camp Fire! **OR DO YOU NOT EVEN CARE???** **Is this because you have an alternative exit strategy, maybe a chopper to be airlifted out of here while the rest of us burn in place?**

3. Increased densification of Tahoe City and Kings Beach: **Developers will build more luxury housing because that is what will make them the most profit, Cindy Gustafson leading the charge giving the contracts in (her own) house – does she think we're stupid? Does she think we haven't seen what she has already gotten away with to line her own pocket AND her husband's?** We do not need more high-end housing and these amendments do nothing to stop it due to the aforementioned reason(s).

4. Allows densification of Homewood and Tahoma by promoting multifamily residential units in rural areas.

5. Increased Building Heights: From 48' to 65' blocking views of the Lake and the mountains, **which MANY of our views are already blocked (due to #3).**

6. Elimination of Parking Requirements for certain projects: This will exacerbate parking issues in the town centers and adjacent neighborhoods. **Yes, let's add to an already bad situation in the name of profit, shall we?**

Do not approve this flawed plan!

Hello??? **HELLOOOO?!!! Do you hear us? Do you even care?**

A new EIR/S must be issued to identify, analyze, and mitigate impacts based on current 2023 conditions. My guess is if you do care, there'd be no way in hell this would pass. **There have been significant changes since the last comprehensive analysis was done by TRPA in 2012, but my guess is no one cares. Not really. Profit over people. Profit over history. Profit over land that is already being raped and ruined thanks to crap like this.**

DO NOT APPROVE THIS TRANSPARENT BULLSCHIT.

Very very sincerely,

3rd Generation Resident

...Golly, am I not being respectful? Touche. You do not respect Lake Tahoe OR its residents.

From: LINDA SEE <lmsee@comcast.net>
Sent: 10/31/2023 8:11:19 AM
To: Public Comment <PublicComment@trpa.gov>
Subject: Fwd: Pump the brakes on these aggressive development projects

The recent tragedy in Lahaina should be a clarion call to Tahoe planners that hoping nothing bad happens is not a strategy. Gridlock already occurs frequently around the basin. It is already clearly impossible to evacuate the basin on a typical summer day, don't make things worse by increasing density in problematic areas. Recent "improvements" in Kings Beach, while pretty, have dramatically exacerbated the traffic situation with a constant flow of pedestrians across an unsafe intersection adjacent to one of the roundabouts. It is your responsibility to push back on development that increases the likelihood we experience a wildfire disaster due to the inability of visitors and residents alike to escape.

Thank you for your consideration
Linda See, 28 years in Carnelian Bay

From: jmtornese@aol.com <jmtornese@aol.com>
Sent: 10/31/2023 12:57:06 AM
To: Emily Setzer <ESetzer@placer.ca.gov>; SWydra@placer.ca.gov <SWydra@placer.ca.gov>; Crystal Jacobsen <C.Jacobse@placer.ca.gov>; SHollow@placer.ca.gov <SHollow@placer.ca.gov>; ADashiel@placer.ca.gov <ADashiel@placer.ca.gov>; Shirlee Herrington <sherring@placer.ca.gov>; Planning@placer.ca.gov <Planning@placer.ca.gov>; Sophie Fox <sfox@placer.ca.gov>; Cindy.Gustafson <cindygustafson@placer.ca.gov>; BoardClerk@placer.ca.gov <BoardClerk@placer.ca.gov>
Cc: Cindy.Gustafson <cindygustafson@placer.ca.gov>; Hayley Williamson <hayley.a.williamson@gmail.com>; Shelly Aldean <shellyaldean@gmail.com>; Francisco Aguilar <cisco@sos.nv.gov>; Ashley Conrad-Saydah <ashleyc@alumni.princeton.edu>; Jessica Diss <jdiss.trpa@gmail.com>; Belinda Faustinos <belindafastinos@gmail.com>; John Friedrich <jfriedrich@cityofslt.us>; Meghan Hays <Meghan.hays9@gmail.com>; Alexis Hill <AHill@washoecounty.us>; Vince Hoenigman <vhoenigman@yahoo.com>; James Settlemeyer <JSettlemeyer@dcnr.nv.gov>; BOSFive@edcgov.us <BOSFive@edcgov.us>; Wesley Rice <wrice@douglasnv.us>; Alexandra Leumer <TRPALeumer@yahoo.com>; Julie Regan <jregan@trpa.gov>; John Marshall <jmarshall@trpa.gov>; Public Comment <PublicComment@trpa.gov>;
Subject: TBAP Amendments - FOWS Comments for 10/31/23 BOS Meeting
Attachments: [TBAP amendments.FOWS comments for 10.16.2023 Placer BOS hearing.pdf](#)

Dear Placer Board of Supervisors & staff,

Friends of the West Shore submits the following additional comments for the BOS meeting on 10/31/23 to urge that a new updated EIR be submitted. Please distribute to the BOS and all other interested parties.

Comments regarding Attachment M:

- Attachment M did not respond to public comments (including mine) at the 10/31/23 meeting about other alternatives to consider for workforce/affordable housing, like subsidized housing, better regulation of and a reduction of short term rentals to provide more workforce & local housing, utilizing land trusts, providing incentives to encourage home rentals to locals, etc. What is the most efficient way to provide affordable housing? Placer should determine other housing solutions that are consistent with current zoning and these solutions should be presented to the public, since their communities will be affected. Were other alternatives considered & analyzed and if so, what were the conclusions? Will new buildings be developed only for workforce/affordable housing units and not as a small portion of total units in a building? Will the other/majority of the units be built for tourist accommodation (TAUs) or luxury units as justification for a small amount of affordable housing? Developers will build more luxury housing because that is what will make them the most profit. We do not need more high-end housing and these amendments seem to do nothing to stop it. If TAUs and luxury units are combined with workforce/affordable housing, how will this impact the town centers and other communities?
- Density - item #6, Pages 6 & 7 - It is claimed that there is no change to density - to quote " The amendments will not increase the overall development potential in the Area Plan because the total quantity of residential units, tourist accommodation units, and commercial floor area (collectively referred to as TRPA development rights) are capped by TRPA's growth control system from TRPA's Regional Plan." This doesn't consider that if development will be shifted to town centers and if buildings are allowed larger footprints by reducing setbacks and refining minimum lot size and width, this will result in major increases and concentration of density per building, rather than disperse densities among smaller buildings and homes in outlying neighborhoods. More units & density will be allowed on the footprint. The density impacts will change & should be analyzed and mitigated. This includes traffic, which will be more concentrated in town centers rather than dispersed in neighborhoods.

Also, if development rights and density are being shifted to town centers, how is this going to work? Will you be denying people outside town centers their land use rights in preference for town centers?

- Parking - p. 12 & 13 - Reduced parking requirements will exacerbate parking issues in the town centers and adjacent neighborhoods. Most people/families have at least one vehicle and it is unrealistic to assume that parking is readily available elsewhere, especially in the winter when parking is not allowed on neighborhood streets and snow will eliminate most all other street parking.

Other issues/questions that should be considered in a new updated EIR:

- TRPA is also proposing amendments that would eliminate a maximum limit on density and coverage, increase building height to 65 ft, and reduce parking requirements to a minimum of .75 spaces per unit (in some cases parking spaces would be totally eliminated). We were told that the most restrictive requirements of the TRPA & Placer amendments would apply. The public needs more information on how TRPA & Placer's amendments interact and, specifically, which rules are more restrictive and would apply and how do they apply. Additionally, both Placer and TRPA argue that the changes are not significant when taken one by one, but the reality of the cumulative impact of these amendments is significant.
- Scenic view Impacts: Views of the Lake and mountains are of utmost importance. Tall buildings impact the experience of locals and visitors alike. These impacts from larger & potentially taller buildings needs to be evaluated.

In conclusion, many things have changed since the 2012 RPU so there are many impacts that haven't been analyzed, plus the types of development that are trending are packing more people than 10+ years ago. Therefore, an updated EIR is needed. We urge you to issue a new EIR to identify, analyze and mitigate new & changing impacts based on existing conditions.

Thank you.

Judith Tornese, President
Friends of the West Shore

In a message dated 10/11/2023 5:08:32 PM Pacific Daylight Time, jmtornese@aol.com writes:

Dear Placer Board of Supervisors & staff,

The attached letter is submitted on behalf of Friends of the West Shore for the BOS meeting on 10/16/23 regarding the TBAP Amendments. Please distribute this comment letter to the BOS and all other interested parties.

Please confirm receipt.

Thank you!
Judith Tornese, President
Friends of the West Shore



Placer County Board of Supervisors
3091 County Center Drive
Auburn, CA 95603

October 11, 2023

Dear Supervisors:

The Friends of the West Shore (FOWS) appreciates the opportunity to provide comments on the Proposed Tahoe Basin Area Plan (TBAP) amendments and associated Addendum #1 to a previously-certified Environmental Impact Report (Addendum). We also appreciate the efforts of staff to continue to relay information and discuss the amendments with the public.

The California Environmental Quality Act (CEQA) requires that subsequent environmental review is required when circumstances have changed, there are new significant environmental effects or a substantial increase in severity of previously identified significant effects, there are additional significant effects not discussed in the EIR, significant effects previously examined will be substantially more severe, and/or when there are additional mitigation measures that could be adopted to mitigate impacts but were declined. However, the Addendum fails to analyze new and more severe impacts associated with the amendments, including:

- Impacts associated with existing conditions with regards to traffic, wildfire danger and current fire movement trends, current north and west shore population, and visitation, which have changed significantly from the baseline data years analyzed by previous environmental documentation (e.g. 2010-2011 [traffic] or 2020 [population]) from which the Area Plan reviews continue to tier. Basing solutions to new problems on old, un-representative data is not an effective way to plan.
- Emergency Evacuation and access for responders
- Current CEQA Guidance for Analyzing and Mitigating Wildfire Impacts of Development Projects
- Cumulative Impacts of other approved but not yet constructed projects in the area
- Increasing residential and visitor populations without addressing existing problems from - let alone adding to - traffic, congestion, and emergency access/evacuation
- Impact of the proposed reduction in parking requirements on congestion and spillover to residential streets; and
- The concern with the continued loss of scenic views for the residents and visitors to enjoy

Detailed comments are enclosed. FOWS requests that the amendments be postponed unless and until a comprehensive environmental impact report (EIR) based on existing conditions is performed. Thank you for considering these comments.

Sincerely,

Judith Tornese,
President

FOWS previously submitted comments to the Placer County Planning Commission (PCPC) [enclosed]. The following comments are in addition to the PCPC comments:

INCREASED NATURAL HAZARDS AND EMERGENCY EVACUATION

FOWS does not support the proposed amendments at this time because they aim to increase the residential and visitor populations on the north and west shore **without first addressing the existing conditions, recent population and visitation increases, and dangerous traffic jams that pose serious public health and safety concerns, especially with wildfire danger increasing every year.** With only a two-lane highway on the North and West Shores of Lake Tahoe, *any* increase in traffic and people will exacerbate a congested exodus in the event of a wildfire evacuation or other emergency need.

EIR Addendum fails to account for new information and conditions:

The Addendum repeats information from the outdated TBAP FEIR from 2016,¹ which notably tiered from the even more outdated TRPA 2012 Regional Plan Update (RPU) EIR/S.

The 2016 FEIR for the TBAP concluded no impacts to evacuation/wildfire danger based on a variety of assumptions and speculation that is not supported by the facts.

1. Claim: There are limited development commodities available.

Fact: The 2016 FEIR conclusion was based on a limited number of commodities remaining available at that time.² However, TRPA has since amended its code to allow conversions from all types of commodities to other types (Chapter 51.4). In addition, the popularity of vacation rentals has significantly increased, making the “limited TAUs” reference in the FEIR irrelevant since residences are being used as TAUs but not regulated as such. Vacation rentals area also trending larger and accommodating far more visitors than anticipated in 2012, plus visitors tend to contribute more heavily to peak traffic conditions than residents and would be less familiar with the area and protocols during an emergency evacuation. In addition, there is concern with how to notify visitors if an emergency evacuation should be necessary. Most residents and

¹ “Impact 18-3 addressed impacts related to interfering with implementation of an emergency response plan or emergency evacuation plan. The Area Plan EIR determined that operation of the TBAP would not increase existing congestion that occurs in the Basin such that emergency evacuation would be impeded. Therefore, it would not hamper emergency response or evacuation plans and would result in a less than significant impact (Area Plan EIR pg. 18-23).

Impact 18-4 addressed impacts from exposing people to wildland fire hazards. The Area Plan EIR emphasized that the TBAP could result in a modest increase in the number of visitors in the plan area, and thus the number of people exposed to wildland fire hazards. However, future development under the TBAP would be required to comply with Regional Plan policies, existing local and state regulations for fire protection, and Area Plan policies for fire fuels reduction and increases in defensible space. Thus, impacts from exposing people to wildfire hazards would be less than significant.”

² “As described on page 5-10 of the Draft EIR/EIS and shown in Table 5-2, the commodities remaining for new development of future residential, commercial, and tourist uses within the Plan area are very limited. The remaining commodities available to Placer County include 43 residential development rights (an increase of 0.4 percent over existing); 77,175 square feet of commercial floor area (CFA), including remaining, unused rights and banked CFA, an increase of 5.9 percent); and 61 tourist accommodation units (TAUs), including remaining rights and banked TAUs (an increase of 2.3 percent).” (p. 3.1-32/33)

homeowners are likely to have signed up with Placer’s emergency notification system, but visitors would not receive those alerts.

2. Claim: Key intersections will be staffed by public safety officers manually directing traffic, and there will be no accidents or other factors limiting capacity.³

Fact: This assumption is mere speculation. For example, the 2016 FEIR did not analyze questions such as:

- Will adequate emergency personnel be able to take on this position immediately when a wildfire breaks out?
- What if the roads are already congested – how will the personnel travel to these strategic traffic-directing positions?
- Will emergency personnel also be located at every alternative/side street that people may attempt to use in their panic?
- How will people react in a panicked situation where they are fleeing a fast-moving fire?
- What happens if the smoke is so dense and/or spot fires are happening in these locations where officers will presumably be directing traffic? Will people be able to see them and follow directions?
- What happens if an accident or stalled vehicle blocks the only egress route?
- What about other possibilities such as error in evacuation-related technology. For example, fire officials mentioned during an 8/17/23⁴ Town Hall webinar that there was a glitch in their system that caused the plan to stagger evacuations to not work. Plans do not always work as intended, nor does technology. Also, there is spotty cell service in the Tahoe Basin, so that technology also may not be available for emergency evacuation.

3. Claim: Traffic will exceed roadway capacity under any scenario

Fact: This is correct, however there has been no analysis of the impacts to evacuation and roadway capacity based on existing (e.g. 2023) conditions or how long it takes for roadway capacity to be exceeded under existing conditions and with the proposed amendments.

Ironically, the FEIR also recognizes that traffic would exceed roadway capacities even outside of peak hours.⁵ This is based on traffic data from a period of time with less traffic than current conditions and without considering the impacts of approved/not-yet-built projects or current large projects undergoing agency approvals.

4. Claim: “[G]iven the extensive geography of the area (roughly 15 miles from end to end) it is unlikely that a condition requiring full evacuation of the entire area would occur.”⁶

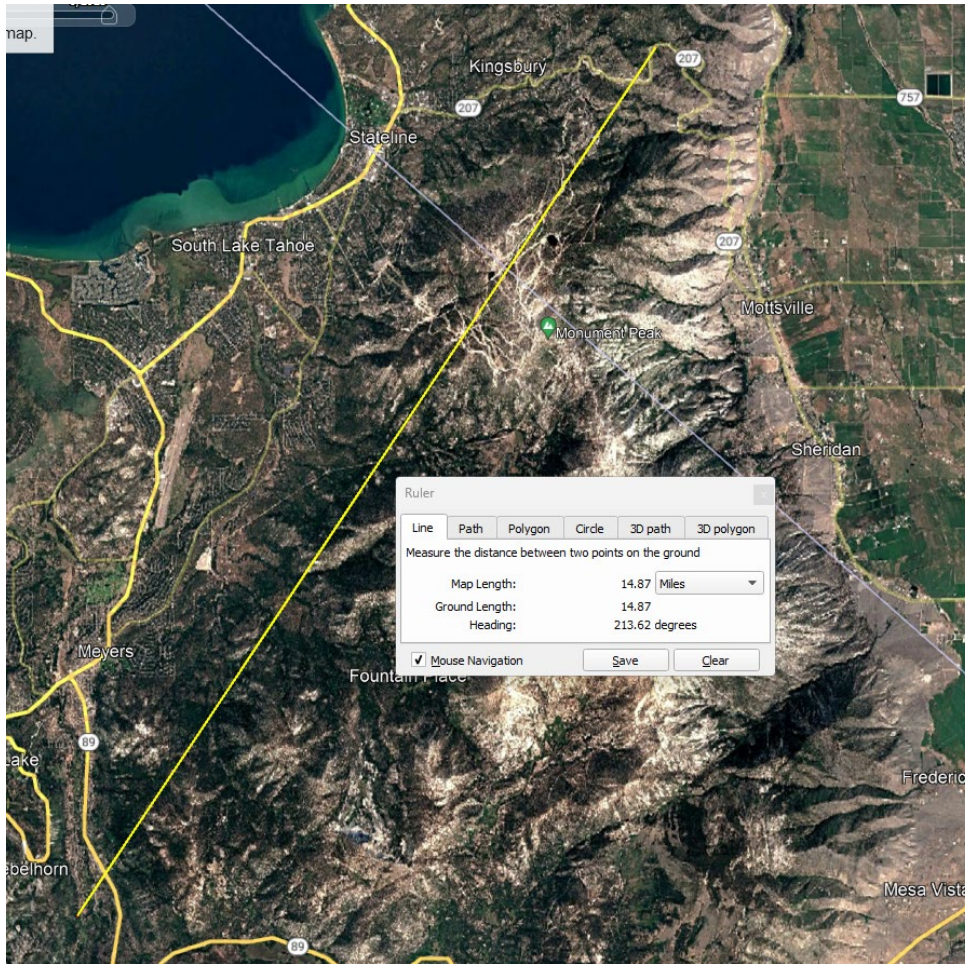
Fact: The entire South Shore area from Christmas Valley/Tahoe Paradise, including Meyers, South Lake Tahoe, Stateline, and Kingsbury Grade was evacuated for the Caldor Fire in 2021, and gridlock occurred even though people had advance warning, the highway was four lanes, and there were multiple routes to evacuate. This area spanned approximately **15 miles**.

³ 2016 FEIR, p. 3.3-34.

⁴ <https://www.placer.ca.gov/9252/Evac-and-Emergency-Prep-Town-Hall>

⁵ “Emergency evacuation conditions would likely result in traffic demand that exceeds roadway capacities under any scenario and at any hour, not just at normal peak traffic periods.” (FEIR, P. 3.3-32)

⁶ FEIR, p. 3.1-32.



5. Claim: Reliance on the analysis in the 2016 FEIR (and the 2012 TRPA RPU it tiered from) are sufficient for ‘analyzing’ the impacts of the proposed TBAP amendments

Fact: New Wildfire Guidance for CEQA analysis (“Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act”) was released by the CA Attorney General in October 2022 which was not available in 2016 (attached).

Fact: Wildfires do not behave the way they used to in 2012 or even 2016:

a) Rates of spread/size of wildfire:

The rates of spread, distance of spotting, and size of fires has grown significantly. For example:

- “[L]ong-time firefighters will tell you ‘these days, wildland fires are far from ordinary.’ Exacerbated by drought and climate change, they can spread over hundreds of thousands of acres and burn with an intensity that once was uncommon... On the night of Aug. 16, when the Caldor fire was only three days old. the wind picked up, bending the flames northeast toward Lake Tahoe Basin, about 30 miles away. Fanned by the wind and fueled by dense, overstocked forests, the fire grew

at unprecedented rates ranging from 10,000 to 40,000 acres per day." (United States Forest Service, Lake Tahoe Basin Management Unit, 2021⁷). [Emphasis added]

- "Western wildfires have dramatically intensified over the last decade alone, he pointed out. Climate change is spurring the worsening blazes with rising temperatures and prolonged drought...[California] is now increasingly prone to catastrophic "megafires," capable of gobbling up hundreds of thousands of acres and destroying entire towns. According to the California Department of Forestry and Fire Protection, 12 of the state's top 20 largest blazes on record have all occurred within the last five years." (Scientific American, 2022⁸) [Emphasis added]
- During the camp fire, embers traveled upwards of 7 miles away, starting new fires.⁹

There have been significant changes in wildfire behavior and forest conditions in the past seven years that have not been addressed by the analysis.

- b) ***Evacuation conditions:*** While the evacuations for the Caldor and Mosquito Fires were successful, circumstances were different. The Lake Tahoe Basin officials had weeks to anticipate the Caldor Fire and the time to employ a staggered evacuation of different areas so that the entire area was not evacuated on the same day or within the same time period. There were also numerous highways available for evacuation. There is just one two-lane highway for evacuating the West Shore (SR 89). The circumstances are simply not comparable. In addition to gridlock, all it would take is for one vehicle to stall or one accident to occur and block the roadway during an evacuation. While it has been stated that emergency officials would set it up for both lanes of the highway to be going in the direction of evacuees, there is still no guarantee that an accident wouldn't block both lanes, plus this would also get back to the issues raised previously about whether emergency personnel would be immediately available in all relevant locations to direct traffic in the first place. There would be no alternative, unlike existed during the Caldor Fire's staggered evacuations. In addition, most evacuees during the Caldor Fire were locals that would be expected to be more familiar with evacuation emergencies since smoke had driven tourism down in the days prior to the evacuation. During typical peak periods, it should be assumed that a large number of evacuees would not be locals and would therefore be even less prepared to deal with an evacuation situation. These are just more examples of the types of conditions, potential outcomes, and other options that should be evaluated in a full EIR.
- c) ***Rate of spread and evacuation time:*** The 2016 FEIR states: "*assuming that manual traffic controls within the Plan area provide the necessary capacity to the egress points, and there are no accidents or other factors limiting capacity), under current conditions the area could be evacuated in 3.77 hours. For the future alternatives (including no project), this figure increases to a low of 4.42 hours (Alternative 3) and a high of 4.44 hours (Alternative 1).*" Since these estimates were based on outdated traffic counts and other assumptions that are no longer representative of existing conditions, and they assume humans will behave calmly, public safety officials will immediately show up at all affected intersections to smoothly direct traffic, no accidents will occur or vehicles will stall, and so on, it is expected that these times would

⁷ <https://www.fs.usda.gov/features/caldor-fire-defending-lake-tahoe-basin>

⁸ <https://www.scientificamerican.com/article/what-megafires-can-teach-us-about-california-mega-floods/>

⁹ NIST Technical Note 2135. A Case Study of the Camp Fire – Fire Progression Timeline (2021); <https://doi.org/10.6028/NIST.TN.2135>

be much longer. The 2018 Camp Fire in Paradise, CA, did most of its damage within just four hours.¹⁰

CEQA Triggers warranting additional analysis:

Circumstances have changed – Fire severity and behavior has become significantly more severe and dangerous, megafires are more common, and the old ways of fighting fires are no longer working to slow or stop such fires. Plus, there are significantly more full-time residents and visitors in the Basin, especially during the time of year when fire danger is highest.

There are new significant environmental effects or a substantial increase in severity of previously identified significant effects – With the increased fire danger, increased population and visitation, existing traffic congestion already experienced on our roadways, and changes in fire behavior, there are new effects related to public safety that warrant analysis and mitigation.

There are additional significant effects not discussed in the EIR – The EIR has not discussed the cumulative impacts of the amendments along with existing traffic conditions and the increased traffic associated with currently approved but not-yet-built projects on the north and west shores (and the Tahoe/Truckee region).

There are additional mitigation measures that could be adopted to mitigate impacts but were declined – The increased popularity of vacation rentals has resulted in an increase in visitor traffic and the placement of visitors in neighborhoods, rather than in the more “walkable” Town Centers where the 2012 RPU claimed tourist units would be focused. While the amendments include measures to affect the cap on VHRs based on the development of new tourist accommodation units, this still means more tourists are driving to the basin (whether to now existing VHRs or the future hotels/motels). There is no consideration of a reduction in VHRs and re-evaluation of the capacity of the area to handle *current* extensive visitation, let alone *increased* visitation. There are also no mitigation measures aiming to discourage day visitation or adequately establish a public transit system that visitors will actually use from outside of the Basin.

Recommendation:

FOWS recommends a full, new EIR providing a comprehensive analysis of existing 2023 conditions, the current state of knowledge regarding wildfire threats, trends, rates of spread, and forecasted impacts due to climate change and other factors, and all factors that would affect emergency evacuation and access. FOWS also recommends the use of current modeling tools that can assess the various ways fire could spread based on a variety of factors and that this information be utilized to evaluate the impacts of the project and plan accordingly.

In addition, an adequate environmental analysis based on the California Attorney General’s “Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California

¹⁰ “The Camp Fire caused at least 85 civilian fatalities, with one person still missing as of August 2, 2019,^[8] and injured 12 civilians and five firefighters. It covered an area of 153,336 acres (620.5 km²; 239.6 sq mi), and destroyed more than 18,000 structures, with most of the destruction occurring within the first four hours.”¹⁰ [Emphasis added].

Environmental Quality Act” Guidance is needed to ensure public health and safety are appropriate analyzed, disclosed, and mitigated.

ENVIRONMENTAL & TRAFFIC ANALYSIS

FOWS believes that there needs to be an updated environmental analysis based on **existing** conditions and populations specific to the north and west shore communities that will be affected by the TBAP and not basin-wide data. Placer County is proposing to do a Categorical Exemption and TRPA will do an environmental checklist, both of which will tier from the EIR/S's done for the 2016 Tahoe Basin Area Plan (TBAP) and 2012 TRPA Regional Plan Update (RPU). Since the TBAP relied heavily on the analysis from the 2012 RPU, which was based primarily on 2010 data, this means that the ‘evaluation’ of these amendments is relying in large part on analyses that are almost 13 years old. Peak traffic, visitor and residential populations, and wildfire danger are among several parameters that have **significantly** changed since 2010. Further, the VMT numbers previously provided by John Hester to the Placer County Planning Commission reflect all VMT on the California side of the lake, including South Shore areas where vehicle counts have in the past trended down while north shore saw increases (which is not reflected when the data are combined/averaged), and exclude data from 2020 to present.¹¹ Yet 2020-2022 has seen a significant growth in both the local population (in large part from remote-workers moving to the area) and vehicle traffic and congestion. The impacts of the last three years need to be accounted for.

Comments on the Addendum:

The previous Area Plan analysis was based on traffic conditions that have significantly changed. The years being evaluated were questioned at the 8/1 Town Hall meeting and staff said that the amendments have been in the planning stages “for years”, the implication being that current conditions were not used because the process started several years ago. First, we believe an updated analysis is required by CEQA and would require impacts be analyzed based on existing conditions. Second, there is no question that there are currently more people and more traffic, along with worsening fire danger, compared to the 2016 Area Plan review and 2011 RPU review, so why would the county *knowingly* make a problem worse without first assessing how to reduce the already existing problem? It is imperative that land use planning ADAPTS to changing conditions. We should not be pursuing plans that will knowingly create public safety and environmental impacts simply because the planning has been ‘in the works’.

For example, if one examines the most recently available published traffic volumes from Caltrans (2021) for intersections within the Tahoe Basin, the average increase in average annual daily traffic (AADT) is 50%. In fact, six of the nine count locations from Bliss S. P. Road to the Tahoe City Maintenance Station experienced increases of over 50%, with the Ward Creek bridge along the West Shore increasing by 82%!

¹¹ Footnote 2 states: “2 Highway Performance Monitoring System figures are for the California part of the Basin. The figure for 2019 is 1,014,920 which is a decrease of 5.4%. The 2019 figure and percentage are provided as the 2020 figure may reflect the impact of the COVID-19 pandemic for March and later months in that year.”

DISTRICT	RTE	RTE_SFX	CNTY	PM_PFX	PM	PM_SFX	DESCRIPTION	BACK_PEAK_HOUR	BACK_PEAK_IADT	BACK_AADT	AHEAD_PEAK_HOU	AHEAD_PEAK_IADT	AHEAD_AADT	Change since 2020 (AHEAD_AADT)	
2021 Annual													<i>Increase since 2020</i>	<i>%</i>	
03	089		ED		19.54		BLISS MEMORIAL STATE PARK ROAD	340	3450	2200	420	4000	2650	700	35.90%
03	089		ED		22.77		RUBICON GLEN DRIVE	420	4000	2650	380	3900	2450	650	36.11%
03	089		ED		27.406		EL DORADO/PLACER COUNTY LINE	680	7700	4150				1450	53.70%
03	089		PLA		0		EL DORADO/PLACER COUNTY LINE				680	7700	4150	1450	53.70%
03	089		PLA		.85		MC KINNEY CREEK ROAD	980	10000	5400	490	10400	5700	2000	54.05%
03	089		PLA		5.812		WARD CREEK BRIDGE	1000	8400	6900	1000	8400	6900	3100	81.58%
03	089		PLA		6.46		FIR AVENUE	950	7800	5900	950	7800	6000	2100	53.85%
03	089		PLA	T	8.569		TAHOE CITY, JCT. RTE. 28 EAST	1100	18100	12700	2000	27000	15700	5500	53.92%
03	089		PLA		8.9		TAHOE CITY STATE HIGHWAY MAINTENANCE	1450	16000	11900	1450	16000	11900	2200	22.68%
2020 Annual													AVERAGE:	49.50%	
03	089		ED		19.540		BLISS MEMORIAL STATE PARK ROAD	250	2550	1800	310	2950	1950		
03	089		ED		22.770		RUBICON GLEN DR	310	2950	1950	280	2900	1800		
03	089		ED		27.406		EL DORADO/PLACER COUNTY LINE	430	3600	2700					
03	089		PLA		0.000		EL DORADO/PLACER COUNTY LINE				430	3600	2700		
03	089		PLA		0.850		MC KINNEY CREEK ROAD	620	5000	3500	310	5200	3700		
03	089		PLA		5.812		WARD CREEK BRIDGE	480	4000	3800	480	4000	3800		
03	089		PLA		6.460		FIR AVE	480	4000	3800	480	4000	3900		
03	089		PLA	T	8.569		TAHOE CITY, JCT. RTE. 28 EAST	1100	14700	10300	1000	13700	10200		
03	089		PLA		8.900		TAHOE CITY STATE HIGHWAY MAINTENANCE	1400	13000	9700	1400	13000	9700		

Change since 2020 (AHEAD_AADT)	
<i>Increase since 2020</i>	<i>%</i>
700	35.90%
650	36.11%
1450	53.70%
1450	53.70%
2000	54.05%
3100	81.58%
2100	53.85%
5500	53.92%
2200	22.68%
AVERAGE:	49.50%

CEQA Triggers warranting additional analysis:

Circumstances have changed – One need not look far to see a new article or report about how crowded the Basin currently is and warnings to avoid the traffic jams in Tahoe and recreate somewhere else. Since 2020, the residential population has increased as a result of remote work and the “COVID migration” of thousands of people who moved to the Basin full time. In the last few years, visitation to the basin has also significantly increased. Relying on population and traffic counts from 2000-2020 fails to capture these existing conditions and underrepresents the already congested and dangerous traffic levels in the Basin (as noted above, average AADT increase by 50% between 2020 and 2021). The Addendum includes no analysis of the impacts of the amendments, plus cumulative projects, in addition to the problems associated with current conditions. Circumstances have significantly changed and an updated traffic analysis is warranted.

There are new significant environmental effects or a substantial increase in severity of previously identified significant effects – With the increased fire danger, increased population and visitation, existing traffic congestion already experienced on our roadways, and changes in fire behavior, we believe the new effects related to public safety and emergency access/evacuation (if not also the impacts to lake clarity, which should be a priority as well), warrant an updated analysis and mitigation.

There are additional significant effects not discussed in the EIR – The EIR has not discussed the cumulative impacts of the amendments along with existing traffic conditions and the increased traffic associated with currently approved but not-yet-built projects on the north and west shores (and the Tahoe/Truckee region).

There are additional mitigation measures that could be adopted to mitigate impacts but were declined – The Addendum does not evaluate additional mitigation measures that could focus on addressing existing congested traffic.

Recommendation:

FOWS recommends an updated traffic analysis be performed in a comprehensive EIR based on existing conditions. This should include existing traffic counts, congestion times, current population and appropriate assumptions (e.g. the increased number of full time residents within the TBAP boundaries, as well as the larger North Tahoe-Truckee Region, that has occurred within the last three years), increases in day visitors, impacts of larger Metro-Regional population increases (e.g. Sacramento Valley/Bay Area, Reno/Carson), and other changes.

ALTERNATIVES

As noted in our previous comments, alternative options for providing affordable housing need to be analyzed and should be done as part of a comprehensive EIR analysis. Such options include:

1. Better regulation of and a reduction in short term rentals to provide more workforce and local housing;
2. Providing realistic incentives to second homeowners to encourage renting to locals;
3. Develop subsidized housing by government agencies and/or non-profits to allow development of units that would only be used for workforce affordable housing, and not mixed with luxury

and tourist units which only allot a small portion of the development (i.e. 10%) to affordable housing.

4. Land Trusts, in which the government agency or non-profit owns the land and leases or sells the housing to low-income residents. It would be deed-restricted. The cost is lower since the resident buyer does not own the land. When they leave, it remains affordable housing.

ATTACHMENT - FOWS COMMENTS TO PLANNING COMMISSION



Placer County Planning Commission
3091 County Center Drive
Auburn, CA 95603

August 8, 2023

Dear Members of the Planning Commission:

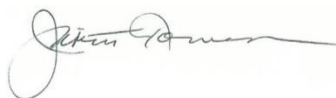
The Friends of the West Shore (FOWS) appreciates the opportunity to provide comments on the Proposed Tahoe Basin Area Plan (TBAP) amendments and associated Addendum #1 to a previously-certified Environmental Impact Report (Addendum). We also appreciate the efforts of staff to continue to relay information and discuss the amendments with the public, such as through the recent 8/1 online Town Hall meeting.

CEQA requires that subsequent environmental review is required when circumstances have changed, there are new significant environmental effects or a substantial increase in severity of previously identified significant effects, there are additional significant effects not discussed in the EIR, significant effects previously examined will be substantially more severe, and/or when there are additional mitigation measures that could be adopted to mitigate impacts but were declined. However, the Addendum fails to analyze new and more severe impacts associated with the amendments, including:

- Impacts associated with existing conditions with regards to traffic, wildfire danger and current fire movement trends, current north and west shore population, and visitation, which have changed significantly from the baseline data years analyzed by previous environmental documentation (e.g. 2010-2011 [traffic] or 2020 [population]) from which the Area Plan reviews continue to tier. Basing solutions to new problems on old, un-representative data is not an effective way to plan.
- Emergency Evacuation and access for responders
- Current CEQA Guidance for Analyzing and Mitigating Wildfire Impacts of Development Projects
- Cumulative Impacts of other approved but not yet constructed projects in the area
- Increasing residential and visitor populations without addressing existing problems from - let alone adding to - traffic, congestion, and emergency access/evacuation
- Impact of the proposed reduction in parking requirements on congestion and spillover to residential streets; and
- The concern with the continued loss of scenic views for the residents and visitors to enjoy

Detailed comments are enclosed. FOWS requests that the amendments be postponed unless and until a comprehensive environmental analysis based on existing conditions is performed. Thank you for considering these comments.

Sincerely,



Judith Tornese,
President

The following list outlines FOWS concerns and recommendations regarding the proposed TBAP amendments. FOWS has submitted similar comments and recommendations in the past, however they have not been addressed in the Addendum. Additional information based on the new Addendum follows each topic in blue text.

EMERGENCY EVACUATION

FOWS does not support the proposed amendments at this time because they aim to increase the residential and visitor populations on the north and west shore **without first addressing the existing conditions, recent population and visitation increases, and dangerous traffic jams that pose serious public health and safety concerns, especially with wildfire danger increasing every year.** With only a two-lane highway on the North and West Shores of Lake Tahoe, *any* increase in traffic and people will exacerbate a congested exodus in the event of a wildfire evacuation or other emergency need.

RECOMMENDATION:

FOWS recommends a comprehensive analysis of existing conditions, wildfire danger, and all factors that would affect emergency evacuation and access. In addition, an adequate environmental analysis based on the California Attorney General's "Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act" Guidance is needed to ensure public health and safety are protected. Such parameters were not analyzed for the TBAP or 2012 RPU adoptions and wildfire danger has significantly increased in the past ten years.

ADDENDUM:

The Addendum repeats information from the outdated Area Plan analysis,¹ which notably tiered from the TRPA 2012 Regional Plan Update (RPU) EIR/S, which used 2010 and 2011 data. Further, there is no consideration of the "Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act" released in October 2022 by the California Attorney General.

CEQA Triggers:

Circumstances have changed – Fire severity and behavior has become significantly more severe and dangerous, megafires are more common, and the old ways of fighting fires are no longer working to slow or stop such fires. Plus, there are significantly more full-time residents and visitors in the Basin, especially during the time of year when fire danger is highest.

There are new significant environmental effects or a substantial increase in severity of previously identified significant effects – With the increased fire danger, increased population and visitation,

¹ "Impact 18-3 addressed impacts related to interfering with implementation of an emergency response plan or emergency evacuation plan. The Area Plan EIR determined that operation of the TBAP would not increase existing congestion that occurs in the Basin such that emergency evacuation would be impeded. Therefore, it would not hamper emergency response or evacuation plans and would result in a less than significant impact (Area Plan EIR pg. 18-23).

Impact 18-4 addressed impacts from exposing people to wildland fire hazards. The Area Plan EIR emphasized that the TBAP could result in a modest increase in the number of visitors in the plan area, and thus the number of people exposed to wildland fire hazards. However, future development under the TBAP would be required to comply with Regional Plan policies, existing local and state regulations for fire protection, and Area Plan policies for fire fuels reduction and increases in defensible space. Thus, impacts from exposing people to wildfire hazards would be less than significant."

existing traffic congestion already experienced on our roadways, and changes in fire behavior, we believe there are new effects related to public safety that warrant analysis and mitigation.

There are additional significant effects not discussed in the EIR – The EIR has not discussed the cumulative impacts of the amendments along with existing traffic conditions and the increased traffic associated with currently approved but not-yet-built projects on the north and west shores (and the Tahoe/Truckee region).

There are additional mitigation measures that could be adopted to mitigate impacts but were declined – The increased popularity of vacation rentals has resulted in an increase in visitor traffic and the placement of visitors in neighborhoods, rather than in the more “walkable” Town Centers where the 2012 RPU claimed tourist units would be focused. While the amendments include measures to affect the cap on VHRs based on the development of new tourist accommodation units, this still means more tourists are driving to the basin (whether to now existing VHRs or the future hotels/motels). There is no consideration of a reduction in VHRs and re-evaluation of the capacity of the area to handle *current* extensive visitation, let alone *increased* visitation. There are also no mitigation measures aiming to discourage day visitation or adequately establish a public transit system that visitors will actually use from outside of the Basin.

ENVIRONMENTAL & TRAFFIC ANALYSIS

FOWS believes that there needs to be an updated environmental analysis based on **existing** conditions and populations specific to the north and west shore communities that will be affected by the TBAP and not basin-wide data. Placer County is proposing to do a Categorical Exemption and TRPA will do an environmental checklist, both of which will tier from the EIR/S's done for the 2016 Tahoe Basin Area Plan (TBAP) and 2012 TRPA Regional Plan Update (RPU). Since the TBAP relied heavily on the analysis from the 2012 RPU, which was based primarily on 2010 data, this means that the ‘evaluation’ of these amendments is relying in large part on analyses that are almost 13 years old. Peak traffic, visitor and residential populations, and wildfire danger are among several parameters that have **significantly** changed since 2010. Further, the VMT numbers provided by John Hester to the Placer County Planning Commission reflect all VMT on the California side of the lake, including South Shore areas where vehicle counts have in the past trended down while north shore saw increases (which is not reflected when the data are combined), and exclude data from 2020 to present.² Yet 2020-2022 has seen a significant growth in both the local population (in large part from remote-workers moving to the area) and vehicle traffic and congestion. The impacts of the last three years need to be accounted for.

RECOMMENDATION:

FOWS recommends an updated traffic analysis be performed based on existing conditions. This should include existing traffic counts, congestion times, current population and appropriate assumptions (e.g. the increased number of full time residents within the TBAP boundaries, as well as the larger North Tahoe-Truckee Region, that has occurred within the last three years), increases in day visitors, impacts of larger Metro-Regional population increases (e.g. Sacramento Valley/Bay Area, Reno/Carson), and other changes.

² Footnote 2 states: “2 Highway Performance Monitoring System figures are for the California part of the Basin. The figure for 2019 is 1,014,920 which is a decrease of 5.4%. The 2019 figure and percentage are provided as the 2020 figure may reflect the impact of the COVID-19 pandemic for March and later months in that year.”

ADDENDUM:

The previous Area Plan analysis was based on traffic conditions that have significantly changed. The years being evaluated were questioned at the 8/1 Town Hall meeting and staff said that the amendments have been in the planning stages “for years”, the implication being that current conditions were not used because the process started several years ago. First, we believe an updated analysis is required by CEQA and would require impacts be analyzed based on existing conditions. Second, there is no question that there are currently more people and more traffic, along with worsening fire danger, compared to the 2016 Area Plan review and 2011 RPU review, so why would the county *knowingly* make a problem worse without first assessing how to reduce the already existing problem? It is imperative that land use planning ADAPTS to changing conditions. We should not be pursuing plans that will knowingly create public safety and environmental impacts simply because the planning has been ‘in the works’.

CEQA Triggers:

Circumstances have changed – One need not look far to see a new article or report about how crowded the Basin currently is and warnings to avoid the traffic jams in Tahoe and recreate somewhere else. Since 2020, the residential population has increased as a result of remote work and the “COVID migration” of thousands of people who moved to the Basin full time. In the last few years, visitation to the basin has also significantly increased. Relying on population and traffic counts from 2000-2020 fails to capture these existing conditions and underrepresents the already congested and dangerous traffic levels in the Basin. The Addendum includes no analysis of the impacts of the amendments, plus cumulative projects, in addition to the problems associated with current conditions. Circumstances have significantly changed and an updated traffic analysis is warranted.

There are new significant environmental effects or a substantial increase in severity of previously identified significant effects – With the increased fire danger, increased population and visitation, existing traffic congestion already experienced on our roadways, and changes in fire behavior, we believe the new effects related to public safety and emergency access/evacuation (if not also the impacts to lake clarity, which should be a priority as well), warrant an updated analysis and mitigation.

There are additional significant effects not discussed in the EIR – The EIR has not discussed the cumulative impacts of the amendments along with existing traffic conditions and the increased traffic associated with currently approved but not-yet-built projects on the north and west shores (and the Tahoe/Truckee region).

There are additional mitigation measures that could be adopted to mitigate impacts but were declined – The Addendum does not evaluate additional mitigation measures that could focus on addressing existing congested traffic.

CUMULATIVE IMPACTS

There are many large traffic-generating projects along the West and North shores in various stages of the permitting and/or development pipeline, including but not limited to the Tahoe City Lodge, the Boatworks redevelopment, Palisades Tahoe, Homewood Mountain Resort, and Boulder Bay. The cumulative impact of all these projects added to *existing* traffic conditions should be evaluated prior to adopting these Area Plan amendments, especially considering the impacts of the additional traffic on emergency evacuation and access.

RECOMMENDATION:

The current traffic problems are occurring prior to the development of numerous additional large projects that have been approved but not yet constructed (e.g. Homewood Mountain Resort, Boulder Bay, and other projects [as listed in comments from NTPAC]). The traffic analysis needs to incorporate the anticipated transportation and population impacts of these projects. Previous analyses using data and assumptions from over ten years ago are no longer valid due to the significant changes the region has experienced in that time.

ADDENDUM:

There is no analysis of the cumulative impacts of the proposed amendments in addition to approved but not-yet-built projects in the region and based on existing conditions. As noted throughout individual topics, we believe the CEQA triggers for additional analysis are met, especially for analyzing traffic, wildfire danger, emergency access/evacuation, and population.

AFFORDABLE HOUSING

FOWS recognizes and supports the need for affordable and low income housing, but believes that Placer should find housing solutions that are consistent with the zoning under the current Area Plans approved in 2017. FOWS also want to preserve the rural atmosphere of West Shore communities. The proposal assumes that simply making it easier to permit more units will solve the affordable housing problem. What is the anticipated low-income housing cost and what is the evidence to support that it would be affordable? What about the impacts of Short-term Vacation Rentals on affordable housing? What other trends in the economy/society have contributed to the affordable housing shortage? For example, how many workforce rentals have been lost due to remote workers who can now live here full time? Are there other programs or actions that could further incentivize second homeowners to rent out their units full time and/or the development of inactive or vacant properties? How will the increased cost of building materials/inflation affect such housing? How could tax incentives and government subsidies incentivize additional affordable housing without changing the existing design standards (e.g. building height and width, parking provisions, etc.).

RECOMMENDATION:

FOWS supports policies and programs that will increase affordable housing, including the proposal to allow “Tiny Houses” and otherwise support Accessory Dwelling Units (ADUs). However, there are many remaining questions about other approaches to help provide more affordable housing, such as requiring new hotel projects to include workforce housing near the project. Further, we agree with comments and concerns expressed by the League to Save Lake Tahoe (LTSLT) regarding “Affordable Housing and Mixed-Use Development” and “Developing a Guide for allocation and conversion of commodities.” (12/7/2022 LTSLT Comments to Placer County Planning Commission). We recommend these questions and comments be addressed to truly encourage more affordable housing.

ADDENDUM:

The proposed amendments are based solely on the premise that more development will help provide affordable housing. The analysis has failed to examine other factors and policies that are affecting the affordability of housing and/or that could help mitigate the problem. As noted above and in previous comments, numerous questions remain:

- What about the impacts of Short-term Vacation Rentals on affordable housing?

- What other trends in the economy/society have contributed to the affordable housing shortage? For example, how many workforce rentals have been lost due to remote workers (with higher incomes from jobs out of the area) who can now live here full time?
- Are there other programs or actions that could further incentivize second homeowners to rent out their units full time and/or the development of inactive or vacant properties?
- How will the increased cost of building materials/inflation affect such housing?
- How could tax incentives and government subsidies incentivize providing affordable housing through existing housing stock?
- Can new and existing taxes that have been imposed on Tahoe businesses and/or collected from tourist units be used to help subsidize workforce housing? For example, given visitors use the same services that are provided by many of those who need the affordable/workforce housing, could the TOT tax be used to help subsidize such housing. Current over-visitation in the area would suggest that fewer funds are needed to “promote” more tourism.

CEQA Triggers:

There are additional mitigation measures that could be adopted to mitigate impacts but were declined
= The Addendum does not evaluate additional mitigation measures that could address the shortage in affordable housing, including policies related to reducing the number of existing vacation rentals.

FOWS also reiterates previous comments in the attached 3/9/2023 comment letter not repeated herein. In addition, we add the following:

- We are concerned that the reduction in setbacks on the lake side in Town Centers will reduce/eliminate view corridors toward the lake.
- We do not support the proposal to eliminate Design Review for Multi-Family Residential Development with 15 units or fewer (1.04.E). Fifteen units of undetermined size could drastically change a neighborhood or small community and the public should have the opportunity to review and comment on such projects.

We request that the amendments be postponed unless and until a comprehensive environmental analysis based from **existing** conditions is performed. Thank you for considering these comments.

Sincerely,



Judith Tornese,
President

Cc: TRPA, Jacob Stock
TRPA, John Hester
Placer County, Stacy Wydra
Placer County, Emily Setzer



Placer County Community Development Resource Agency
Attn: Crystal Jacobsen, Deputy Director
3091 County Center Drive
Auburn, CA 95603

March 6, 2023

Dear Ms. Jacobsen:

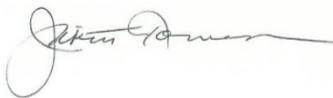
The Friends of the West Shore (FOWS) appreciates the opportunity to provide comments on the Proposed Tahoe Basin Area Plan (TBAP) amendments associated with the currently-scheduled March 9th Public Workshop. However, we would first like to urge the county to postpone this in-person only meeting. Our region has experienced record-breaking storms bringing substantial amounts of snow to our area. This has resulted in significant impacts to our roadway system and created dangerous driving conditions. At this time, the NOAA forecast includes snow every day through Thursday and beyond. Even if new snowfall is minor in the 2-3 days leading up to the workshop, many will still be digging out from the storms and as we've seen multiple times this winter, roadway operations cannot 'catch up' with widening and creating safe conditions in such a short period of time due to the already-substantial snowfall. We believe the meeting should be postponed until those who want to attend can safely travel to the meeting, and/or that online attendance options be provided.

It is our understanding that no changes to the amendments have been proposed since they were last presented to the Placer County Planning Commission on 12/4/2022 and TRPA Regional Plan Implementation Committee on 12/14/2022. Therefore, our previous comments expressing concerns and recommendations regarding the following topics are attached to this letter:

- Emergency Evacuation
- Analysis of Environmental Impacts and Traffic
- Cumulative Impacts
- Affordable Housing
- Public Involvement and TBAP Planning Teams
- Multi-Use Permits
- Parking
- Scenic Resource Impacts

FOWS requests that the amendments be postponed unless and until a comprehensive environmental analysis based on existing conditions (and current TRPA environmental thresholds, e.g. the revised VMT standard) and adequate public engagement is performed. Thank you for considering these comments.

Sincerely,



Judith Tornese,
President

Cc: Jacob Stock, Tahoe Regional Planning Agency



Tahoe Regional Planning Agency
Regional Plan Implementation Committee
128 Market St.
Stateline, NV 89449

December 13, 2022

Dear Members of the Regional Plan Implementation Committee and staff:

The Friends of the West Shore (FOWS) appreciates the opportunity to provide comments on the Proposed Tahoe Basin Area Plan (TBAP) amendments. FOWS mission is to work toward the preservation, protection, and conservation of the West Shore, our watersheds, wildlife, and rural quality of life, for today and future generations. FOWS represents community interests from Emerald Bay to south of Tahoe City.

The following list outlines FOWS concerns and recommendations regarding the proposed TBAP amendments.

- **EMERGENCY EVACUATION** FOWS does not support the proposed amendments at this time because they aim to increase the residential and visitor populations on the north and west shore **without first addressing the existing conditions, recent population and visitation increases, and dangerous traffic jams that pose serious public health and safety concerns, especially with wildfire danger increasing every year.** With only a two-lane highway on the North and West Shores of Lake Tahoe, *any* increase in traffic and people will exacerbate a congested exodus in the event of a wildfire evacuation or other emergency need.

RECOMMENDATION:

FOWS recommends a comprehensive analysis of existing conditions, wildfire danger, and all factors that would affect emergency evacuation and access. In addition, an adequate environmental analysis based on the California Attorney General's "Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act" Guidance is needed to ensure public health and safety are protected. Such parameters were not analyzed for the TBAP or 2012 RPU adoptions and wildfire danger has significantly increased in the past ten years.

- **ENVIRONMENTAL & TRAFFIC ANALYSIS** FOWS believes that there needs to be an updated environmental analysis based on **existing** conditions and populations specific to the north and west shore communities that will be affected by the TBAP and not basin-wide data. Placer County is proposing to do a Categorical Exemption and TRPA will do an environmental checklist, both of which will tier from the EIR/S's done for the 2016 Tahoe Basin Area Plan (TBAP) and 2012 TRPA Regional Plan Update (RPU). Since the TBAP relied heavily on the analysis from the 2012 RPU, which was based primarily on 2010 data, this means that the 'evaluation' of these amendments is relying in large part on analyses that are almost 13 years old. Peak traffic, visitor and residential populations, and wildfire danger are among several parameters that have **significantly** changed since 2010. Further, the VMT numbers provided by John Hester to the Placer County Planning Commission reflect all VMT on the California side of the lake, including

¹ Information presented by John Hester to the Placer County Planning Commission on 12/8 shows basin-wide population data only.

South Shore areas where vehicle counts have in the past trended down while north shore saw increases (which is not reflected when the data are combined), and exclude data from 2020 to present.² Yet 2020-2022 has seen a significant growth in both the local population (in large part from remote-workers moving to the area) and vehicle traffic and congestion. The impacts of the last three years need to be accounted for.

RECOMMENDATION:

FOWS recommends an updated traffic analysis be performed based on existing conditions. This should include existing traffic counts, congestion times, current population and appropriate assumptions (e.g. the increased number of full time residents within the TBAP boundaries, as well as the larger North Tahoe-Truckee Region, that has occurred within the last three years), increases in day visitors, impacts of larger Metro-Regional population increases (e.g. Sacramento Valley/Bay Area, Reno/Carson), and other changes.

- CUMULATIVE IMPACTS There are many large traffic-generating projects along the West and North shores in various stages of the permitting and/or development pipeline, including but not limited to the Tahoe City Lodge, the Boatworks redevelopment, Palisades Tahoe, Homewood Mountain Resort, and Boulder Bay. The cumulative impact of all these projects added to *existing* traffic conditions should be evaluated prior to adopting these Area Plan amendments, especially considering the impacts of the additional traffic on emergency evacuation and access.

RECOMMENDATION:

The current traffic problems are occurring prior to the development of numerous additional large projects that have been approved but not yet constructed (e.g. Homewood Mountain Resort, Boulder Bay, and other projects [as listed in comments from NTPAC]). The traffic analysis needs to incorporate the anticipated transportation and population impacts of these projects. Previous analyses using data and assumptions from over ten years ago are no longer valid due to the significant changes the region has experienced in that time.

AFFORDABLE HOUSING FOWS recognizes and supports the need for affordable and low income housing, but believes that Placer should find housing solutions that are consistent with the zoning under the current Area Plans approved in 2017. FOWS also want to preserve the rural atmosphere of West Shore communities. The proposal assumes that simply making it easier to permit more units will solve the affordable housing problem. What is the anticipated low-income housing cost and what is the evidence to support that it would be affordable? What about the impacts of Short-term Vacation Rentals on affordable housing? What other trends in the economy/society have contributed to the affordable housing shortage? For example, how many workforce rentals have been lost due to remote workers who can now live here full time? Are there other programs or actions that could further incentivize second homeowners to rent out their units full time and/or the development of inactive or vacant properties? How will the increased cost of building materials/inflation affect such housing? How could tax incentives and government subsidies incentivize additional affordable housing without changing the existing design standards (e.g. building height and width, parking provisions, etc.).

² Footnote 2 states: “2 Highway Performance Monitoring System figures are for the California part of the Basin. The figure for 2019 is 1,014,920 which is a decrease of 5.4%. The 2019 figure and percentage are provided as the 2020 figure may reflect the impact of the COVID-19 pandemic for March and later months in that year.”

RECOMMENDATION:

FOWS supports policies and programs that will increase affordable housing, including the proposal to allow “Tiny Houses” and otherwise support Accessory Dwelling Units (ADUs). However, there are many remaining questions about other approaches to help provide more affordable housing, such as requiring new hotel projects to include workforce housing near the project. Further, we agree with comments and concerns expressed by the League to Save Lake Tahoe (LTSLT) regarding “Affordable Housing and Mixed-Use Development” and “Developing a Guide for allocation and conversion of commodities.” (12/7/2022 LTSLT Comments to Placer County Planning Commission). We recommend these questions and comments be addressed to truly encourage more affordable housing.

- PUBLIC INVOLVEMENT FOWS is also concerned that these amendments were prepared without engagement with the broader public, including the Planning Teams who spent years reviewing and compromising on the original Tahoe Basin Area Plan regulations. Now these amendments are being fast-tracked toward approvals while the general public is still just finding out about the changes.

RECOMMENDATION:

The Tahoe Basin Area Plan teams that worked for years to develop the original TBAP should be re-engaged to review the proposed amendments and alternative options.

- MULTI-USE PERMITS On the West Shore, the proposal to change multi-unit uses from requiring a Minor Use Permit to being Allowed 'by right' means adjacent/nearby properties would not have to be notified of such developments. This takes the public out of the equation both at the permit-level stage and now at the planning stage (due to the lack of adequate engagement and review done with the public on the amendments).

RECOMMENDATION:

This amendment should be removed from the proposed amendments and existing zoning retained.

- PARKING The amendments also reduce, or in some cases, eliminate the requirement for parking for new units. FOWS is concerned that this may result in more vehicles parking along public roadways and in residential areas, creating traffic concerns and other impacts. We believe it is unrealistic to assume the new residents or visitors staying in the new units will not have vehicles that need to be parked somewhere.

RECOMMENDATION:

A comprehensive analysis of parking based on existing conditions and impacts from the anticipated vehicle use/numbers by new residents and visitors needs to be performed. While FOWS supports the concept of reducing vehicle use, no evidence has been presented showing that the new residents and visitors resulting from the amendments will not have vehicles that require parking. In fact, TRPA, Placer County and others often tout the “park once” approach in the Basin. While this would presumably reduce driving once within the Basin, those vehicles still need to park somewhere. In addition, another part of discouraging vehicle use and ownership is to provide adequate means to travel in the area without a personal vehicle. The local transit system continues to fall far short of providing such service. Until and unless sufficient, secured funding is available and a convenient, consistent, and more desirable

transit system is in place and shown to mitigate trips as assumed thus far in planning review documents, plans should not assume or rely on the availability of or mere distance from transit routes as a means to mitigate additional residential and visitor vehicle use.

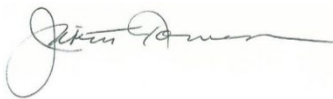
- SCENIC IMPACTS Extensive efforts went into the scenic protections in Town Centers in the original adoption of the TBAP. The amendments would allow for taller/wider buildings that may further block views of the mountains and lake. Suggestions that TRPA's scenic requirements will prevent scenic impacts makes little sense; the amendments themselves show the plan would allow for more height and massing than is currently allowed and there is no mitigation that can physically prevent taller and wider buildings from blocking views. In other words, there is no way to mitigate a lost view.

RECOMMENDATION:

Increased heights and allowances for wider buildings should be removed from the proposed amendments and the current height and width maximums retained. At minimum, the TBAP planning teams should be re-engaged and these proposed amendments carefully scrutinized by those teams. In addition, visual demonstrations of maximum building sizes (e.g. heights, widths) under the existing TBAP and under the proposed amendments (and any alternatives) should be provided so the public can be adequately informed of what the changes mean.

FOWS herein incorporates comments submitted by the North Tahoe Preservation Alliance, League to Save Lake Tahoe, and Ellie Waller. We request that the amendments be postponed unless and until a comprehensive environmental analysis based on existing conditions (and current TRPA environmental thresholds, e.g. the revised VMT standard) and adequate public engagement is performed. Thank you for considering these comments.

Sincerely,



Judith Tornese,
President

Cc: TRPA, Jacob Stock
TRPA, John Hester
Placer County, Stacy Wydra
Placer County, Emily Setzer



State of California
Office of the Attorney General

ROB BONTA
ATTORNEY GENERAL

**Best Practices for Analyzing and Mitigating Wildfire Impacts of
Development Projects Under the California Environmental Quality Act**

I. Introduction

Wildfires are part of California's present, and with the effects of climate change, an increasing part of our future. Development in fire-prone areas increases the likelihood that more destructive fires will ignite, fire-fighting resources will be taxed, more habitat and people will be put in harm's way or displaced, and more structures will burn. It is therefore imperative that local jurisdictions making decisions to approve new developments carefully consider wildfire impacts as part of the environmental review process, plan where best to place new development, and mitigate wildfire impacts to the extent feasible.

This guidance is designed to help lead agencies¹ comply with the California Environmental Quality Act, Public Resources Code, section 21000 et seq. (CEQA), when considering whether to approve projects in wildfire-prone areas. These areas are often in the wildland-urban interface, generally defined as the area where the built environment meets or intermingles with the natural environment.² The California Department of Forestry and Fire Protection (CAL FIRE) has classified lands based on fire hazard, the highest being those classified as high or very high fire hazard severity zones. It has also identified areas where the State (as opposed to a local agency) has responsibility for fire-fighting.³ Particularly in these high-risk areas, but also throughout the

¹ Lead agencies are any public agencies with "principal responsibility for carrying out or approving a project which may have a significant effect upon the environment." (Pub. Resources Code, § 21067.)

² CAL FIRE has published an instructive map on the wildland-urban interface in California: https://frap.fire.ca.gov/media/10300/wui_19_ada.pdf. The wildland-urban interface is defined differently by different agencies for different purposes, but the most widely used definition for wildfire purposes include the intermix and interface areas mapped by Radeloff et al. 2005, 2018. See Volker C. Radeloff, et al., *Rapid Growth of the US Wildland-Urban Interface Raises Wildfire Risk*. PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES USA, 115(13):3314-3319 (2018), available at <https://www.pnas.org/doi/10.1073/pnas.1718850115>.

³ See <https://osfm.fire.ca.gov/divisions/community-wildfire-preparedness-and-mitigation/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/>. Note that areas mapped by CAL FIRE as high or very high fire hazard are not always coextensive with the wildland-urban interface. In addition, CAL FIRE's maps are currently in the process of being updated and lead agencies should consult with CAL

wildland-urban interface, wildfire risks must be considered during the environmental review process for individual development projects.

This guidance provides suggestions for how best to comply with CEQA when analyzing and mitigating a proposed project's impacts on wildfire ignition risk, emergency access, and evacuation.⁴ This guidance is aimed at proposed development projects, such as residential, recreational, or commercial developments.⁵ The extent to which it applies will inherently vary by project, based on project design and location. This document does not impose additional requirements on local governments or alter any applicable laws or regulations. Rather, it is intended to provide guidance on some of the issues, alternatives, and mitigation measures that should be considered during the environmental review process. This guidance is based on the Office of the Attorney General's experience reviewing, commenting on, and litigating CEQA documents for projects in high wildfire prone areas, and is intended to assist lead agencies with their planning and approval of future projects. The guidance reflects current requirements and conditions and may need to be updated as changes occur.

II. Background

Although wildfires are and have been an important natural process throughout California's history, recent changes in fire frequency, intensity, and location are posing increasing threats to the residents and environment of California. More acres of California have burned in the past decade than in the previous 90 years⁶ and eight of the State's ten largest fires since 1932 have occurred in the last decade.⁷ While lightning is a common cause of some of the State's largest

FIRE before relying on the classifications listed on this map. CAL FIRE's list of state responsibility areas (defined as areas where the State of California, as opposed to a local agency, is financially responsible for prevention and suppression of wildfires) can be found at: <https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=468717e399fa4238ad86861638765ce1>. Each county should have a map of the very high or high fire hazard severity zones in its jurisdiction, and they are also included on the CAL FIRE zone map: <https://egis.fire.ca.gov/FHSZ/>.

⁴ Readers who want to determine their legal obligations under CEQA should consult their own attorney for legal advice.

⁵ This guidance is not intended to apply to state and local agency fire management activities, such as prescribed burns, approval of vegetation management plans to reduce wildfire risk, and review of timber harvesting plans.

⁶ CAL FIRE, Top 20 Largest California Wildfires (Jan. 13, 2022), available at https://www.fire.ca.gov/media/4jandlhh/top20_acres.pdf. See also Hugh D. Safford et al., *The 2020 California Fire Season: A Year Like No Other, a Return to the Past or a Harbinger of the Future?* (Apr. 17, 2022) GLOBAL ECOLOGY AND BIOGEOGRAPHY, available at <https://onlinelibrary.wiley.com/doi/10.1111/geb.13498?af=R>.

⁷ Paul Rogers, *Map: 1 of Every 8 acres in California has Burned in the Last 10 Years. Here's Where the Biggest Fires Spread—and are Burning Now*, Mercury News (Sept. 29, 2021), available at <https://www.mercurynews.com/2021/09/29/top-10-california-wildfires-megafires-map/>. Notably, the large fires of late are not unprecedented in the State's history with similarly large fires occurring specifically during the 1920s. See Jon E. Keeley & Alexandra D. Syphard, *Large California Wildfires: 2020*

fires, in recent years, many of the State's most destructive fires have been caused by human activity, such as downed powerlines or electrical sources associated with residential development or industrial facilities.⁸

Wildfires can have dramatic, adverse ecological impacts. Frequent wildfires can result in habitat loss and fragmentation, shifts in vegetative compositions, reductions in small mammal populations, and accelerated loss of predatory species.⁹ Wildfire can also have adverse impacts on erosion and water quality. During active burning, ash and associated contaminants can enter water supplies. Later, after large burns, rainstorms can flush vast amounts of sediment from exposed soils into those same water supplies.¹⁰

Wildfires also have tragic consequences for California's residents. Since 2010, wildfires have killed nearly 150 people in California¹¹ and, since 2005, wildfires have destroyed over 97,000 structures,¹² requiring mass evacuations and exacerbating the State's already-pressing need for more housing. In addition, wildfire smoke is unhealthy to breathe and is a public health concern.¹³ Further, wildfire losses are not experienced equally. Lower-income households are more likely to lose all of their assets and less likely to have adequate insurance to cover their losses.¹⁴ Meanwhile, the costs of wildfire suppression and resiliency have become significant. In

Fires in Historical Context (Aug. 25, 2021) FIRE ECOLOGY, available at <https://fireecology.springeropen.com/articles/10.1186/s42408-021-00110-7>.

⁸ See CAL FIRE, Top 20 Largest California Wildfires (Jan. 13, 2022), available at https://www.fire.ca.gov/media/4jandlhh/top20_acres.pdf; CalFire, Top 20 Most Destructive California Wildfires (Jan. 13, 2022), available at https://www.fire.ca.gov/media/t1rdhizr/top20_destruction.pdf.

⁹ See Alexandra D. Syphard, et al., *Human Influence on California Fire Regimes*. ECOLOGICAL APPLICATION 17:1388-1402 (2007).

¹⁰ United States Environmental Protection Agency, Wildfires: How do They Affect Our Water Supplies? (Aug. 13, 2019), available at <https://www.epa.gov/sciencematters/wildfires-how-do-they-affect-our-water-supplies#:~:text=Vegetation%20that%20holds%20soil%20in,%2C%20rivers%2C%20and%20downstream%20reservoirs>.

¹¹ CAL FIRE, Top Deadliest California Wildfires (Oct. 22, 2021), available at https://www.fire.ca.gov/media/lbfd0m2f/top20_deadliest.pdf.

¹² Headwaters Economics, Wildfires Destroy thousands of structures each year (Nov. 2020, updated Aug. 2022), available at <https://headwaterseconomics.org/natural-hazards/structures-destroyed-by-wildfire/>.

¹³ See Kurtis Alexander, *California Ranks Worst in Nation for Air Pollution Because of Wildfire Smoke*, S.F. Chronicle (June 23, 2022), available at <https://www.sfchronicle.com/bayarea/article/california-air-quality-17259687.php>. See also Lora Kolodny, *The West Coast Is Suffering from Some of the Worst Air in the World — These Apps Show How Bad it Is*, CNBC (Sept. 13, 2020), available at <https://www.cnbc.com/2020/09/12/air-quality-apps-purpleair-airnow-iqair-essential-in-western-us.html>; and California Air Resources Board, *Protecting Yourself from Wildfire Smoke*, available at <https://ww2.arb.ca.gov/protecting-yourself-wildfire-smoke>.

¹⁴ California Council on Science and Technology, *The Costs of Wildfire in California* (Oct. 2020), at p. 69, available at <https://ccst.us/reports/the-costs-of-wildfire-in-california/>.

2021, the State invested \$1.5 billion in wildfire resiliency efforts, and the 2022-2023 budget includes an additional \$1.2 billion to support wildfire and forest resilience.¹⁵ The changing nature of wildfires, under various metrics—frequency, area burned, adverse ecological impacts, the number of Californians displaced—is a worsening crisis that will unfortunately be part of California’s future.¹⁶

As of 2010, about one-third of California’s housing units were located within the wildland-urban interface.¹⁷ Residential developments in the wildland-urban interface and other wildfire prone areas can significantly increase the risks of wildfires and the risk to public safety for several reasons. First, introducing more people—via additional development—into a flammable landscape increases the likelihood of: (1) a wildfire igniting due to the increased presence of people; and (2) the ignition becoming a wildfire because of the placement of homes amongst the flammable vegetation.¹⁸ Second, building housing units in the wildland-urban interface puts more people in harm’s way.¹⁹ Wildfires, particularly those that impact developments in relatively remote locations, may impede the evacuation of communities and emergency access, making it more difficult to ensure public safety and to limit, control, or extinguish wildfires. Finally, fires in remote locations require significant fire-fighting resources and mobilization of fire-fighters from all over the State—putting a major strain on the State’s fire-fighters and the State’s budget. Put simply, bringing more people into or near flammable wildlands leads to more frequent, intense, destructive, costly, and dangerous wildfires.²⁰

¹⁵ Gavin Newsom, California State Budget (2022-2023), at p. 61, available at <https://www.ebudget.ca.gov/FullBudgetSummary.pdf>; California State Budget, Budget Addendum (2021-2022), at p. 3, available at <https://www.ebudget.ca.gov/BudgetAddendum.pdf>.

¹⁶ See California Council on Science and Technology, *The Costs of Wildfire in California* (Oct. 2020), at p. 17, available at <https://ccst.us/reports/the-costs-of-wildfire-in-california/>.

¹⁷ Community Wildfire Planning Center, Land Use Planning Approaches in the Wildland-Urban Interface (Feb. 2021), at p. 7, available at https://www.communitywildfire.org/wp-content/uploads/2021/02/CWPC_Land-Use-WUI-Report_Final_2021.pdf; see also Heather Anu Kramer, et al., *High Wildfire Damage in Interface Communities in California* (2019) INTERNATIONAL JOURNAL OF WILDLAND FIRE, available at https://www.fs.usda.gov/nrs/pubs/jrnl/2019/nrs_2019_kramer_001.pdf. At the current rate of growth and under current growth patterns, it is anticipated that an additional 645,000 housing units will be developed in areas designated by CAL FIRE as very high fire hazard severity zones by 2050. Next 10, Rebuilding for a Resilient Recovery: Planning in California’s Wildland Urban Interface (June 2021), at p. 9, available at <https://www.next10.org/publications/rebuilding-resilient>.

¹⁸ See Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) *Fremontia*, 47(2), at p. 29; Volker C. Radeloff, et al., *Rapid Growth of the US Wildland-Urban Interface Raises Wildfire Risk*. PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES USA, 115(13):3314-3319 (2018).

¹⁹ See Heather Anu Kramer, et al., *High Wildfire Damage in Interface Communities in California* (2019) International Journal of Wildland Fire, available at https://www.fs.usda.gov/nrs/pubs/jrnl/2019/nrs_2019_kramer_001.pdf; Volker C. Radeloff, et al., *Rapid growth of the US wildland-Urban interface raises wildfire risk*. PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES USA, 115(13):3314-3319 (2018).

²⁰ See Michael L. Mann, et al., *Incorporating Anthropogenic Influences into Fire Probability Models: Effects of Human Activity and Climate Change on Fire Activity in California* (Apr. 28, 2016) PLOS ONE

III. Wildfire and Land Use Planning

While this guidance is focused on best practices to disclose, analyze, and mitigate wildfire impacts in compliance with CEQA, it is important to note that general planning also provides a critical opportunity for local jurisdictions to think proactively about how to accommodate their housing and development needs while reducing the risks of wildfire.²¹ In the last ten years, new legislation has passed requiring local jurisdictions to consider wildfire risks in their general planning processes.²² The Governor’s Office of Planning and Research (OPR) recently published comprehensive guidance to help local agencies comply with these requirements.²³ We encourage local jurisdictions to consult this guidance and to thoughtfully plan for new development given the increasing risk of wildfires throughout the state.²⁴

11(4), available at <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0153589>; Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) *FREMONTIA*, 47(2), at pp. 28-35, available at <https://pubs.er.usgs.gov/publication/70215982>; Alexandra D. Syphard, et al., *Land Use Planning and Wildfire: Development Policies Influence Future Probability of Housing Loss* (2013) *PLOS ONE*, available at <https://journals.plos.org/plosone/article/file?id=10.1371/journal.pone.0071708&type=printable>; see also Final Statement of Reasons for Regulatory Action re Amendments to the State CEQA Guidelines OAL Notice File No. Z-2018-0116-12 (“Statement of Reasons”), at p. 87, available at https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/2018_CEQA_Final_Statement_of%20Reasons_111218.pdf.

²¹ See Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) *FREMONTIA*, 47(2), at p. 33, available at <https://pubs.er.usgs.gov/publication/70215982> [concluding that “the most effective strategy at reducing future structure loss would focus on reducing the extent of low-density housing via careful land planning decisions”].

²² See Sen Bill No. 1241 (2011-2012 Reg. Sess.), amending and/or adding Gov. Code, §§ 65302, subd. (g)(3), 65302.5, subd. (b), and 66474.02) [requiring local jurisdictions within state responsibility areas or very high fire hazard severity zones to address wildfire risk when updating their safety elements and to submit their draft updates to the State Board of Forestry and Fire Protection for review]; Sen. Bill No. 99 (2019-2020 Reg. Sess.), amending Gov. Code, § 65302, subd. (g)(5) [requiring updated safety elements to identify residential developments within hazard areas that do not have at least two evacuation routes]; Assem. Bill No. 747 (2019-2020 Reg. Sess.), adding Gov. Code, § 65302.15 [requiring local jurisdictions to update their safety element to address the capacity of evacuation routes under a range of various emergency scenarios]; Assem. Bill No. 1409 (2020-2021 Reg. Sess.), amending Gov. Code, § 65302.15 [requiring that safety elements identify locations where people can evacuate to].

²³ Governor’s Office of Planning and Research, *Fire Hazard Planning Technical Advisory, 2022 Update* (Aug. 2022), available at https://opr.ca.gov/docs/20220817-Fire_Hazard_Planning_TA.pdf; and *Wildland-Urban Interface Planning Guide: Examples and Best Practices for California Communities* (Aug. 2022), available at https://opr.ca.gov/docs/20220817-Complete_WUI_Planning_Guide.pdf.

²⁴ Local jurisdictions that have complied with their general planning obligations, including incorporating wildfire and evacuation planning considerations into their general plans, may benefit from streamlined CEQA requirements at the project approval level. If a development project is consistent with an updated general plan and an environmental impact report (EIR) was prepared for that plan, the CEQA review for the project may be limited to the parcel-specific impacts of the project or impacts that new information,

IV. Analyzing and Mitigating Wildfire Risk Impacts Under CEQA

A. CEQA's requirements for analyzing wildfire risks

CEQA requires local jurisdictions considering development projects to prepare an environmental impact report (EIR) or a mitigated negative declaration²⁵ if the project may potentially have a significant impact on the environment and is not otherwise exempt from CEQA.²⁶ Under CEQA, local jurisdictions may act as lead agencies with responsibility for preparing the EIR (or other CEQA document), or as responsible agencies relying on an EIR prepared by a lead agency. CEQA provides a critical process for local jurisdictions to understand how new developments will exacerbate existing wildfire risks, allowing them to consider project design features, alternatives, and mitigation measures that provide for smarter development and the protection of existing communities.

The CEQA Guidelines²⁷ require that an EIR include a description of the physical environmental conditions in the vicinity of the project, at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced.²⁸ This “baseline” of existing environmental conditions is generally used to determine the significance of project-related impacts. In the EIR’s discussion of the existing environmental conditions, lead agencies should include information about open space areas and habitats within the project area that may be fire prone, as well as a discussion of fire history and fuels on the project site. Including a discussion of existing available water supplies for fire-fighting is also critical. Providing detail about existing environmental conditions at the project site that may exacerbate or minimize wildfire impacts will help ensure that the EIR fully considers the project’s impacts on wildfire risk.

The CEQA Guidelines require an analysis of “any significant environmental effects the project might cause or risk exacerbating by bringing development and people into the area affected,” including by locating development in wildfire risk areas.²⁹ The “environmental checklist form” in Appendix G of the CEQA Guidelines, Section XX, directs lead agencies to assess whether

arising since adoption of the general plan, shows will be more significant than described in the prior EIR. (Pub. Resources Code, § 21083.3; CEQA Guidelines, § 15193).

²⁵ Where “EIR” is used in this guidance it should also be considered to refer to a mitigated negative declaration.

²⁶ Pub. Resources Code, § 21067; CEQA Guidelines, §§ 15050 and 15367.

²⁷ The CEQA Guidelines are found at California Code of Regulations, title 14, section 15000, et seq.

²⁸ CEQA Guidelines, § 15125.

²⁹ CEQA Guidelines, § 15126.2.

projects located *in or near* state responsibility areas or lands classified as very high fire hazard severity zones,³⁰ would:

- a) Substantially impair an adopted emergency response plan or emergency evacuation plan;
- b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire;
- c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or
- d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.³¹

In addition to the four questions above, Section IX(g) of the checklist broadly directs lead agencies to consider whether a project will “expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.”³² In answering these questions, lead agencies must consider both on- and off-site impacts.³³

B. Analyzing a project’s impact on wildfire risks

Several variables should be considered in analyzing a project’s impact on wildfire risk, including:

- **Project Density:** Project density influences how likely a fire is to start or spread, and how likely it is that the development and its occupants will be in danger when a fire starts. Fire spread and structure loss is more likely to occur in low- to intermediate-density developments.³⁴ This is because there are more people present to ignite a fire (as compared to undeveloped land), and the development is not concentrated enough

³⁰ See footnote 1 for more information on state responsibility areas and very high fire hazard severity zones.

³¹ CEQA Guidelines, Appendix G, XX.

³² CEQA Guidelines, Appendix G, IX(g). This Guidance focuses on these key wildfire-related questions in Sections IX(g) and XX of the checklist, but in conducting environmental review, lead agencies must continue to thoroughly address the other questions identified in Section XX and the checklist more generally.

³³ CEQA Guidelines, § 15360 [defining the environment to be considered as “the area in which significant effects would occur either directly or indirectly as a result of the project”].

³⁴ Alexandra D. Syphard, *The Relative Influence of Climate and Housing Development on Current and Projected Future Fire Patterns and Structure Loss Across Three California Landscapes* (2019) GLOBAL ENVIRONMENTAL CHANGE; Alexandra D. Syphard, et al., *Housing Arrangement and Location Determine the Likelihood of Housing Loss Due to Wildfire* (Mar. 28, 2012) PLOS ONE, available at <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0033954>.

(as compared to high-density developments) to disrupt fire spread by removing or substantially fragmenting wildland vegetation.³⁵ “Isolated clusters of development and low housing density mean that homes are embedded within, and more exposed to, a matrix of wildland vegetation.”³⁶ Moreover, fire-fighters may have difficulty accessing more remote and disconnected developments.³⁷

- **Project Location in the Landscape:** Project placement in the landscape relative to fire history, topography and wind patterns also influences wildfire risk. Although wildfire ignitions are primarily human-caused in California, wildfire behavior is largely driven by topography, fuel, climatic conditions, and fire weather (such as low humidity and high winds). How a development project is planned within the landscape determines to what extent it will influence fire risk.³⁸ For example, if a project site is located in a wind corridor, above-ground power lines may become a source of ignition. Similarly, siting residential structures in rugged terrain or on the top of steep hills may increase the wildfire risk. By contrast, if a project site includes landscape features that could prevent or slow the spread of fire, such as a lake or an irrigated golf course, the development may be strategically located so as to capitalize on that feature as a natural fuel break.³⁹

³⁵ See generally Alexandra D. Syphard, et. al., *Multiple-Scale Relationships between Vegetation, the Wildland-Urban Interface, and Structure Loss to Wildfire in California* (Mar. 12, 2021) MDPI FIRE 2021.

³⁶ Max A. Moritz, et al., *Learning to Coexist with Wildfire* (2014) NATURE 515(7525), at p. 64; see also Alexandra D. Syphard, et. Al., *Multiple-Scale Relationships between Vegetation, the Wildland-Urban Interface, and Structure Loss to Wildfire in California* (March 12, 2021) MDPI FIRE 2021.

³⁷ See Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) FREMONTIA, 47(2), at p. 31.

³⁸ See generally Max Moritz, et al., *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Apr. 2020) University of California Agriculture and Natural Resources, Publication 8680, available at <https://escholarship.org/uc/item/6n12m6pn>; Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) FREMONTIA, 47(2), at pp. 28-35, available at <https://pubs.er.usgs.gov/publication/70215982>.

³⁹ See Max Moritz, et al., *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Apr. 2020) University of California Agriculture and Natural Resources, Publication 8680, at p. 10, available at <https://escholarship.org/uc/item/6n12m6pn>; see also Conservation Biology Institute, *Paradise Nature-Based Fire Resilience Project Final Report* (June 2020), available at https://d2k78bk4kdhbpr.cloudfront.net/media/reports/files/CBI_Paradise_Final_Report_for_Posting_Online.pdf [An examination of how siting and greenbelts may have protected homes during the Paradise fire]. Siting of a new fire-resistant development between wildlands and existing development may even serve as a protective barrier for the existing development. But there can still be some risk of ember spread if the new development succumbs to fire. See Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) FREMONTIA, 47(2), at pp. 28-35, available at <https://pubs.er.usgs.gov/publication/70215982>; California Council on Science and Technology, *The Costs of Wildfire in California* (Oct. 2020), at p. 67, available at <https://ccst.us/reports/the-costs-of-wildfire-in-california/>.

- **Water Supply and Infrastructure:** As part of evaluating a project’s wildfire risk impacts, an EIR should analyze the adequacy of water supplies and infrastructure to address fire-fighting within the project site.⁴⁰ This analysis should consider the potential loss of water pressure during a fire, which may decrease available water supply⁴¹ and the potential loss of power, which may eliminate the supply.⁴²

To understand how a project may exacerbate the risk of wildfire, an EIR should qualitatively assess these variables and also use fire modeling and other spatial and statistical analyses to quantify the risks to the extent feasible. Experts should utilize fire models to account for various siting and design elements, as well as a variety of different fire scenarios. The modeling should include scenarios for fires that start in, near, and far from the project site, as well as extreme weather conditions that exacerbate fire spread.

Lead agencies are encouraged to develop thresholds of significance that either identify an increase in wildfire risk as a significant impact or determine, based on substantial evidence, that some increase in the risk of wildfires is not considered a significant impact. Relevant factors should include the project’s impact on ignition risk, the likelihood of fire spread, and the extent of exposure for existing and new residents based on various fire scenarios. Modeling the various scenarios enables local agencies to quantify increased wildfire risks resulting from a project adding more people to wildfire prone areas and to assess the risks according to the threshold of significance.

Some EIRs have concluded that the conversion of some wildland vegetation into paved development reduces or does not increase wildfire risk. This conclusion is contrary to existing evidence and the well-accepted understanding that the fundamental driver of increased wildfire risk is the introduction of people into a flammable landscape.⁴³ Accordingly, the conversion of vegetation into developed land does not obviate the need for lead agencies to carefully consider and model how the addition of development into wildfire prone areas contributes to the risk of wildfire.

⁴⁰ See Max Moritz, et al., *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Apr. 2020) University of California Agriculture and Natural Resources, Publication 8680, at p. 19 and Appendix B, available at <https://escholarship.org/uc/item/6n12m6pn>.

⁴¹ See Max Moritz, et al., *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Apr. 2020), at p. 19, University of California Agriculture and Natural Resources, Publication 8680, available at <https://escholarship.org/uc/item/6n12m6pn>.

⁴² See Alexandra D. Syphard, *Nexus Between Wildfire, Climate Change and Population Growth in California* (2020) *FREMONTIA*, 47(2), at p. 26.

⁴³ See Heather Anu Kramer, et al., *High Wildfire Damage in Interface Communities in California* (2019) *INTERNATIONAL JOURNAL OF WILDLAND FIRE*, available at https://www.fs.usda.gov/nrs/pubs/jrnl/2019/nrs_2019_kramer_001.pdf; see also Exhibit A to the Final Statement of Reasons for Regulatory Action re Amendments to the State CEQA Guidelines, OAL Notice File No. Z-2018-0116-12, at p. 212, available at https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/2018_CEQA_ExA_FSOR.pdf.

C. Analyzing the project's impact on evacuation and emergency access

The addition of new development into high wildfire risk or adjacent areas may impact the evacuation of project residents, as well as the existing population (e.g., residents, workers, students, visitors, and possibly livestock) in the area and the ability of emergency responders to simultaneously access the area to fight wildfire. This can, in turn, impact the risk and extent of large-scale fire spread and community safety within and around the new development. The EIR should evaluate these impacts both during construction and over the life of the project. The required analysis is relative to a project's impacts and risks; e.g., a higher density infill project within an already developed area would likely not require the same level of analysis as a new low-density development within the wildland-urban interface and surrounded largely by open space.⁴⁴

For projects located in high wildfire risk areas that present an increased risk of ignition and/or evacuation impacts, evacuation modeling and planning should be considered and developed at the time of project review and approval—when there is greater flexibility to modify a project's design, density, siting, and configuration to address wildfire considerations—rather than deferred to a later stage of the development process. Lead agencies will be best-positioned to ensure proposed development projects facilitate emergency access and ease constraints on evacuation with this information in hand prior to project approval. The ultimate objective is to allow for informed decision-making that minimizes the environmental and public safety hazards associated with new developments that increase the risk of ignition and impede evacuation in high wildfire prone areas.

Evacuation modeling and analysis should include the following:

- Evaluation of the capacity of roadways to accommodate project and community evacuation and simultaneous emergency access.
- Assessment of the timing for evacuation.
- Identification of alternative plans for evacuation depending upon the location and dynamics of the emergency.
- Evaluation of the project's impacts on existing evacuation plans.
- Consideration of the adequacy of emergency access, including the project's proximity to existing fire services and the capacity of existing services.
- Traffic modeling to quantify travel times under various likely scenarios.

⁴⁴ See Max Moritz, et al., *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Apr. 2020), University of California Agriculture and Natural Resources, Publication 8680, at p. 5, available at <https://escholarship.org/uc/item/6n12m6pn> [describing the benefits of infill development].

In considering these evacuation and emergency access impacts, lead agencies may use existing resources and analyses, but such resources and analyses should be augmented when necessary. For example, agencies should:

- Utilize information from the EIR’s analysis of traffic/transportation impacts, but they should not limit themselves to that information, which may not reflect the impact of emergency conditions on travel times.
- Consult with local fire officials and ensure that assumptions and conclusions regarding evacuation risk are substantiated with sound facts. Emergency conditions may not allow for ideal evacuation scenarios—staggered, staged, or targeted evacuation in response to a wildfire may sometimes be possible, but human behavior is difficult to predict and wildfires can be erratic, unpredictable, and fast-moving.⁴⁵
- Consider impacts to existing evacuation plans, but recognize that, depending on the scope of an existing evacuation plan, additional analyses or project-specific plans may be needed. Community evacuation plans often identify roles and responsibilities for emergency personnel and evacuation routes, but do not necessarily consider the capacity of roadways, assess the timing for community evacuation, or identify alternative plans for evacuation depending upon the location and dynamics of the emergency.
- Avoid overreliance on community evacuation plans identifying shelter-in-place locations. Sheltering in place, particularly when considered at the community planning stage,⁴⁶ can serve as a valuable contingency, but it should not be relied upon in lieu of analyzing and mitigating a project’s evacuation impacts.⁴⁷

Local jurisdictions are encouraged to develop thresholds of significance for evacuation times. These thresholds should reflect any existing planning objectives for evacuation, as well as

⁴⁵ See FEMA and U.S. Fire Administration, *Wildland Urban Interface: A Look at Issues and Resolutions* (June 2022), available at <https://www.usfa.fema.gov/downloads/pdf/publications/wui-issues-resolutions-report.pdf>.

⁴⁶ FEMA, *Planning Considerations: Evacuation and Shelter-in-Place* (July 2019), available at <https://www.fema.gov/sites/default/files/2020-07/planning-considerations-evacuation-and-shelter-in-place.pdf>. The distinction between temporary shelter-in-place locations and buildings designed or retrofitted for longer term shelter-in-place should also be considered. See Max Moritz, et al., *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Apr. 2020) University of California Agriculture and Natural Resources, Publication 8680, at p. 17, available at <https://escholarship.org/uc/item/6n12m6pn> [discussing the difference between “safety zones”—areas with little flammable vegetations, such as golf courses—versus buildings that are designed to provide protection from heat and embers while the front of a fire passes, typically for a duration of at least 30-60 minutes].

⁴⁷ See Mejia, *Pepperdine University Defends ‘Shelter in Place’ Decision During Woolsey Fire*, Los Angeles Times (Nov. 13, 2018), available at <https://www.latimes.com/local/lanow/la-me-ln-pepperdine-shelter-20181113-story.html>; Chandler, *Am I Going to Stay in the Parking Lot . . . While the Fires Burn Around Me?*, Record Searchlight (Dec. 12, 2019), available at <https://www.redding.com/in-depth/news/2019/04/25/california-wildfire-shelter-place-plans-questioned-evacuation-preparation/3427075002/>.

informed expert analysis of safe and reasonable evacuation times given the existing and proposed development. Local jurisdictions should consider whether any increase in evacuation times for the local community would be a significant impact. A conclusion that an increase in evacuation times is a less than significant impact should be based on a threshold of significance that reflects community-wide goals and standards.

In establishing thresholds, local jurisdictions should consider referring to successful evacuations from prior emergencies within their community or similarly situated communities. The thresholds should include, but not be limited to, whether the project creates an inconsistency with: (1) an adopted emergency operations or evacuation plan; (2) a safety element that has been updated per the requirements in Government Code sections 65302(g)(5) and 65302.15 to integrate wildfire and evacuation concerns; or (3) recommendations developed by the California Board of Forestry and Fire Protection regarding the safety of subdivisions pursuant to Public Resources Code section 4290.5.

D. Mitigating wildfire risk, evacuation, and emergency access impacts

If a project presents significant increased wildfire risks and/or evacuation and access impacts, CEQA requires the lead agency to consider and adopt feasible alternatives and mitigation measures to avoid or reduce the project's impacts (or make a finding of overriding consideration).⁴⁸ Not all project design features or mitigation measures will achieve the same reduction in impacts for every project—the effects and effectiveness of measures will vary geographically and by project. An EIR that baldly concludes that certain project design features or mitigation measures will reduce or eliminate all potential wildfire risks, without first describing those risks, fails to fully analyze the project's impacts. Compressing the analysis of impacts and mitigation deprives decision makers of a full description of the project's adverse impacts and, therefore, fails to equip the decision makers with the necessary information to properly address the impacts by adopting project design features, mitigation measures, or alternatives. To avoid this error and provide for better project design, the project EIR should first analyze the increased wildfire risks and evacuation impacts, and then consider feasible mitigation and alternatives to avoid or reduce those impacts.

Set forth below are some examples of potential mitigation measures and design alternatives that may reduce wildfire risk impacts. This list is not exclusive and a lead agency's adoption of some or all of these mitigation measures for a particular project may not be sufficient to comply with CEQA's requirement to adopt all feasible mitigation measures.

- Increasing housing density and consolidated design, relying on higher density infill developments as much as possible.
- Avoidance and minimization of low-density exurban development patterns or leapfrog-type developments (i.e., those with undeveloped wildland between developed areas).

⁴⁸ Pub. Resources Code, § 21081.

- Decreasing the extent and amount of “edge,” or interface area, where development is adjacent to undeveloped wildlands.
- Creation of buffer zones and defensible space within and adjacent to the development, with particular attention to ensuring that vegetation will not touch structures or overhang roofs.⁴⁹ It is also important that legal obligations are structured so that defensible space measures are retained over time.⁵⁰
- Siting projects to maximize the role of low-flammability landscape features that may buffer the development from fire spread.
- Undergrounding power lines.
- Limiting development along steep slopes and amidst rugged terrain, so as to decrease exposure to rapid fire spread and increase accessibility for fire-fighting.
- Placement of development close to existing or planned ingress/egress and designated evacuation routes to efficiently evacuate the project population and the existing community population, consistent with evacuation plans, while simultaneously allowing emergency access.
- Placement of projects close to adequate emergency services.
- Construction of additional points of ingress and egress and modification of evacuation routes to minimize or avoid increasing evacuation times or emergency access response times.
- Fire hardening structures and homes—upgrading the building materials and installation techniques to increase the structure’s resistance to heat, flames, and embers—beyond what is required in applicable building codes, both for new structures and existing structures in proximity to the new development.
- Requiring fire-hardened communication to the project site including high-speed internet service.
- Enhanced communication to the project population about emergency evacuation plans and evacuation zones.
- Parking limitations to ensure access roads are not clogged with parked vehicles.
- On-site water supply/storage to augment ordinary supplies that may be lost during a wildfire.

In all situations, mitigation measures should be combined and tailored to the specifics of the project, the surrounding landscape, and nearby existing uses. In some contexts, the mitigation measure itself may have an adverse impact that should be evaluated in an EIR. In addition,

⁴⁹ Note, however, that defensible space around homes does not alone tend to account for structural survival. See Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) *FREEMONTIA*, 47(2), at p. 32, available at <https://pubs.er.usgs.gov/publication/70215982>; Alexandra D. Syphard et al., *The Role of Defensible Space for Residential Structure Protection During Wildfires* (Oct. 14, 2014) *INTERNATIONAL JOURNAL OF WILDLAND FIRE*, available at <http://dx.doi.org/10.1071/WF13158>.

⁵⁰ See Max Moritz, et al., *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Apr. 2020), at p. 12, University of California Agriculture and Natural Resources, Publication 8680, available at <https://escholarship.org/uc/item/6n12m6pn>.

mitigation measures may not provide the same level of protection or mitigation in all scenarios.⁵¹ For example, home hardening has been shown to be an extremely effective measure for preventing structure loss during a wildfire. The California Building Code was updated in 2008 to require more advanced fire hardening and homes built to the revised standards were shown to be 40 percent less likely to be destroyed by a wildfire than similarly situated homes built prior to the update.⁵² However, home hardening by itself may not be an adequate mitigation measure in all situations. During the Camp Fire, which swept through Paradise in 2018, homes built before and after the 2008 Building Code update were destroyed at roughly equal rates.⁵³ Home hardening in conformance with the 2008 Building Code alone did not meaningfully effect survivability; rather, proximity to other destroyed structures, the extent of vegetative overstory, and defensive space around homes was more relevant to whether or not a home survived.⁵⁴ While home hardening may be a worthy measure, this highlights the importance of combining measures, with an awareness to overall landscape conditions, to maximize public safety and minimize wildfire-related losses. It also demonstrates that defensive measures can improve but do not guarantee survivability, which highlights the continued importance of planning for evacuation and emergency access.

VII. Conclusion

As climate change and housing pressure continue to impact the State's landscape, wildfire risks, and development needs, local agencies need to thoroughly evaluate where and how new development is planned and constructed. With careful forethought during the various planning processes and thoughtful environmental review at the individual project development stage, new development can be designed and positioned to minimize future wildfire risks, enhance fire resiliency of our communities, and protect the health and safety of California's residents and natural resources. While the applicable rules, requirements, and analytical tools to reduce wildfire risk are evolving, this guidance is intended to provide suggestions for how best to comply with CEQA when analyzing and mitigating the wildfire risks of development projects in the wildland-urban interface and other fire prone areas.

⁵¹ See Alexandra D. Syphard, et al., *Multiple-Scale Relationships between Vegetation, the Wildland-Urban Interface, and Structure Loss to Wildfire in California* (Mar. 12, 2021), at p. 13, MDPI FIRE 2021 [noting that "the most effective fire risk reduction approach will account for multiple factors at multiple scales and will incorporate simultaneous strategies"].

⁵² Patrick W Baylis, et al., *Mandated vs. Voluntary Adaptation to Natural Disasters: the Case of U.S. Wildfires* (Dec. 2021), National Bureau of Economic Research, available at <https://www.nber.org/papers/w29621>.

⁵³ Eric E. Knapp, et al., *Housing Arrangement and Vegetation Factors Associated with Single-Family Home Survival in the 2018 Camp Fire, California* (2021) FIRE ECOLOGY 17:25, available at <https://fireecology.springeropen.com/track/pdf/10.1186/s42408-021-00117-0.pdf> [37 percent of homes built between 1997 and 2008 survived, while 44 percent of homes built between 2008 and 2018 survived].

⁵⁴ Eric E. Knapp, et al., *Housing Arrangement and Vegetation Factors Associated with Single-Family Home Survival in the 2018 Camp Fire, California* (2021) FIRE ECOLOGY 17:25, available at <https://fireecology.springeropen.com/track/pdf/10.1186/s42408-021-00117-0.pdf>.



Placer County Planning Commission
3091 County Center Drive
Auburn, CA 95603

December 5, 2022

Dear Members of the Placer County Planning Commission:

The Friends of the West Shore (FOWS) appreciates the opportunity to provide comments on the Proposed Tahoe Basin Area Plan (TBAP) amendments. FOWS mission is to work toward the preservation, protection, and conservation of the West Shore, our watersheds, wildlife, and rural quality of life, for today and future generations. FOWS represents community interests from Emerald Bay to south of Tahoe City.

The following list outlines FOWS concerns with the proposed TBAP amendments.

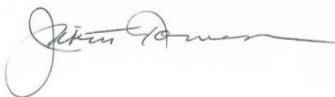
- FOWS does not support the proposed amendments at this time because they aim to increase the residential and visitor populations on the north and west shore **without first addressing the existing conditions, recent population and visitation increases, and dangerous traffic jams that pose serious public health and safety concerns, especially with wildfire danger increasing every year**. With only a two-lane highway on the North and West Shores of Lake Tahoe, *any* increase in traffic and people will exacerbate a congested exodus in the event of a wildfire evacuation or other emergency need.
- FOWS believes that there needs to be an updated environmental analysis based on **existing** conditions and populations specific to the north and west shore communities that will be affected. Placer County is proposing to do a Categorical Exemption and TRPA will do an environmental checklist, both of which will tier from the EIR/S's done for the 2016 Tahoe Basin Area Plan (TBAP) and 2012 TRPA Regional Plan Update (RPU). Since the TBAP relied heavily on the analysis from the 2012 RPU, which was based primarily on 2010 data, this means that the 'evaluation' of these amendments is relying in large part on analyses that are almost 13 years old. Peak traffic, visitor and residential populations, and wildfire danger are among several parameters that have **significantly** changed since 2010.
- There are many large traffic-generating projects along the West and North shores in various stages of the permitting and/or development pipeline, including but not limited to the Tahoe City Lodge, the Boatworks redevelopment, Palisades Tahoe, Homewood Mountain Resort, and Boulder Bay. The cumulative impact of all these projects added to *existing* traffic conditions should be evaluated prior to adopting these Area Plan amendments, especially considering the impacts of the additional traffic on emergency evacuation and access.
- FOWS recognizes and supports the need for affordable and low income housing, but believes that Placer should find housing solutions that are consistent with the zoning under the current Area Plans approved in 2017. FOWS also want to preserve the rural atmosphere of West Shore communities. The proposal assumes that simply making it easier to permit more units will solve the affordable housing problem. What about the impacts of Short-term Vacation Rentals on affordable housing? What other trends in the economy/society have contributed to the affordable housing shortage? For example, how many workforce rentals have been lost due to remote workers who can now live here full time? Are there other programs or actions that could

further incentivize second homeowners to rent out their units full time and/or the development of inactive or vacant properties? How will the increased cost of building materials/inflation affect such housing?

- FOWS is also concerned that these amendments were prepared without engagement with the broader public, including the Planning Teams who spent years reviewing and compromising on the original Tahoe Basin Area Plan regulations. Now these amendments are being fast-tracked toward approvals while the general public is still just finding out about the changes.
- On the West Shore, the proposal to change multi-unit uses from requiring a Minor Use Permit to being Allowed 'by right' means adjacent/nearby properties would not have to be notified of such developments. This takes the public out of the equation both at the permit-level stage and now at the planning stage (due to the lack of adequate engagement and review done with the public on the amendments).
- The amendments also reduce, or in some cases, eliminate the requirement for parking for new units. FOWS is concerned that this may result in more vehicles parking along public roadways and in residential areas, creating traffic concerns and other impacts. We believe it is unrealistic to assume the new residents or visitors staying in the new units will not have vehicles that need to be parked somewhere, especially without an improved transit system.
- A lot of effort went into the scenic protections in Town Centers in the original adoption of the TBAP. The amendments would allow for taller/wider buildings that may further block views of the mountains and lake. Suggestions that TRPA's scenic requirements will prevent scenic impacts makes little sense; the amendments themselves show the plan would allow for more height and massing than is currently allowed and there is no mitigation that can physically prevent taller and wider buildings from blocking views. In other words, there is no way to mitigate a lost view.

FOWS requests that the amendments be postponed unless and until a comprehensive environmental analysis based on existing conditions (and current TRPA environmental thresholds, e.g. the revised VMT standard) and adequate public engagement is performed. Thank you for considering these comments.

Sincerely,



Judith Tornese,
President

Cc: Jacob Stock, Tahoe Regional Planning Agency

From: David Kastanis <djkastanis@gmail.com>

Sent: 10/31/2023 5:44:00 AM

To: Cindy Gustafson <cindygustafson@placer.ca.gov>; Hayley Williamson <hayley.a.williamson@gmail.com>; Shelly Aldean <shellyaldean@gmail.com>; Francisco Aguilar <cisco@sos.nv.gov>; Ashley Conrad-Saydah <ashleyc@alumni.princeton.edu>; Jessica Diss <jdiss.trpa@gmail.com>; Belinda Faustinos <belindafaustinos@gmail.com>; John Friedrich <jfriedrich@cityofslt.us>; Meghan Hays <Meghan.hays9@gmail.com>; Alexis Hill <AHill@washoecounty.us>; Vince Hoenigman <vhoenigman@yahoo.com>; James Settelmeyer <JSettelmeyer@dcnr.nv.gov>; BOSFive@edcgov.us <BOSFive@edcgov.us>; Wesley Rice <wrice@douglasnv.us>; Alexandra Leumer <TRPALeumer@yahoo.com>; Julie Regan <jregan@trpa.gov>; John Marshall <jmarshall@trpa.gov>; Public Comment <PublicComment@trpa.gov>; Brendan Ferry <Brendan.Ferry@edcgov.us>; Jennifer Carr <jcarr@ndep.nv.gov>; ElleryStahler <estahler@lands.nv.gov>; Hilary Roverud <hroverud@cityofslt.us>; Jason Drew <jdrew@ncenet.com>; Susan Chandler <susankesslerchandler@gmail.com>; Crystal Jacobsen <CJacobse@placer.ca.gov>; Judy Simon <judymike@mac.com>; Kevin Hill <nwfpack@icloud.com>; Ben Letton <ben.letton@waterboards.ca.gov>; Eric Young <EYoung@washoecounty.us>; Kmoneil <Kmoneil@douglasnv.us>; Heather Ferris <hferris@carson.org>; Kevin Drake <kevin@alibi.beer>; Garth Alling <galling@sierraecotonesolutions.com>; Chad Stephen <stephen@lakevalleyfire.org>; ExecutiveAssistant Washoe <executive.assistant@washotribe.us>; Steve Teshara <SteveTeshara@gmail.com>

Subject: Opposition to the Proposed Amendments to the Tahoe Basin Area Plan

Dear TRPA Advisory Planning Commission and Governing Board:

I am opposed to the "Affordable and Workforce Housing Amendments" to the Regional Plan being proposed by TRPA Staff. The changes will dramatically reshape the basin in an adverse way by increasing the population and density. I ask that you reject the proposed amendments outright or return it to TRPA staff for a new EIR/S analysis to address the following:

1. Increased regional traffic congestion. Many roadways, particularly in the town centers have constant congestion. Increased density will only exacerbate the problems, which were not accounted for in TRPA's last regional analysis in 2012.
2. Reduced fire evacuation safety: More people, more cars, more wildfire, hampered emergency response! These need to be studied on a street by street basis in light of the devastating Maui fire, Camp Fire in Paradise, CA, and other fast-moving fires. The South Shore had advance notice for evacuation in advance of the Caldor Fire, while visitation was low due to the unhealthy smoke at that time, yet roads were still clogged. Imagine if the fire were rushing in the Basin with little advance notice as happened in the Camp Fire!
3. Increased densification of Tahoe City and Kings Beach: Developers will build more luxury housing because that is what will make them the most profit. We do not need more high-end housing and these amendments do nothing to stop it.
4. Allows densification of Homewood and Tahoma by promoting multifamily residential units in rural areas.
5. Increased Building Heights: From 48' to 65' blocking views of the Lake and the mountains.
6. Elimination of Parking Requirements for certain projects: This will exacerbate parking issues in the town centers and adjacent neighborhoods.

Do not approved the flawed plan! A new EIR/S must be issued to identify, analyze and mitigate impacts **based on current 2023 conditions**. There have been significant changes since the last comprehensive analysis was done by TRPA in 2012.

Sincerely,

David Kastanis
6400 West Lake Blvd #1
Homewood, CA 96141

From: Ellie <tahoellie@yahoo.com>
Sent: 10/30/2023 2:17:30 PM
To: Julie Regan <jregan@trpa.gov>; John Hester <jhester@trpa.gov>; John Marshall <jmarshall@trpa.gov>; Cindy Gustafson <cindygustafson@placer.ca.gov>; Stephanie Holloway <shollow@placer.ca.gov>; Crystal Jacobsen <CJacobse@placer.ca.gov>; Emily Setzer <ESetzer@placer.ca.gov>; Stacy Wydra Placer County <swydra@placer.ca.gov>; BOS Placer County BOS <bos@placer.ca.gov>; Public Comment <PublicComment@trpa.gov>; Board Clerk <boardclerk@placer.ca.gov>; Megan Wood Placer Clerk of the Board <mwood@placer.ca.gov>; Karin Schwab Placer County legal <kschwab@placer.ca.gov>; Jeff Cowen <jcowen@trpa.gov>; Karen Fink <kfink@trpa.gov>
Cc: Alexis Ollar Mtn Area Preservation <alexis@mapf.org>; Ann Nichols Tahoe Community <ann@annnichols.com>; Sue and Dan Daniels <susan.daniels@cbnocal.com>; Judi Tornese Tahoe Community <jmtornese@aol.com>; Kristina Hill <tahoehills@att.net>; Ron and Sally Grassi <ronsallygrassi@mac.com>; Fil Aguirre <filandkaren@gmail.com>; Peggy and Joe Nicholas <nicholasp@prodigy.net>; Ed and Joan Schommer <ejschommer@aol.com>; Julie and John Wainscoat <kingjohn5@charter.net>; Bill Johnson <tahoewj@icloud.com>; Niobe Burden <niobe.burden@gmail.com>; Jerome Barulich <j.barulich@sbcglobal.net>; Scott and Renea Bent Tahoe Community <renaebent@hotmail.com>; Chris Egger <christopher.j.egger@gmail.com>; Cris Hennessey <crishennessey1@gmail.com>; Tori Wickland Tahoe Community <trwickland@gmail.com>; Megan Chillimi <megan@chillemi.com>; Ryan Wexler Tahoe Community <epicwinter@hotmail.com>; Jenn Quashnick Tahoe Community <jqtahoe@sbcglobal.net>; margaretmartini@liveintahoe.com <margaretmartini@liveintahoe.com>; Doug Flaherty <tahoebue365@gmail.com>;
Subject: Placer County Tahoe Basin Area Plan (TBAP) October 31, 2023 Public Comment for the Record TRPA approval schedule
Attachments: [1698697979305blob.jpg](#)

Please accept this public comment for the record for the Placer County Tahoe Basin Area Plan (TBAP) agenda item slated to begin at 2:00p October 31, 2023. Please distribute to Placer Board of Supervisors, TRPA Governing Board members, other appropriate staff not notified on this e-mail.

I finally read the power point presentation attached for the meeting and discovered a schedule change for Tahoe Regional Planning Agency (TRPA) approval of the TBAP.

On October 26 (email below) I asked TRPA and Placer County (Cindy Gustafson, District 5 Supervisor) if the TBAP and Tahoe Living Housing proposed amendments were still scheduled concurrently.

COMMON COURTESY would have been to provide me a response. The volume of information the public reads to try and provide meaningful and comprehensive comments is a herculean task. The information in power point presentation is usually status quo. Posting a NEW "TARGETTED" approval schedule is more than benign information.

I am requesting that TRPA consider NOT having the Tahoe Living Housing amendments, regardless of APC, RPIC, GB schedule, on the same day as the Placer County TBAP. Both contentious items, in my opinion, and will have lots of public comment that should not be co-mingled as to avoid confusion.

There is still a perception issue with Governing Board Chair, Cindy Gustafson voting on a TRPA basin-wide issue and as Placer County District 5 Supervisor where her vote could be different. To further the perception issue of distinguishing her role on behalf of her constituents of Placer County and then her role on the TRPA, Ms. Gustafson is on the following three committees 1) Local Government & Housing, 2) Regional Plan Implementation, 3) Tahoe Living: Housing and Community Revitalization Working Group.

Many Commissioners and Supervisors have similar perception issues. This needs to be robustly discussed at a future TRPA meeting.

I am still requesting that TRPA schedule the Governing Board (GB) TBAP approval hearing in North Lake Tahoe, not at a ski resort and preferably at the North Tahoe Event Center allowing those most affected the COMMON COURTESY of a location nearby.

Thank you ~Ellie Waller



----- Forwarded Message -----

From: Ellie <tahoellie@yahoo.com>
To: Julie Regan TRPA <jregan@trpa.gov>; John Hester <jhester@trpa.gov>; Cindy Gustafson Placer BOS <cindygustafson@placer.ca.gov>
Cc: Stephanie Holloway <shollow@placer.ca.gov>; Crystal Jacobsen Placer County <cjacobse@placer.ca.gov>

Sent: Thursday, October 26, 2023 at 01:28:39 AM PDT

Subject: December 13, 2023 Tahoe Basin Area Plan agenda item

Good Morning,

I wanted to point out that when Julie presented upcoming meeting topics at the October 25 Governing Board meeting there was no mention of the Placer Tahoe Basin Area Plan. Is it still scheduled as previously posted for APC Nov 8, RPIC Nov 15 , and Governing Board Dec 13?

I am requesting that the December 13 meeting be held on the North Shore. The North Shore Event Center Kings Beach preferred for best location of most locals affected. Second location could be The Chateau in Incline Village. Not advisable at Palisades as it's ski season. Granlibakken third choice although conflicts with ski traffic to Alpine/Palisades. Tahoe City doesn't have a large enough venue.

I thank you in advance for taking the time in scheduling ahead for the Placer Tahoe Basin Area Plan Basin agenda item and consideration for those most affected.

I understand the Tahoe Living Housing item is scheduled as well and affects the entire basin but most immediately the TBAP, in my opinion.

Respectfully, Ellie Waller

[Sent from Yahoo Mail on Android](#)

From: Joy Koch <joykoch123@gmail.com>
Sent: 10/30/2023 8:48:50 PM
To: Public Comment <PublicComment@trpa.gov>
Subject: Tahoe Basin Area Plan

I am a 35 year full time resident of the basin. I don't think that you the TRPA would consider approval of your current higher density development plan if an outsider brought it to you. Unless you were being rewarded to do so. C'mon. What are you thinking? How are you ever going to make all these more densely populated areas of the basin safe, and enable residents to get in and get out without destroying it? Who are you kidding?

Sent from Joy Koch

From: Sherry Listgarten <sherry@listgarten.com>
Sent: 10/29/2023 7:30:04 PM
To: Public Comment <PublicComment@trpa.gov>
Subject: Feedback on Tahoe Area Basin Plan

Dear TRPA,

I agree with the goals to reduce sprawl and to add more workforce housing. We certainly have room to add housing in the town centers on the lake. However, many of the development proposals I have seen will *worsen* the jobs/housing imbalance. Developers find it more profitable to build commercial or mixed developments, which add more jobs than housing. That is not what we need. Furthermore, there has been little attempt to integrate new buildings with the character and style of Tahoe City.

Tahoe City was ransacked by unchecked extraction/development in the late 1800's, the effects of which remain today in weakened, young, fir-heavy forests that cannot withstand the stresses of drought and climate change. We need to be more careful this go-round. Tahoe City is a unique place, a small town on a breathtakingly beautiful lake. It is irresponsible of TRPA to light a development fire with so little attention to preserving the character of Tahoe City, preserving essential/useful retail services for residents, and, most important, simply not making things worse by adding more jobs than housing.

Any incentives imo should be for workforce housing only, not for commercial development. Furthermore, attention should be paid to ensuring that new development does not displace essential retail or be so massive that it harms nearby neighbors or causes visual blight.

Tahoe City is special. Please do not ruin it with thoughtless policies.

Thank you,

-- Sherry Listgarten.

From: Karen Fink <kfink@trpa.gov>
Sent: 10/31/2023 8:39:44 AM
To: Public Comment <PublicComment@trpa.gov>
Cc: Niobe Burden <niobe.burden@gmail.com>;
Subject: FW: Public Comment Information for Nov 8 - TRPA Advisory Planning Commission meeting
Attachments: [image001.jpg](#)

For the November 8 APC Phase 2 Housing amendments item.

Karen Fink, AICP
Housing and Community Revitalization Program Manager
Office: 775-589-5258
kfink@trpa.gov



From: Niobe Burden Austere <niobe.burden@gmail.com>
Sent: Sunday, October 29, 2023 9:44 PM
To: Karen Fink <kfink@trpa.gov>
Cc: Alyssa Bettinger <abettinger@trpa.gov>
Subject: Re: Public Comment Information for Nov 8 - TRPA Advisory Planning Commission meeting

Yes, that would be very helpful. Please provide this illustration as my public comment for the TRPA APC meeting.

It seems to me plenty of people may be able to "qualify" for affordable and moderate **but not many will be able to actually "afford"** any of the proposed units I've seen. How much subsidy will be necessary to provide actual affordable housing? It is a numbers game and definitely not one that private investors will ever be interested in and so public agency involvement and jurisdictions need to make these calculations to determine thresholds of feasibility.

The information provided on - <https://storymaps.arcgis.com/stories/62ae9110d85c43ecb381eb3f3ccec196> only talks about AMI but doesn't clarify what AMI actually is or that it's actually based on a 3 person household income when most of the "needed" workforce housing is for 1 or 2 person households
The 2021 North Tahoe-Truckee Regional Housing Implementation Plan showed the overall need in Eastern Placer County (Tahoe area) as: Studio or 1-bedroom: 66% of the need

TRPA has provided no consistency or accountability to addressing the real need or any rental calculations. Unfortunately, this is necessary to determine what a person such as the Placer County Parking Enforcement Officer could afford. The only example I've found has been the example of \$2450/month for a 650sf unit.....are there others? Maybe an example of the rental cost of a unit that accommodates 3 people, one that actually matches the 3 person household income?

Thanks
Niobe Burden Austere

(530)320-2100
instagram - @niobesphotoart
www.niobeburdenphotoart.com - to shop artwork
www.niobeburden.com - world travel/photo instruction

On Mon, Oct 23, 2023 at 1:56 PM Karen Fink <kfink@trpa.gov> wrote:

Hi Niobe,
Thanks for your e-mail. We did not end up having a Tahoe Living Working Group meeting in October, and the next group that will consider the amendments is the APC, on November 8. Let me know if you would like me to include your comment as part of the public comments that accompany the packet for that meeting.

I included responses to your questions, in red, below.

Karen Fink, AICP
Housing and Community Revitalization Program Manager
Office: 775-589-5258
kfink@trpa.gov



From: Niobe Burden Austere <niobe.burden@gmail.com>

Sent: Wednesday, October 18, 2023 10:33 AM

To: distHousing <housing@trpa.gov>

Subject: Information for your meeting today

Hello Tahoe Living Working Group,

As we've heard from the public, there are many concerns about what truly is "affordable" in the eyes of your group.

An Example -

Yesterday, there was this job posting for a county employee-

Parking Enforcement Officer Recruitment #2023-16601-01 \$29.70 - \$37.09/hour; \$61,776.00 - \$77,147.20/year + \$1,000/mo Tahoe Assignment Premium

<https://www.jobapscloud.com/Placer/sup/BulPreview.asp?R1=2023&R2=16601&R3=01>

Would this Placer Parking Enforcement officer be able to afford ANY of the proposed housing options?

Depending on how many people are in this employee's household, they may be able to qualify for any of the three income categories that TRPA requires for deed-restricted housing. See the income limits in our [Residential Bonus Unit Fact Sheet](#). However, they would likely qualify for "moderate" or "achievable." For a 3-person household, the income limit in Placer County to qualify for "moderate-income" housing is \$123,000. For a 1-person household, it's \$95,700. There is no income limit for our "achievable" deed-restriction, only a local workforce requirement.

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4. An owner-occupant household of a Property who has provided all required annual compliance reports and who has had an increase in income so that it no longer meets the income eligibility requirements for Achievable Housing may apply to TRPA and receive an exemption to the income requirement until the unit is sold. To receive the exemption, the owner must either continue to be the occupant and provide annual compliance reports to remain eligible for the exemption and not be subject to the annual fine; or rent the unit only to an income qualified renter if no longer the occupant. When the unit is sold it may only be sold to a qualified buyer.

5. A renter household which has had an increase in income or change in circumstances such that it no longer meets the qualifying criteria may remain in the home for up to one year, after which time the household is required to re-locate if qualifying factors have not been re-established.

I did a quick calculation if they could afford (starting out) what I've seen as proposed:

\$2450/mo rent - 650sf 1bdm BOX in a 5 story building

Starting out - \$29.07/hr - \$61,776 before taxes

If you're single and live in California

Fed 2022 taxes - 6359

FICA taxes - 4726

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Total taxes - 13,248

Retirement contributions - 0

Take-home pay \$48,528

Allowance for housing

Divided by 12 = \$4,044 / month

4,044 x 40% of take home pay = \$1,617 (Higher than Housing allowance per standard bank lending practices)

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This is a good paying job. More than most earn at administrative jobs at Tahoe Forest Hospital which start at \$23/hr. Try that example and see how much they can afford. Not everyone has a partner nor wants to **share a bedroom with a roommate.?!**

"Achievable" housing for sale isn't where the need is and it is quite obvious that subsidiary funds are necessary to build affordable rental housing in this community like it is nationwide. What funding sources are being looked at?

We all know it takes a lot of work and red tape but it is where the need is.

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STRs -

The community also doesn't understand why Placer County doesn't lower the cap for STRs immediately. The number of STR permits has hovered between 3200-3300 for a year now and defensible space inspections aren't being completed by lazy STR property owners. It's time to lower the cap in Placer County by 500-1000 and attrition the permit holders who are only benefiting their pocketbook. At the same time this change happens, the option of incentives to rent to the local workforce needs to be marketed to these property owners to consider housing the workforce. This could take immediate effect and provide some relief.

The Flash Survey-

Please read the 2 day TRPA flash survey put out in late September. There were 1255 respondents, 631 free text comments. They are worth reading!

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See comments under each question for the real concerns that community members couldn't vote on with this survey. Especially pay attention to the 403 comments under question 5....a good summary of how the community feels. These results are available for the following meetings, but again most committees are relying on TRPA staff to summarize.

WE the PUBLIC encourage you to READ the Comments and make your own deductions and then question TRPA.

Also remember, people who come to Tahoe to work, do not expect to live in a box apartment in a 5 story building. They come to enjoy living in a cabin, in law unit, small older house with a trail behind their dwelling where they can take a walk in the woods or a bike ride from their door. Please also **consider storage for recreational equipment (at least bikes/skis/SUP), it's a way of life here in Tahoe, don't you think?**

Thanks for your consideration and hard work.

Niobe Burden Austere
Concerned property owner

(530)320-2100

From: Jon Davidson <jonpauldavidson@gmail.com>
Sent: 10/29/2023 9:54:27 PM
To: Public Comment <PublicComment@trpa.gov>
Subject: TRPA's push to increase Tahoe density is a push to degrade the Lake...

...and callously disregard the carrying capacity of the basin roads and environment.

Instead of working diligently to develop a reasonable long term vision that can be carefully implemented, there is a lot of rhetoric, an excessive number of committees and political plays, and a refusal to acknowledge what is evident to everyone: Tahoe has reached its limit!

Traffic, choke points to evacuation and adequate parking should be dealt with before adding one more dwelling to the basin for any reason. Development should not be a priority and should not even be considered until the many serious problems that currently exist are fully addressed.

Jon and Beth Davidson
Incline Village, NV 89450

From: Sheila Bowman <sbowman.meyer@gmail.com>
Sent: 10/26/2023 11:01:26 AM
To: Public Comment <PublicComment@trpa.gov>
Subject: STOP

TRPA - stop giving the developers what they want!! Your job is to save Lake Tahoe by keeping it clean and beautiful. You are also responsible for the residents who live in the communities around the Lake. It is already overcrowded and traffic is miserable. You need to find a way to stop visitors from bringing their cars into the Lake as there is no way to widen the roads around the Lake. Other parks in the nation (Zion for one) have buses taking people into the park. There has been talk about this but nothing has happened. TRPA could be an influence to get this going.

Going from Incline Village to Spooner Lake is very scary on 28 with cars parked all over the place, mostly illegal parking places, over the white line with kids running around the cars and doors opening while driving by (someone will either lose a door or be killed if this continues). So it is in the best interests of residents and visitors to stop so many cars coming around Lake Tahoe.

Again, I urge TRPA to stand up for Lake Tahoe and its residents and not give in to Developers who only care about profits and not Lake Tahoe.

Sheila Bowman-Meyer
sbowman.meyer@gmail.com

From: Mark Alexander <markalexanderjr@att.net>
Sent: 10/26/2023 2:39:50 PM
To: Public Comment <PublicComment@trpa.gov>
Cc: TRPA <trpa@trpa.gov>;
Subject: TRPA

TRPA : Please ***pause your plans to "urbanize" Tahoe's town centers until TRPA has completed an updated environmental impact statement.***

Mark Alexander , Jr
Crystal Bay NV Owner and Resident
Email : markalexanderjr@att.net
Phone & Text : (775) 772-9128

From: Karen Fink <kfink@trpa.gov>
Sent: 10/31/2023 8:38:02 AM
To: Public Comment <PublicComment@trpa.gov>
Cc: Niobe Burden <niobe.burden@gmail.com>;
Subject: FW: Rental Workforce Housing for a worker at \$29/hr - the need for feasible rental calculations
Attachments: [image001.jpg](#)

For the November 8 APC Phase 2 Housing Amendments item.

Karen Fink, AICP
Housing and Community Revitalization Program Manager
Office: 775-589-5258
kfink@trpa.gov



From: Niobe Burden Austere <niobe.burden@gmail.com>
Sent: Monday, October 23, 2023 11:21 PM
To: Karen Fink <kfink@trpa.gov>
Cc: Alyssa Bettinger <abettinger@trpa.gov>; Cindy Gustafson <cindygustafson@placer.ca.gov>
Subject: Re: Rental Workforce Housing for a worker at \$29/hr - the need for feasible rental calculations

Thank you for the information. Just like the Cascadia analysis demonstrates what numbers are necessary for a project to "pencil" for a developer, it's also TRPA's important responsibility to factor feasible rent calculations for a typical employee in the Tahoe Basin to determine what is truly, **realistically "affordable" and "moderate" and not just what the "developer" needs- "achievable"**.

Obviously, this will cause lots of problems down the line if the actual need is not being addressed.

With the Residential Bonus Unit Fact Sheet incomes being based on 3 person household AMI it's a bit confusing, when the majority of our service workforce are either single or would live with roommates each with a separate bedroom. What's a 3 bedroom workforce unit proposed to rent for?

I gave you this example as a demonstration. What could they qualify for? Unfortunately, the TRPA Tahoe Living Working Group must be number crunchers.

According to the numbers I crunch in this example, **they "qualify" for plenty but can "afford" nothing**.....and not many service workforce employees in the basin make more than \$29/hr...nor administrative employees at the hospital...most make minimum wage to \$23/hr

The rental example I gave of course is based on the only rental example I've seen of \$2,450/mo rent for a 650sf studio/1bdm

Are there others?

What can the Placer County Parking Enforcement Officer be able to afford to rent in the basin making \$29/hr - It looks like \$1617/month as a single person.

The TRPA Achievable Housing website indicates that the overall need in Eastern Placer County (Tahoe area) as:

Studio or 1-bedroom: 66% of the need

2-bedroom: 31% of the need

3-bedroom: 3% of the need

Is there a table of how the 900 allocated bonus workforce housing units will be distributed around the basin and if by "income bucket" - affordable, moderate and achievable - or is there one being drafted?

I see the "achievable" housing unit as the real "loophole" for developers to try to take advantage of these proposed TBAP amendments

In addition, I don't believe there is any language drafted which stipulates if proposed changes to the TBAP amendments will apply to entire projects with ONLY 100% workforce housing or if they will also apply to a mixed use project with a workforce housing "component"? and if so, what percentage component?

Can you provide any insight?

Thanks for your time

Niobe Burden Austere

(530)320-2100

instagram - @niobesphotoart

www.niobeburdenphotoart.com - to shop artwork

www.niobeburden.com - world travel/photo instruction

On Mon, Oct 23, 2023 at 1:56 PM Karen Fink <kfink@trpa.gov> wrote:

Hi Niobe,

Thanks for your e-mail. We did not end up having a Tahoe Living Working Group meeting in October, and the next group that will consider the amendments is the APC, on November 8. Let me know if you would like me to include your comment as part of the public comments that accompany the packet for that meeting.

I included responses to your questions, in red, below.

Karen Fink, AICP
Housing and Community Revitalization Program Manager
Office: 775-589-5258
kfink@trpa.gov



From: Niobe Burden Austere <niobe.burden@gmail.com>
Sent: Wednesday, October 18, 2023 10:33 AM
To: distHousing <housing@trpa.gov>
Subject: Information for your meeting today

Hello Tahoe Living Working Group,

As we've heard from the public, there are many concerns about what truly is "affordable" in the eyes of your group.

An Example -

Yesterday, there was this job posting for a county employee-
Parking Enforcement Officer Recruitment #2023-16601-01 \$29.70 - \$37.09/hour; \$61,776.00 - \$77,147.20/year + \$1,000/mo Tahoe Assignment Premium

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Thanks for your consideration and hard work.

Niobe Burden Austere
Concerned property owner

(530)320-2100

From: leah kaufman <leah.lkplanning@sbcglobal.net>

Sent: Sunday, October 22, 2023 7:35 AM

To: Vince Hoenigman <vhoenigman@yahoo.com>

Cc: Cindy.Gustafson <cindygustafson@placer.ca.gov>; Alexis Hill <AHill@washoecounty.us>; Karen Fink <kfink@trpa.gov>; John Marshall <jmarshall@trpa.gov>; John Hester <jhester@trpa.gov>; John Friedrich <jfriedrich@cityofslt.us>; Brooke Laine <bosfive@edcgov.us>; Shelly Aldean <shellyaldean@gmail.com>; Alexis Ollar <alexis@mapf.org>

Subject: San Francisco passes strongest vacant housing speculation tax | Fortune

<https://fortune.com/2023/10/21/san-francisco-homeless-crisis-vacant-real-estate-tax-landlords-property-rights/>

Problem solved no need for high rises. Tax the empty houses of which 50 percent plus are vacant in Tahoe per Trpa's own estimate. Its easy to want more but where is the progress in fixing what is broken first?

Washoe, Placer, and Douglas County?

The City of South Lake and El Dorado County are changing STR rules, looking at vacancy tax like hundreds of other communities are doing that have elected officials working with the people.

Vacancy tax would offset height and density for building affordable housing that fits in with what is existing in our north and west shore communities. Smaller projects utilizing existing heights like what already has been built.

Reform the trailer parks and hold ski areas accountable for their thousands of employees. Fix existing abandoned buildings (garni lodge) that have the infrastructure and parking already in place and convert unused CFA to housing where needed..

Use a vacancy tax pool of \$ to help fund the difference in cost for these developers we haven't seen yet..

Some things do make sense despite the fact governing board members and TRPA staff feel we don't have community character, in reality we actually do.

Lk

From: Doug Flaherty <tahoesierracleanair@gmail.com>
Sent: 10/21/2023 11:53:13 AM
To: Brendan Ferry <Brendan.Ferry@edcgov.us>; Jennifer Carr <jcarr@ndep.nv.gov>; ElleryStahler <estahler@lands.nv.gov>; Hilary Roverud <hroverud@cityofslt.us>; Jason Drew <jdrew@ncenet.com>; Susan Chandler <susankesslerchandler@gmail.com>; Crystal Jacobsen <CJacobse@placer.ca.gov>; Judy Simon <judymike@mac.com>; Kevin Hill <nwmfpack@icloud.com>; Ben Letton <ben.letton@waterboards.ca.gov>; Eric Young <EYoung@washoecounty.us>; Kmoneil <Kmoneil@douglasnv.us>; Heather Ferris <hferris@carson.org>; Kevin Drake <kevin@alibi.beer>; Garth Alling <galling@sierraecotonesolutions.com>; ExecutiveAssistant Washoe <executive.assistant@washoetribe.us>; Steve Teshara <SteveTeshara@gmail.com>; Chad Stephen <stephen@lakevalleyfire.org>; TRPA <trpa@trpa.gov>; Brooke Laine <bosfive@edcgov.us>; Cindy.Gustafson <cindygustafson@placer.ca.gov>; Julie Regan <jregan@trpa.gov>; Alexis Hill <AHill@washoecounty.us>; Shelly Aldean <shellyaldean@gmail.com>; Public Comment <PublicComment@trpa.gov>; Karen Fink <kfink@trpa.gov>; Alyssa Bettinger <abettinger@trpa.gov>; Jessica Diss <jdiss.trpa@gmail.com>; Vince Hoenigman <vhoenigman@yahoo.com>; James Settelmeyer <JSettelmeyer@dcnr.nv.gov>
Subject: Public Comment TRPA Advisory Planning Commission Meeting 11-8-23
Attachments: [TahoeCleanAir.org Comment TRPA APC Meeting - 11-8-23.pdf](#) , [EIC_Phase-2-Housing-Environmental-Analysis.pdf](#)

RE: Public Comment TRPA Advisory Planning Commission Meeting 11-8-23

Dear TRPA APC Members:

Please include this written public comment as part of the minutes and the record in connection with the 11-8-23 TRPA APC Meeting Agenda Item (TBD) concerning:

Phase 2 Housing Amendments, including proposed changes to Code of Ordinances Chapter 13, Area Plans; Chapter 36, Design Standards; Chapter 37, Height; Chapter 31, Density; Chapter 30, Land Coverage. Chapter 34, Parking Policies; Chapter 52, Bonus Unit Incentive Program and Chapter 90, Definitions; and changes to the Goals and Policies, Land Use and Housing Sections; that would only apply to projects applying for deed-restricted bonus units (possible direction/action to staff).

--

Sincerely,
Doug Flaherty, President
Tahoe Sierra Clean Air Coalition (DBA TahoeCleanAir.org)
A Nevada 501(c)(3) Non-Profit Corporation
774 Mays Blvd 10-124
Incline Village, NV 89451

TahoeCleanAir.org Organizational Purpose

Tahoe Sierra Clean Air Coalition (DBA TahoeCleanAir.Org) is a Nevada 501 (c) (3) non-profit corporation registered to do business in the State of California. Our organizational purpose extends beyond protecting clean air, and includes, among other purposes, protecting and preserving natural resources, including but not limited to clean air, clean water, including lake and stream clarity, soils, plants and vegetation, wildlife and wildlife habitat including wildlife corridors, fish and fish habitat, birds and bird migration, insects, forest and wilderness from adverse environmental impacts and the threat and potential of adverse environmental impacts, including cumulative adverse impacts, within the Nevada and California Sierra Range, and its foothill communities, with corporation/organization geographical purpose priority being that of the Lake Tahoe Basin. Our purpose further extends to all things incidental to supporting environmental impact assessments and studies, including the gathering of data necessary to analyze the cumulative adverse environmental, health and safety impacts from public and private projects inside and outside the Lake Tahoe Basin, and addressing and supporting safe and effective evacuation during wildfire. Our purpose further extends to supporting transparency in government to ensure that our purpose and all things incidental to our specific and primary purposes are achieved.



10/21/23

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For the record, as discussed below and as previously noted, during the September 27, 2023, TRPA RPIC meeting, TahoeCleanAir.org opposes the proposed amendments for the following reasons:

1. TRPA has failed to provide substantial evidence to make the following statement found in Section 10.6, 14.a and 23.d of the TRPA Initial Environmental Checklist (**attached**). Therefore, adoption of the environmental checklist items 10.6, 14.a, and 23.d would represent prejudicial abuse of discretion on the part of the TRPA.

10.6 - By concentrating remaining residential growth in centers and along evacuation routes such as major highways, rather than in neighborhoods closer to the forest, or on roads which may have limited exit routes, the proposed amendments would benefit evacuation planning. Further, a goal of the current proposal seeks to shift more of the future housing stock to occupancy by local residents, rather than part-time second homeowners or tourists (e.g., vacation home rentals). Because of the lack of available housing and high rates of commuting into the basin, a similar number of people are likely to be in the basin during a potential emergency event, still requiring evacuation. Having fewer commuters in the basin during an emergency event will reduce congestion on roadways.

14.a - However, with the amendments, more housing units may be built within or nearby to centers and existing fire protection services, resulting in a beneficial impact.

23.d - d. Does the project have environmental impacts which will cause substantial adverse effects on human being, either directly or indirectly? TRPA states NO

2. In connection with Article VII(a)(2) of the Compact, the proposed code amendments represent a land use planning matter that may have a significant and cumulative effect on the environment. Therefore, and for the reasons listed below, per the Bi-State Compact, TRPA regulations and the California Environmental Quality Act (CEQA), TRPA must prepare and consider a detailed environmental impact statement (EIS) before deciding to approve the proposed amendments.

3. Any reasonable person would conclude that these far-reaching proposed amendments may have a significant effect on the environment and public safety, especially within dense town centers and multi-use areas. This, based on cumulatively significant numbers of amendments, past projects, new information, recent safety and pollution events, and continuing degradation of Lake Tahoe, since the 2012 Regional plan adoption.

This, in connection with only a few examples that have been identified since the TRPA 2012 Regional Plan EIS/EIR including:

- Significant new and important life safety planning information contained in the CEQA 2020 California Attorney General Guidance document “Best Practices for Analyzing and Mitigating Wildfire impacts of Development Projects”.
- Significant individual but cumulatively impactful Regional Plan code amendments including significant Short-Term Rental and ADU code change approvals.
<https://www.trpa.gov/regional-plan/code-amendments/>
- Significantly cumulative adverse environmental impacts, including, but not limited to the Caldor fire and so called snowmageddon evacuation debacles, record micro plastics within the lake, dramatic increases in algae, deposits of herbicides, alarming increases in aquatic invasive species, huge trash deposits on beaches and significant underwater trash litter, dramatic unsafe overpopulation increases in an already unsafe overpopulation. This cumulatively unsafe population increase is encouraged by TRPA supported and approved cumulative destination attraction projects like the East Shore trail and destination hotels and resorts without adequate human and roadway cumulative impact capacity analysis.

4. Per the TRPA Code of Ordinances, Rules of Procedure, and the California Environmental Quality Act (CEQA), a new EIS or a supplemental EIS/EIR to the 2012 Regional Plan must be prepared, circulated, and certified. This since the proposed amendments to increase height, density, coverage, reduce parking and setbacks and significantly increase the proliferation of tiny homes and ADU's are:

- Geographically significant in scope within the Lake Tahoe Basin, potentially adversely affecting the environment and public safety along the North, South, East and West Shores, including dense and concentrated Town centers.
- Agenda driven, subjective, and fail to provide substantial evidence that the cumulative impact of the proposed amendments, especially within Town centers and multi-use areas will result in workforce housing. Claims by TRPA in this regard have been based on flawed and incomplete data. TRPA has failed to provide substantial evidence that the stated outcomes will be achieved and therefore the stated outcomes are highly unlikely and controversial. Current evidence runs counter to TRPA stated outcomes.

A new or supplemental EIS to the 2012 Regional Plan must be prepared, circulated, and certified in accordance with these Rules in the same manner as a draft EIS. TRPA must require preparation, circulation, and certification of a supplemental EIS since:

A. The proposed amendments represent subsequent amendments that involve new significant adverse effects not considered in the 2012 EIS.

B. Substantial new environmental and safety information within Lake Tahoe’s unique environment have occurred within the last 11 years with respect to demonstrated basin environmental degradation, decreased public safety in an already unsafe human and roadway overcapacity environment and additionally involve new significant adverse effects not cumulatively considered in the 11-year-old Regional Plan EIS.

TRPA Code of Ordinances Section 3.3. DETERMINATION OF NEED TO PREPARE ENVIRONMENTAL IMPACT STATEMENT states:

Except for planning matters, ordinary administrative and operational functions of TRPA, or exempt classes of projects, TRPA shall use either an initial environmental checklist or environmental assessment to determine whether an environmental impact statement shall be prepared for a project or other matter.

The proposed far-reaching amendments represent a significant land use planning matter, are not ordinary administrative and operational functions of the TRPA and are not an exempt class. Therefore, an Initial Environmental Checklist (IEC) nor an Environmental Assessment (EA) is inadequate, and TRPA must require a new or subsequent EIS/EIR.

Any reasonable person would conclude that there is a reasonable possibility that the far-reaching proposed amendments will have a significant effect on the environment and public safety based on the cumulatively significant numbers of amendments, past projects, new information and continuing degradation of Lake Tahoe, since the 2012 Regional plan adoption.

The proposed amendments are not exempt from preparation of an EIS under the TRPA Code of Ordinances list of classes of projects that will not have a significant effect on the environment and are not exempt from requiring an EIR under CEQA.

5. The proposed amendments are a threat to both visitor and resident life safety in concentrated town centers and mixed-use areas.

Adoption of the amendments, without first applying the most up to date best practice wildfire planning tools will most likely result in increased wildfire evacuation impacts throughout basin and most predominantly in “denser” more concentrated town centers and mixed-use areas.

This, due to substantial cumulatively proposed concentrated increases in building density, coverage, and planned eventual building height, as well as reduced parking and setbacks and increased proliferation of tiny homes and ADU’s. This then, resulting in increases in concentrated human population (residents and visitors, including tourists), within town centers and mixed-use areas, functioning within an already unsafe overcapacity roadway and often LOS F intersection environment.

While there exists an opinion that more concentrated development within town centers vs development outside of town centers may prevent ignitions, the reality is that all business and residential population areas within the basin, including dense concentrated town centers and mixed-use areas exist within the Nevada and California “Wildland Urban Interface”, and specifically on the California side, per the California State Fire Marshal, most of the built environment geographical area is classified as a Very High Fire Hazard Severity Zones (VHFHSZ).

<https://osfm.fire.ca.gov/divisions/community-wildfire-preparedness-and-mitigation/wildfire-preparedness/fire-hazard-severity-zones/>

Therefore, any ignitions, inside or outside the planning area, especially within our wind and slope environment may become out of control. This significantly impacts wildfire evacuation and emergency access. Therefore, as a life safety priority as well as for reasonable and prudent planning, the TRPA must require the most up to date and best life safety wildfire evacuation planning tool be utilized before the proposed amendments are heard and adopted.

Resident and visitor populations (including tourists) within each of the town centers and mixed-use areas individually and cumulatively represent significant concentrated populations.

Increased concentrations within town center and mixed-use areas will, most likely serve as wildfire evacuation “**choke points**.” This, as increased and concentrated town center and mixed-use population vehicles and foot traffic compete in a “**sudden surge**,” impacting already over capacity evacuation roadways, thereby further and significantly impacting the current evacuation assumptions and timing.

Body Cam Footage – Evacuation from Paradise

<https://abc7news.com/camp-fire-video-bodycam-of-evacuations/4850913/>

A new and revised EIS must include the following significant new and best available, best practice evacuation guidance information (not known to the TRPA at the time of the 2012 Regional Plan adoption but known now). This new information is contained in the 2020 California Attorney General Guidance, under CEQA, “Best Practices for Analyzing and Mitigating Wildfire impacts of Development Projects” of which can serve to assist planning staff, emergency services and the public to determine the safety impacts as a result of the currently proposed amendments, in connection with wildfire evacuation and emergency access.

<https://oag.ca.gov/system/files/attachments/press-docs/Wildfire%20guidance%20final%20%283%29.pdf>

In the interest of prudent life safety wildfire evacuation planning, the TRPA must utilize the best available California Attorney General Best Practices for Analyzing and Mitigating Wildfire impacts of Development Projects when it comes to evacuation planning. This includes the prudent development of a variety of concentrated town center and mixed-use planning scenarios to help inform planners, the public and emergency responders regarding potential options during a wildfire evacuation including identification of significant impacts the amendments will have on wildfire evacuation.

The Best Practices guidance document “was based on the California Attorney General’s experience reviewing, commenting on, and litigating CEQA documents for projects in high wildfire prone areas,” and contains among other critical SAFETY guidelines the following, of which the EIR Addendum failed to include in its determinations.

Given the fact that no similar life safety best practice tool of its kind exists in the region, in order to ensure adequate life safety of residents and visitors alike are given a top priority, TRPA must require that the significantly relevant 2020 Calif Atty General Life Safety Best Practices, be adopted and applied before the proposed amendments are adopted, including the following elements:

- Development in fire-prone areas increases the likelihood that more destructive fires will ignite, fire-fighting resources will be taxed, more habitat and people will be put in harm's way or displaced, and more structures will burn.
- This guidance provides suggestions for how best to comply with CEQA when analyzing and mitigating a proposed project's impacts on wildfire ignition risk, emergency access, and evacuation.
- Put simply, bringing more people into or near flammable wildlands leads to more frequent, intense, destructive, costly, and dangerous wildfires.

The best practice guidance includes:

- a) Evaluation of the capacity of roadways to accommodate project and community evacuation and simultaneous emergency access.
- b) Identification of alternative plans for evacuation depending upon the location and dynamics of the emergency.
- c) Evaluation of the project's impact on existing evacuation plans.
- d) Consideration of the adequacy of emergency access, including the project's proximity to existing fire services and the capacity of existing services.
- e) Traffic modeling to accurately quantify travel times under various likely scenarios.
- f) Consider impacts to existing evacuation plans, but recognize that, depending on the scope of an existing evacuation plan, additional analyses or project-specific plans may be needed. Community evacuation plans often identify roles and responsibilities for emergency personnel and evacuation routes, but do not necessarily consider the capacity of roadways, assess the timing for community evacuation, or identify alternative plans for evacuation depending upon the location and dynamics of the emergency.
- g) Local jurisdictions are encouraged to develop thresholds of significance for evacuation times. These thresholds should reflect any existing planning objectives for evacuation, as well as informed expert analysis of safe and reasonable evacuation times given the existing and proposed development.

Local jurisdictions should consider whether any increase in evacuation times for the local community would have a significant impact. The conclusion that an increase in evacuation times is a less than significant impact should be based on a threshold of significance that reflects community-wide goals and standards. Avoid overreliance on community evacuation plans identifying shelter-in-place locations. Sheltering in place, particularly when considered at the community planning stage, can serve as a valuable contingency, but it should not be relied upon in lieu of analyzing and mitigating a project's evacuation impact.

6. Loss of life and injury to the public and visitors during wildfire evacuation may be substantially more severe than discussed in the 2012 Regional Plan EIS/EIR eleven years ago. This, since TRPA was not aware of this best practice life safety planning tool. However, now that TRPA is aware of this significant life safety planning tool, TRPA must conduct a best practice wildfire evacuation roadway capacity evaluation based on proposed cumulative increases of building height, coverage, density, reduced setbacks, and decreased parking and increased proliferation of tiny homes and ADU's.

Further, TRPA has failed to develop safety, roadway, and human overcapacity thresholds of significance, utilizing the latest data driven and best available technology, since 2012 to do so. Going forward with the proposed amendments without doing so is negligent.

Resident and visitor populations (including tourists) within each of the town centers and mixed-use areas individually and cumulatively represent significant concentrated populations.

Photos of Paradise Fire (Camp Fire) victims and location where each victim died.

<https://www.kcra.com/article/these-are-the-victims-of-camp-fire/32885128>

Caldor Fire Evacuation – Mercury News August 31, 2021

<https://www.mercurynews.com/2021/08/30/its-out-of-control-caldor-fire-prompts-south-lake-tahoe-evacuation-traffic-gridlock/>

On the California side, failure to provide a new or supplemental EIS associated with the proposed code amendments runs counter to CEQA, Chapter 1: Legislative Intent.

7. The proposed amendments run counter to CEQA § 21000. LEGISLATIVE INTENT

The capacity of the environment is limited, and it is the intent of the Legislature that the government of the state take immediate steps to identify any critical thresholds for the health and SAFETY of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached.

The proposed code amendments fail to discuss and identify critical turn by turn roadway by roadway wildfire capacity thresholds, utilizing the latest technology and worst-case wildfire scenarios. Such identification of these critical roadway capacity thresholds is necessary to assist TRPA during their environmental public safety review process as connected with code amendment adoption process.

8. The California Fire Code, all Tahoe Basin Fire Protection District Fire Codes, TRPA Code of Ordinances and Rules of Procedures, FEMA County Emergency Plans as well as Placer, Douglas, El Dorado, and Washoe Counties FAIL to identify the critical SAFETY threshold of human and roadway capacity during wildfire evacuation and FAIL to:

- Contain any regulations whatsoever requiring emergency evacuation plans to identify region wide turn by turn roadway by roadway wildfire evacuation capacity thresholds, based on worst case wildfire scenarios or otherwise.
- Contain any regulation whatsoever, to employ the best technology, developed since the 2017 EIR or otherwise, in order to determine turn by turn roadway by roadway wildfire evacuation capacity thresholds, based on worst case wildfire scenarios or otherwise.
- Provide substantial evidence based on best available technology modeling, to help determine the cumulative human capacity threshold wildland fire evacuation impacts on town centers caused by proposed TBAP increases in height, density, coverage increases safety peril during worst case wildfire evacuation or the extent that incoming emergency service vehicles will be impaired by such increases.
- Discuss the alternative of not adding the current increased height, density, coverage, reduced setbacks to Town centers due to wildfire evacuation constraints from increased human capacity.

9. Largely unknown to the public, fire jurisdictions commonly adopt the International Fire Code and the International Urban Wildfire Interface Code, which narrowly addresses building evacuation and wildland fire prevention, the codes do not address adequate requirements regarding wildfire evacuation within the Wildland Urban Interface.

In light of this fire code critical safety deficiency on part of the agencies to require safe and effective evacuation regulations, and latest evacuation capacity modeling, TRPA must rely on the October 2020 California AG Best Practices Wildfire Impact guidance document when discussing wildfire evacuation within basin boundaries.

10. Finally, the TRPA continues to claim that it is not their responsibility to create wildfire evacuation plans but to leave that up to the various government entities within the basin.

Regardless of whether or not this is the case, the TRPA has the responsibility to, and must create and adopt basin wide cumulative environmental and safety impact EIS/EIR's which include, in the case of the proposed amendments, a

requirement to apply the most up to date wildfire evacuation planning life safety tool. i.e., the Best Practices for Analyzing and Mitigating Wildfire impacts of Development Projects,” within a new or supplemental EIS, since the 2012 Regional Plan.

11. The TRPA has failed to adopt human and roadway capacity threshold standards to maintain a significant to maintain public health and **safety** within the region, especially as it relates to wildfire evacuations.

12. By allowing increases in human and roadway capacity within already unsafe human and roadway overcapacity town centers, thereby further degrading public safety during wildfire evacuation, the proposed amendments run counter to Chapter 2 Land Use Element GOAL LU-3 which states:

*The Tahoe Regional Planning Agency Bi-State Compact and extensive public testimony call for TRPA, along with other governmental and private entities, to **safeguard the well-being of those who live in, work in, or visit the Region.***

POLICIES:

LU-3.1 ALL PERSONS SHALL HAVE THE OPPORTUNITY TO UTILIZE AND ENJOY THE REGION'S NATURAL RESOURCES AND AMENITIES.

LU-3.2 NO PERSON OR PERSONS SHALL DEVELOP PROPERTY SO AS TO ENDANGER THE PUBLIC HEALTH, **SAFETY, AND WELFARE.**

Sincerely,

Doug Flaherty, President

Tahoe Sierra Clean Air Coalition (DBA TahoeCleanAir.org)

A Nevada 501(c)(3) Non-Profit Corporation

Registered to do business in the State California 774 Mays Blvd 10-124

Incline Village, NV 89451

TRPA INITIAL ENVIRONMENTAL CHECKLIST FOR DETERMINATION OF ENVIRONMENTAL IMPACT

Project Name:

Phase 2 Housing Amendments – Market Solutions to Encourage Deed-Restricted Affordable and Workforce Housing Development through updates to development standards: height, density, parking and land coverage.

Expanded Initial Environmental Checklist:

This document serves as the TRPA Initial Environmental Checklist for the amendments, with an expanded analysis to include the California Environmental Quality Act (CEQA) Initial Study Checklist. The expanded analysis and information will support CEQA lead agencies with their own future environmental review of the amendments.

Project Location:

The Tahoe Region within the planning area jurisdiction of the Tahoe Regional Planning Agency.

Project Need:

The 2012 Regional Plan identified a vision of directing development toward walkable, bikeable mixed-use centers, with sufficient workforce housing to support local businesses and to meet the vehicle miles traveled threshold. The plan contains numerous goals related to housing, including goals specific to affordable, moderate-income, and workforce housing in the Housing Subelement, as well as goals in the Public Services and Facilities Element, particularly those related to public safety and the need for critical workers such as emergency services, police, and fire, among others to achieve these goals.

Despite this vision, studies, feedback from local government partners, and community input show the deepening impact of demographic changes on housing affordability in the Tahoe region. As market demand for second homes and high-end units has increased, the local population has declined.¹ Businesses report having increased difficulty recruiting and retaining workers to fill positions, and local surveys show that over 30 percent of workers are commuting into the region for work, contributing to traffic and vehicle emissions that harm the environment.²

The median price of a home in Tahoe has tripled in the last 10 years, from \$345,000 in 2012 to \$950,000 in 2021.³ Common homeownership metrics suggest that purchasing a home at the median price would require a household income in excess of \$300,000. Median household income in Lake Tahoe is around \$72,000 region-wide.⁴

The Tahoe Living Working Group⁵ has identified a need to bring down the cost to construct 100 percent deed-restricted affordable, moderate, and achievable housing so that the pool of existing residential bonus units can be constructed as soon as possible, providing needed affordable housing. At present, there are approximately 946⁶

¹ U.S. Census Bureau Decennial Census, Tahoe Region

² Tahoe Prosperity Center. *South Shore Region Housing Needs and Opportunities*, October 2019; *Washoe Tahoe Local Employee Housing Needs and Opportunities*, September 2021.

³ Tahoe Prosperity Center. *Community Report for the Tahoe Region*, March 2022.

⁴ U.S. Census Bureau Decennial Census, Tahoe Region

⁵ In 2020 the TRPA Governing Board appointed the Tahoe Living Housing and Community Revitalization Working Group as a committee of the Advisory Planning Commission to identify housing actions that TRPA could take to help address the regional housing need.

⁶ As of July 2020 there were 1,126 bonus units remaining under the 2012 Regional Plan. Since then, 11 bonus units have been assigned and constructed for individual permits, 128 have been assigned to the Sugar Pine Village (phase 1A, 2A and East parcel), and 41 have been assigned to the Lake Tahoe Community College dormitory project.

bonus units remaining that could take advantage of proposed Regional Plan amendments intended to incentivize development of the bonus unit pool.

Most bonus unit projects to-date have drawn units from the “affordable” pool. There remains a need to incentivize construction of the “moderate/achievable” pool of bonus units, and to the extent that housing needs assessment show a remaining need in the “affordable” category, housing in this category should be incentivized as well through this phase of proposed Regional Plan amendments.

Project Description:

The proposal would apply within three areas in the basin: centers (a collective term for town centers, the Regional Center, and the High-Density Tourist District), areas that are zoned for multi-family housing outside of centers, and within the bonus unit boundary. A map of these locations can be found here: <https://gis.trpa.org/housing/>. The following amendments to region-wide development standards are evaluated for buildout of the remaining 2012 Regional Plan residential bonus units:

Height:

1. Centers: The proposal would increase the maximum height allowance from 56 feet (maximum of four stories) to 65 feet (no cap on the number of stories) for 100 percent deed-restricted affordable, moderate, or achievable residential or mixed-use developments that utilize bonus units when certain findings can be made. The proposal would require buildings to set back one foot for every foot above 56 feet, would not allow additional shade on smaller adjacent buildings to be created at the winter solstice, and incorporate design features such as pitched roofs, articulated facades, articulated roof planes, and the use of earthtone colors consistent with Design Review Guidelines.
2. Center transition zones: The proposal would allow an additional 11 feet of height, beyond what is allowed in Table 37.4.1 in the TRPA Code of Ordinances, for 100 percent deed-restricted affordable, moderate, or achievable residential or mixed-use developments that utilize bonus units on parcels outside of centers but adjacent and contiguous to center boundaries. Current height allowances are dependent on parcel slope and proposed roof pitch and allow up to 42 feet. The proposal would require buildings to set back one foot for every foot above 56 feet, would not allow additional shade on smaller adjacent buildings to be created at the winter solstice, and incorporate design features such as pitched roofs, articulated facades, articulated roof planes, and the use of earthtone colors consistent with Design Review Guidelines.
3. Areas zoned for multi-family housing outside of centers: Current height standards are based on parcel slope and proposed roof pitch. A higher height is allowed when a steeper roof pitch is proposed; and lower height is allowed when a shallower roof pitch is proposed. This proposal would allow 100 percent deed-restricted affordable, moderate, or achievable residential developments that utilize bonus units to use the maximum height available for each building site slope category in Code Table 37.4.1 (up to 42 feet), with a minimum 3:12 roof pitch when certain findings are made. This option would require buildings to incorporate design features such as pitched roofs, articulated facades, articulated roof planes, and the use of earthtone colors consistent with Design Review Guidelines.

Density:

1. Centers: The proposal would remove maximum density limits of up to 25 units per acre for 100 percent deed-restricted affordable, moderate, or achievable residential or mixed-use developments that utilize bonus units.

2. Areas zoned for multi-family housing outside of centers: The proposal would remove maximum density limits of up to 15 units per acre for 100 percent deed-restricted affordable, moderate, or achievable residential or mixed-use developments that utilize bonus units.

Parking:

1. Centers and areas zoned for multi-family outside of centers: Residential and mixed-use developments made up of 100 percent deed-restricted affordable, moderate, or achievable housing in centers would be subject to no minimum parking standards and .75 spaces per unit, on average, outside of centers. These minimums shall preempt inconsistent local jurisdiction’s minimum parking requirements however, in order to deviate from existing parking minimums, project applicants must demonstrate that the parking demand generated by their project, measured through a parking study, is met by providing parking spaces and/or through parking management strategies. At present, local jurisdictions require between 1 – 2.1 parking spaces per unit, depending on size.

Table 1: Existing Local Minimum Parking Requirements in the Tahoe Region					
	Washoe County	City of South Lake Tahoe	Placer County	El Dorado County	Douglas County
Parking Minimums (multi-family residential)	1.6 spaces/ 1 bdrm 2.1 spaces/ 2+ bdrm 1 space must be enclosed	1 space/ 1 bdrm 2 spaces/2+ bdrm 1 guest space/4 units	1 space/1 bdrm, 2 spaces/2+ bdrm	2 spaces/unit	2 spaces/unit

Land Coverage:

1. Centers: Allow for land coverage greater than current limits of 70 percent with participation in a stormwater collection and treatment system (consistent with TRPA treatment requirements) owned and operated by a public entity instead of traditional land coverage limits (e.g., land coverage would not be capped at any percentage on high capability lands) for 100 percent deed-restricted affordable, moderate, or achievable residential or mixed-use developments that utilize bonus units. Land coverage transfers and water quality fees would still be required.
2. Areas zoned for multi-family housing outside of centers: Allow up to 70 percent land coverage on high capability lands (instead of capping land coverage at up to 30 percent) for 100 percent deed-restricted affordable, moderate or achievable residential or mixed-use developments that utilize bonus units with participation in a stormwater collection and treatment system (consistent with TRPA treatment requirements) owned and operated by a public entity, or with a public entity responsible for onsite system maintenance. Land coverage transfers and water quality fees would still be required.
3. ADUs within bonus unit boundary: Allow up to 1,200 square feet on high capability lands within centers for a deed-restricted affordable, moderate, or achievable accessory dwelling unit(s). Allow up to 1,200 square feet or up to 70 percent land coverage (whichever is less) on high capability lands outside of centers for a deed-restricted accessory dwelling unit(s). Additional land coverage shall be used only for the accessory dwelling unit, and includes decks and walkways associated with the accessory dwelling unit. This coverage may not be used for parking. Land coverage transfers and water quality mitigation fees would still be required.

The proposed amendments above would apply region-wide following TRPA adoption, except where an area plan explicitly identifies alternative standards for 100 percent deed-restricted affordable, moderate or achievable housing. Local jurisdictions may propose alternative development standards that adjust the adopted TRPA

standards if that jurisdiction demonstrates that the alternative standards are at least as effective as TRPA standards in facilitating the construction of deed-restricted affordable, moderate, and achievable housing in the applicable jurisdiction, have an adopted inclusionary ordinance. Alternative standards shall take effect only through adoption of a new area plan or an amendment to an existing area plan with the appropriate level of environmental review.

The proposed amendments above would also apply to certain vertical mixed-use projects. The following is a summary of the changes to mixed-use definitions and standards:

1. New definition of mixed-use development added to Chapter 90 of the Code.
2. New design standards for mixed-use added to Chapter 36 of the TRPA Code, which includes parking and street frontage design.
3. Proposed land coverage, height, and density standards for 100 percent deed-restricted affordable, moderate, or achievable residential development defined above may be applied to vertical mixed-use developments that have a non-residential ground floor land use (e.g., retail, restaurant, personal services, office, and entertainment) and are consistent with proposed Code Section 36.13 (Mixed-Use with Affordable, Moderate, and Achievable Housing).

These proposed amendments do not add additional growth or development capacity that was not envisioned and analyzed in the 2012 Regional Plan.

Tiering and References to Other Documents:

This Initial Environmental Checklist (IEC) tiers from the 2012 Regional Plan Environmental Impact Statement (EIS). This document can be accessed at: <https://www.trpa.gov/regional-plan/2012-regional-plan-update/>.

The IEC also references several key planning documents and their associated initial environmental checklists. These include:

- 2018 Development Rights Strategic Initiative Initial Environmental Checklist and Finding of No Significant Effect. This initiative amended the Regional Plan Goals and Policies and the Code of Ordinances to allow for conversion of development rights and creation of the Bonus Unit Incentive Program, among other changes. The IEC can be found in the October 2018 Governing Board packet and also accessed here: https://www.trpa.gov/wp-content/uploads/documents/archive/3-Attachment-A1_DRIS-IEC_100318.pdf.
- 2020 Linking Tahoe: Regional Transportation Plan & Sustainable Communities Strategy Initial Environmental Checklist and Mitigated Finding of No Significant Effect. This document can be found in the April 2021 Governing Board packet and also accessed at: <https://www.trpa.gov/rtp/>.
- 2021 Air Quality Threshold Standard (AQ14) Update and Implementation Program (VMT Threshold Update) Initial Environmental Checklist and Finding of No Significant Effect. This document can be found in the April 2021 Governing Board packet and also accessed here: <https://www.trpa.gov/wp-content/uploads/Attachment-I-IEC-for-VMT-Update.pdf>.
- 2021 Phase 1 Housing Amendments Initial Environmental Checklist. The Phase 1 Housing Amendments allowed accessory dwelling units on all residential parcels, allowed existing tourist densities to be applied to residential development on the same parcel during redevelopment, and expanded the Bonus Unit Boundary to incorporate the ½ mile buffer from centers and all areas zoned for multi-family development. The document can be found in the July 2021 Governing Board packet and also access at: <https://www.trpa.gov/wp-content/uploads/Agenda-Item-No.-VI.-A-Phase-1-Housing-Code-Amendments.pdf>.

The Phase 2 Housing Amendments propose to modify a small portion of the 2012 Regional Plan (as previously amended) specific to buildout of the remaining residential bonus units. This IEC evaluates the impacts of the Phase 2 Housing Amendments as compared to the existing 2012 Regional Plan. Impacts arising from development under current policy were already evaluated in the Environmental Impact Statement prepared for the Regional Plan Update (RPU) and the other environmental analyses listed above.

The following questionnaire has been completed based on evidence submitted with the application. For the TRPA Initial Environmental Checklist, all "Yes" and "No, With Mitigation" answers require written discussion. For the CEQA Initial Study checklist, all "Less Than Significant (LTS) with Mitigation" and "Less than Significant (LTS)" answers require written discussion. Written discussion is also provided by some "No" and "No Impact" answers where needed to support the conclusion.

For information on the status of TRPA environmental thresholds (<https://thresholds.laketahoeinfo.org>) click on the links below to the Threshold Dashboard.

I. Environmental Impacts

1. Land (TRPA Checklist Questions)

Current and historic status of soil conservation standards can be found at the links below:

- [Impervious Cover](#)
- [Stream Environment Zone](#)

Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. Compaction or covering of the soil beyond the limits allowed in the land capability or Individual Parcel Evaluation System (IPES)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. A change in the topography or ground surface relief features of site inconsistent with the natural surrounding conditions?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Unstable soil conditions during or after completion of the proposal?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Changes in the undisturbed soil or native geologic substructures or grading in excess of 5 feet?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. The continuation of or increase in wind or water erosion of soils, either on or off the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Changes in deposition or erosion of beach sand, or changes in siltation, deposition or erosion, including natural littoral processes, which may modify the channel of a river or stream or the bed of a lake?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Exposure of people or property to geologic hazards such as earthquakes, landslides, backshore erosion, avalanches, mud slides, ground failure, or similar hazards?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Geology/Soils (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: (CEQA VIIa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or				

Geology/Soils (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?				
ii) Strong seismic ground shaking?				
iii) Seismic-related ground failure, including liquefaction?				
iv) Landslides?				
2. Result in substantial soil erosion or the loss of topsoil? (CEQA VIIb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (CEQA VIIc)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (CEQA VIId)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? (CEQA VIIe)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (CEQA VIIf)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

TRPA Question 1.a:

Under the proposed amendments, maximum allowable land coverage (base plus transferred) within centers, the Regional Center, and the High Density Tourist District would no longer be capped on high capability lands for 100 percent deed-restricted affordable, moderate and achievable housing development projects that utilize bonus units, including mixed-use projects that include deed-restricted housing and are consistent with proposed Code Section 36.13 (Mixed-Use with Affordable, Moderate, and Achievable Housing). This amendment would incentivize transfers of coverage into these center areas, which would result in the relocation of coverage from more sensitive to less sensitive lands. The amendments would allow land coverage over 70 percent in centers with participation in a stormwater collection and treatment system (consistent with TRPA treatment requirements) owned and operated by a public entity, or with a public entity responsible for onsite system maintenance.

Under the proposed amendments, maximum allowable land coverage (base plus transferred) within areas zoned for multi-family housing would allow up to 70 percent land coverage on high capability lands for 100 percent deed-restricted affordable, moderate and achievable housing development projects that utilize bonus units, including mixed-use projects that include deed-restricted housing and are consistent with proposed Code Section 36.13 (Mixed-Use with Affordable, Moderate, and Achievable Housing). The proposal would allow up to 70 percent coverage for deed-restricted ADUs within the Bonus Unit Boundary. This amendment would incentivize transfers of coverage into these multi-family zoned areas and the Bonus Unit Boundary, which would result in the relocation of coverage from equal or more sensitive to less sensitive lands. The amendments would allow land coverage up to 70 percent in multi-family zones and the Bonus Unit Boundary with participation in a stormwater collection and

treatment system (consistent with TRPA treatment requirements) owned and operated by a public entity, or with a public entity responsible for onsite system maintenance.

At present, the number of potential housing units eligible for development under the proposed amendments is equal to the number of bonus units remaining under the Regional Plan (approximately 946 in 2023 as noted in the Project Need section above). The 2012 Regional Plan Update analysis supporting increased land coverage limits of up to 70 percent coverage in centers (2012 RPU EIS Section 3.7, pages 3.7-33 to 3.7-36) also applies to the current proposal – impacts of higher land coverage percentages on high capability lands are mitigated by incentivizing the removal of coverage on sensitive lands for transfer to Centers and areas zoned for multi-family housing. Additionally, BMPs or regional water quality treatment systems will still be required to treat runoff from all coverage associated with the deed-restricted affordable housing development, providing protection to water quality in Lake Tahoe.

Because of the increased land coverage limits, this amendment could increase compaction or covering of the soil beyond the limits allowed in the land capability or Individual Parcel Evaluation System (IPES) (within project specific sites, not on a regional basis) not previously studied in the 2012 RPU EIS.

While the land capability or IPES limits may be exceeded under the amendment, the land capability limits will not be exceeded on a regional level. Assuming that there are approximately 946 bonus units remaining for assignment to future projects (see Project Need section above), approximately 620,000 square feet (just over 14 acres) of land coverage (using 656 sf average land coverage per multi-family unit as estimated in the 2012 RPU EIS) would be required for buildout of bonus units within high capability lands inside centers, multi-family housing zones, and the bonus unit boundary. A sizable percentage of the land coverage needed for these affordable housing units would consist of base allowable land coverage (20 to 30 percent) for high capability lands whether the proposed development parcels are vacant or have existing land coverage. As such, up to 50-80 percent of the estimated land coverage total would require transfer under the current rules if future 100 percent deed-restricted affordable, moderate and achievable housing projects were to maximize land coverage at 70 or 100 percent of the high capability portion of the project area (70 percent in multi-family zones outside centers and up to 100 percent within centers). As such, under current transfer rules, approximately 7 to 11.2 acres of the calculated maximum land coverage total of 14 acres for buildout of the 946 bonus unit pool would require transfer. This range of potential land coverage transfer equals up to approximately 488,000 square feet of land coverage, a potential benefit to equally or more sensitive lands outside of the urban boundary that would no longer have development potential. Based on data included in the 2012 RPU EIS (Table 3.7-5), over 4,700 acres of high capability land coverage is available for development region-wide. Thus, not only would the additional 7 to 11.2 acres of additional land coverage within the Centers and multi-family housing zones require transfer from other areas (offsetting exceedance of existing land coverage limits in those locations), the total increase in these areas equates to less than 0.3 percent of the total remaining allowable high capability land coverage in the region. Under the current development caps, there is no possibility that even under full build-out, the region will exceed regional land coverage limits.

Based on the relatively small amount of high capability land coverage needed to incentivize 100 percent deed-restricted affordable, moderate, and achievable housing and the requirements to transfer land coverage over base allowable and provide equally effective stormwater management to current water quality requirements, the impact of this change is considered to be less than significant.

TRPA Questions 1.b-g:

All other responses are “no” or would be determined at the project level, each of which must make project-related findings to ensure that there are no impacts to soils.

TRPA Threshold Indicators:

As indicated in the discussion above, adverse impacts to soils due to increased coverage are not anticipated with implementation of code requirements relating to land coverage transfers.

Impervious Cover: The proposal provides increased land coverage limits for 100 percent deed-restricted affordable, moderate, or achievable housing that utilize bonus units constructed on high capability lands. With the buildout of all remaining residential bonus units in the 2012 RPU, land coverage limits for high capability lands are not exceeded basin-wide under the proposed amendments (See analysis above and on pages 3.7-39-40 from the 2012 RPU EIS) and necessary land coverage transfers will benefit impervious cover outside of Centers and areas zoned for multi-family housing.

Stream Environment Zone: Fifteen acres of coverage within stream environment zones (SEZ) are anticipated to be restored over the life of the 2012 Regional Plan, and as of 2022, approximately 12.8 acres of SEZ coverage removal has been achieved, which is on track with performance benchmarks. With transfers of coverage associated with the proposed amendments designed to incentivize 100 percent deed-restricted affordable, moderate and achievable housing, these amendments would continue to support attainment of that goal.

CEQA Questions 1.1-1.6:

For question 1.2, please refer to TRPA question 1.a. All other responses are “no impact” or would be determined at the project level, each of which must make project-related findings to ensure that there are no impacts to geology/soils.

2. Air Quality (TRPA Checklist Questions)

Current and historic status of air quality standards can be found at the links below:

- [Carbon Monoxide \(CO\)](#)
- [Nitrate Deposition](#)
- [Ozone \(O3\)](#)
- [Regional Visibility](#)
- [Respirable and Fine Particulate Matter](#)
- [Sub-Regional Visibility](#)

Will the proposal result in:	Yes	No	No, with mitigation	Data insufficient
a. Substantial air pollutant emissions?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Deterioration of ambient (existing) air quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. The creation of objectionable odors?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Increased use of diesel fuel?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Air Quality (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Conflict with or obstruct implementation of the applicable air quality plan? (CEQA IIIa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under applicable federal or state ambient air quality standards? (CEQA IIIb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Expose sensitive receptors to substantial pollutant concentrations? (CEQA IIIc)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Result in other emissions, such as objectionable odors, adversely affecting a substantial number of people? (CEQA IIId)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Greenhouse Gas Emissions (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
5. Greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (CEQA VIIa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (CEQA VIIIb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

TRPA Questions 2.a-2.d:

The Phase 2 Housing Amendment is consistent with the existing growth management system and will help to implement Regional Plan and Regional Transportation Plan goals of concentrating development close to transit and centers, where it will have reduced air quality impacts. Thus, the change does not result in substantial air emissions, deterioration of ambient air quality, the creation of objectionable odors, change in climate, or increased use of diesel fuel beyond what was analyzed in the 2012 Regional Plan EIS.

The proposal does not change the overall number of units that will be built throughout the life of the Regional Plan, it instead creates incentives to shift that development closer to transit and services. Thus, the amount of air quality and climate emissions associated with each unit has already been analyzed in the 2012 RPU and shown not to exceed air quality or odor standards.

The carbon monoxide (CO) emission standard is not associated with overall trips but with idling time and could therefore be impacted by encouraging higher density housing in specific locations. Increasing incentives to develop town center parcels with more units could lead to more households with cars living in certain locations, increasing localized congestion during peak periods. While localized roadway intersections could see a slight increase in congestion from more densely built housing development, a CO hot spot analysis is not warranted to answer question (2.d) as Tahoe Basin intersections/roadway volumes do not reach the volumes/delay needed to exceed CO standards on a localized level. As reported in the US 50/South Shore Revitalization Project Draft EIR/EIS/EIS (page

3.13-30), there is no applicable El Dorado County Air Quality Management District (EDCAQMD) screening criteria available to determine the need for a CO hot spot analysis. As such, recent screening criteria from Sacramento Metropolitan Air Quality Management District (SMAQMD) is considered for this CO impact discussion. According to SMAQMD, a project would result in a less-than-significant CO impact if the project would not result in an affected intersection experiencing more than 31,600 vehicles per hour (SMAQMD 2009). For the purpose of this analysis, a significant impact related to CO emissions during operation would occur if the project would increase traffic volumes at Tahoe Basin intersections to more than 31,600 vehicles per hour.

There are no intersections in the Lake Tahoe Basin that come close to 31,600 vehicles per hour. For example, one of the busiest intersections in the Tahoe Basin is the US Highway 50/SR 89/Lake Tahoe Boulevard (“the Y”) intersection in South Lake Tahoe, with up to 4,294 vehicles per hour during peak summer periods (Table 2, page 5, LSC, 2070 Achievable Housing Traffic Study, May 28, 2021). As such, the proposed amendments would not increase intersection volumes that exceed the applicable screening criteria for CO hot spots analysis.

TRPA Question 2.e:

Use of diesel fuel over the long term would not be expected to increase over what was analyzed in the RPU, as nothing about incentivizing units to be located closer to transit and services would change the amount of diesel fuel that they are anticipated to use. Diesel fuel could be used during construction, however since there would be efficiencies of scale in constructing deed-restricted multi-family bonus units, no increase in the use of diesel fuel during project construction is expected as a result of the proposed amendment.

TRPA Threshold Indicators:

As discussed above, no significant impacts on air quality are anticipated as a result of the proposed amendment.

Air Quality: Current and historic status of air quality standards (e.g., Carbon Monoxide) can be found at the links above.

CEQA Questions 2.1-2.6:

All responses are “no impact” or would be determined at the project level, each of which must make project-related findings to ensure that there are no impacts to air quality/greenhouse gas emissions.

3. Water Quality (TRPA Checklist Questions)

Current and historic status of water quality standards can be found at the links below:

- [Aquatic Invasive Species](#)
- [Deep Water \(Pelagic\) Lake Tahoe](#)
- [Groundwater](#)
- [Nearshore \(Littoral\) Lake Tahoe](#)
- [Other Lakes](#)
- [Surface Runoff](#)
- [Tributaries](#)
- [Load Reductions](#)

Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. Changes in currents, or the course or direction of water movements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff so that a 20 yr. 1 hr. storm runoff (approximately 1 inch per hour) cannot be contained on the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Alterations to the course or flow of 100-year flood waters?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Change in the amount of surface water in any water body?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Alteration of the direction or rate of flow of ground water?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Substantial reduction in the amount of water otherwise available for public water supplies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Exposure of people or property to water related hazards such as flooding and/or wave action from 100-year storm occurrence or seiches?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j. The potential discharge of contaminants to the groundwater or any alteration of groundwater quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k. Is the project located within 600 feet of a drinking water source?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Hydrology/Water Quality (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality? (CEQA Xa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Hydrology/Water Quality (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
2. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? (CEQA Xb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: (CEQA Xc)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Result in substantial erosion or siltation on- or off-site;				
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;				
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or				
iv) Impede or redirect flood flows?				
4. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? (CEQA Xd)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? (CEQA Xe)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

TRPA Questions 3.a and 3.c-3.f and 3.h-3.k:

All of these responses are “no” because specific, potential impacts would be determined at the project level. At this stage of review, project-specific impacts are not known, and the existing Code requirements, along with the measures required by the amendments, would preclude significant, unmitigated, project-level impacts to water quality.

TRPA Questions 3.b and 3.g:

Under the proposed amendments, maximum allowable land coverage (base plus transferred) within centers, the Regional Center, and the High Density Tourist District would no longer be capped on high capability lands for 100 percent deed-restricted affordable, moderate and achievable housing development projects that utilize bonus units, including mixed-use projects that include deed-restricted housing and are consistent with proposed Code Section 36.13 (Mixed-Use with Affordable, Moderate, and Achievable Housing). The amendments would allow land coverage over 70 percent in centers with participation in a stormwater collection and treatment system (consistent with TRPA treatment requirements) owned and operated by a public entity, or with a public entity responsible for onsite system maintenance. As a result, the amendments would incentivize transfers of coverage into centers, which would result in the relocation of coverage from equal or more sensitive to less sensitive lands.

Under the proposed amendments, maximum allowable land coverage (base plus transferred) within areas zoned for multi-family housing would allow up to 70 percent land coverage on high capability lands for 100 percent deed-restricted affordable, moderate and achievable housing development projects that utilize bonus units, including mixed-use projects that include deed-restricted housing and are consistent with proposed Code Section 36.13 (Mixed-Use with Affordable, Moderate, and Achievable Housing). This amendment would incentivize transfers of coverage into these multi-family zoned areas, by allowing up to 70 percent in multi-family zones with participation

in a stormwater collection and treatment system (consistent with TRPA treatment requirements) owned and operated by a public entity, or with a public entity responsible for onsite system maintenance.

Recently permitted projects in the Lake Tahoe Basin show how the use of onsite stormwater systems would allow deed-restricted housing developments to maximize the utility of land available for the housing units. The Waldorf Astoria Lake Tahoe and Incline 947 Residential, both of which are located in centers and can transfer in up to 70 percent coverage already, include state-of-the-art systems that can collect, treat and retain/infiltrate stormwater events onsite using underground systems that can be placed below driveways, parking areas and other development amenities, reducing the amount of land area needed to collect and treat stormwater runoff. Ultimately the treated stormwater is allowed to percolate into the soil to help recharge groundwater levels. These types of systems would benefit 100 percent deed-restricted affordable, moderate and achievable housing developments to maximize the utility of land available for affordable housing sites. In the case of the Waldorf Astoria Project, the system is designed to treat the 100-year, one hour storm event, substantially exceeding the TRPA Code requirements for treatment of the 20-year, one hour storm event.

To overcome some of the site-specific challenges of capturing and infiltrating stormwater onsite through BMPs, the 2012 Regional Plan EIS identified a benefit to water quality with targeted BMP compliance and the expansion of areawide treatments. A “revised policy option” expanded the ability to implement areawide treatment facilities to any area in the Region where the water quality benefit of the approach can be demonstrated to meet or exceed existing water quality requirements. The proposed land coverage amendments would add additional impetus to expand areawide stormwater treatment systems.

While the proposed amendments would allow increased land coverage limits on a parcel-by-parcel basis, they would not allow increased land coverage totals on a region-wide basis. Thus, new land coverage added to accommodate new 100 percent deed-restricted affordable, moderate, or achievable housing is coverage that may have been added anyway to build the remaining bonus unit inventory, spread out on additional parcels where multi-family housing is permitted. Similar to existing regulations, projects that create new land coverage under the proposed amendments must demonstrate that all stormwater runoff from this coverage is collected and treated to meet TRPA standards. Additionally, this amendment includes a provision requiring that the project participate in a stormwater collection and treatment system (consistent with TRPA treatment requirements) owned and operated by a public entity. The system could be located offsite or onsite and could be a new system or a connection to an existing system that is adequately sized (or retrofitted) to accommodate the project’s stormwater collection and treatment. This requirement would ensure that there would be no adverse alteration in surface water quality or change in the quantity of groundwater. Additionally, the requirement that the system be owned and operated by a public entity, or that a public entity is responsible for onsite system maintenance would be an enhanced level of maintenance over what is required today.

In response to concerns submitted on the 2012 RPU EIS regarding the localized water quality impacts of further concentrating development within community centers, TRPA prepared an analysis to estimate the relative changes in pollutant loading that could occur within community centers as a result of proposed policies. A stormwater modeling simulation was prepared using the Pollutant Load Reduction Model (PLRM). The simulation provided estimates of existing and future pollutant loading from areas designated as centers in the Final Draft Plan. The analysis incorporated parcel-level data on land use, existing coverage, and current BMP compliance to generate estimates of existing loading from Centers. To evaluate a worst-case scenario, the model assumed that all parcels within Centers with commercial, tourist accommodation, and residential land uses would maximize their allowable coverage as a result of policies that incentivize additional concentrated development. The model also assumed that all parcels that added coverage would comply with BMP requirements. The modeling results show that even if policies that incentivize concentrated development achieved the maximum allowable coverage in all Centers, the result would be a decrease in pollutant loading from Centers as a result of implementing required water quality regulations. Because of the relatively small increase in total land coverage associated with the proposed amendments (e.g., up to 11.2 acres of additional land coverage in high capability town center, multi-family zoned, and bonus unit boundary lands, which equates to less than 0.3 percent of the remaining allowable high capability land coverage in the region), the PLRM analysis also supports a finding of no significant impact for increasing land

coverage limits for 100 percent deed-restricted affordable, moderate, or achievable housing developments that utilize bonus units.

TRPA Threshold Indicators:

As discussed above, no significant water quality impacts are anticipated. The proposed plan would not alter or revise regulations pertaining to water quality. Future development under the amendments is not anticipated to result in water quality impacts, or interfere with achieving load reduction targets, as all projects must demonstrate compliance with the Code of Ordinances.

Water Quality: Current and historic status of water quality standards can be found at the links above.

CEQA Questions 3.1-3.5:

For questions 3.2 and 3.3, please refer to TRPA questions 3.b and 3.g. All other responses are “no impact” or would be determined at the project level, each of which must make project-related findings to ensure that there are no impacts to hydrology/water quality.

4. Vegetation (TRPA Checklist Questions)

Current and historic status of vegetation preservation standards can be found at the links below:

- [Common Vegetation](#)
- [Late Seral/Old Growth Ecosystems](#)
- [Sensitive Plants](#)
- [Uncommon Plant Communities](#)

Will the proposal result in:	Yes	No	No, with mitigation	Data insufficient
a. Removal of native vegetation in excess of the area utilized for the actual development permitted by the land capability/IPES system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Removal of riparian vegetation or other vegetation associated with critical wildlife habitat, either through direct removal or indirect lowering of the groundwater table?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Introduction of new vegetation that will require excessive fertilizer or water, or will provide a barrier to the normal replenishment of existing species?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Change in the diversity or distribution of species, or number of any species of plants (including trees, shrubs, grass, crops, micro flora, and aquatic plants)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Reduction of the numbers of any unique, rare, or endangered species of plants?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Removal of stream bank and/or backshore vegetation, including woody vegetation such as willows?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Removal of any native live, dead or dying trees 30 inches or greater in diameter at breast height (dbh) within TRPA's Conservation or Recreation land use classifications?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

h. A change in the natural functioning of an old growth ecosystem?

Discussion

TRPA Question 4.a:

The proposal does not add development capacity but incentivizes development to be concentrated in centers and close to transit and services, and to be constructed as smaller multi-family units which would result in a reduction in impacts to vegetation region wide.

TRPA Questions 4.b-4.h:

All of these responses are “no” or would be determined at the project level, each of which must make project-related findings to ensure that there are no impacts to biological resources.

The proposal provides land coverage incentives on high capability land only, which by definition does not include riparian vegetation. The proposal would require that all runoff be treated and infiltrated either through on-site BMPs operated by a public entity, or through publicly managed offsite stormwater treatment systems which would return the treated water to the groundwater system. The proposed amendments do not change rules regarding access to, or use of groundwater. Thus there would not be a lowering of the groundwater table that could affect vegetation associated with critical wildlife habitat. In addition, individual projects must assess whether their project is in an area of critical wildlife habitat, and take appropriate measures to protect that habitat, or not create additional development in that location.

TRPA Threshold Indicators:

As discussed above, the proposed amendments do not alter or revise regulations pertaining to native vegetation protection during construction, vegetation removal, groundwater management, landscaping, sensitive plants, stream environment zones, or tree removal. As such, no effect on vegetation preservation indicators is anticipated.

Vegetation Preservation: Current and historic status of vegetation preservation standards can be found at the links above.

5. Wildlife (TRPA Checklist Questions)

Current and historic status of special interest species standards can be found at the links below:

- [Special Interest Species](#)

Current and historic status of the fisheries standards can be found at the links below:

- [Instream Flow](#)
- [Lake Habitat](#)
- [Stream Habitat](#)

Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. Change in the diversity or distribution of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects, mammals, amphibians or microfauna)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Reduction of the number of any unique, rare or endangered species of animals?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- | | | | | |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Deterioration of existing fish or wildlife habitat quantity or quality? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Biological Resources (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (CEQA IVa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (CEQA IVb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Have a substantial adverse effect on federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (CEQA IVc)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (CEQA IVd)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance? (CEQA IVe)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (CEQA IVf)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

TRPA Questions 5.a-5.d:

All of these responses are “no” or would be determined at the project level, each of which must make project-related findings to ensure that there are no impacts to biological resources.

At a localized level, the proposal could result in a reduction of habitat in centers and areas zoned for multi-family housing, through development of 100 percent deed-restricted affordable housing. However, wildlife habitat within or immediately adjacent to centers is less suitable for sensitive wildlife species than habitat located outside of the urban core. The proposal does not add development capacity but incentivizes development to be concentrated in centers and close to transit and services, and to be constructed as smaller units which would result in a reduction in impacts to wildlife region wide.

TRPA Threshold Indicators:

As discussed above, the proposed amendments do not affect existing standards relating to wildlife or fisheries. No impact to threshold indicators is anticipated.

Wildlife: Current and historic status of special interest wildlife preservation standards can be found at the links above:

Fisheries: Current and historic status of aquatic/fisheries preservation standards can be found at the links above:

CEQA Questions 5.1-5.6:

All responses are “no impact” or would be determined at the project level, each of which must make project-related findings to ensure that there are no impacts to biological resources.

6. Noise (TRPA Checklist Questions)

Current and historic status of the noise standards can be found at the links below:

- [Cumulative Noise Events](#)
- [Single Noise Events](#)

Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. Increases in existing Community Noise Equivalency Levels (CNEL) beyond those permitted in the applicable Area Plan, Plan Area Statement, Community Plan or Master Plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Exposure of people to severe noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Single event noise levels greater than those set forth in the TRPA Noise Environmental Threshold?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. The placement of residential or tourist accommodation uses in areas where the existing CNEL exceeds 60 dBA or is otherwise incompatible?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. The placement of uses that would generate an incompatible noise level in close proximity to existing residential or tourist accommodation uses?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Exposure of existing structures to levels of ground vibration that could result in structural damage?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Noise (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or other applicable local, state, or federal standards? (CEQA XIIIa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Noise (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
2. Generation of excessive groundborne vibration or groundborne noise levels? (CEQA XIIIb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. For a Project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the project area to excessive noise levels? (CEQA XIIIc)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

TRPA Questions 6.a-6.f:

All of these responses are “no” or would be determined at the project level, each of which must make project-related findings to ensure that there are no impacts to noise resources.

The amendments propose to concentrate multi-family residential uses in Centers and adjacent areas with multi-family zoning where the predominant CNEL standard is 60 dBA. Based on TRPA threshold evaluation monitoring (TRPA, 2019) for mixed-use land use areas (with an assigned CNEL standard of 60) and high density residential areas (55 CNEL standard), each area meets threshold targets and therefore would not expose new residents to noise levels that exceed standards. The 2019 threshold report states that average noise levels across all monitored commercial, tourist, and high density residential areas are well within the threshold standard.

TRPA Threshold Indicators:

As discussed above, no significant noise-related impacts are anticipated.

Noise: Current and historic status of the noise standards can be found at the links above.

CEQA Questions 6.1-6.3:

All responses are “no impact” or would be determined at the project level, each of which must make project-related findings to ensure that there are no impacts related to noise or vibration.

7. Light and Glare (TRPA Checklist Questions)

Will the proposal:

	Yes	No	No, with mitigation	Data insufficient
a. Include new or modified sources of exterior lighting?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Create new illumination which is more substantial than other lighting, if any, within the surrounding area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Cause light from exterior sources to be cast off -site or onto public lands?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Create new sources of glare through the siting of the improvements or through the use of reflective materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Aesthetics – Light and Glare (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? (CEQA Id)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

TRPA Questions 7.a-7.d:

All of these responses are “no” or would be determined at the project level, each of which must make project-related findings to ensure that there are no impacts to light and glare.

CEQA Question 7.1:

All responses are “no impact” or would be determined at the project level, each of which must make project-related findings to ensure that there are no impacts to views from light and glare.

8. Land Use (TRPA Checklist Questions)

Will the proposal:

	Yes	No	No, with mitigation	Data insufficient
a. Include uses which are not listed as permissible uses in the applicable Area Plan, Plan Area Statement, adopted Community Plan, or Master Plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Expand or intensify an existing non-conforming use?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Land Use/Planning (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Physically divide an established community? (CEQA XIa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? (CEQA XIb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

TRPA Questions 8.a-8.b:

All of these responses are “no” or would be determined at the project level, each of which must make project-related findings to ensure that there are no impacts to land use.

The proposal does not add any additional land uses or development commodities. The proposal would intentionally intensify residential uses (8.b) in areas where they are already permitted. For the reasons explained in the Project

Description and Project Need, these changes are proposed in order to better incentivize development of affordable and workforce housing and realize the goals of the Regional Plan.

CEQA Questions 8.1-8.2:

All responses are “no impact” or would be determined at the project level, each of which must make project-related findings to ensure that there are no impacts to land use and land use plans.

9. Natural Resources (TRPA Checklist Questions)

Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. A substantial increase in the rate of use of any natural resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Substantial depletion of any non-renewable natural resource?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Mineral Resources (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (CEQA XIIa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (CEQA XIIb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

TRPA Questions 9.a-9.b.

All of these responses are “no” or would be determined at the project level, each of which must make project-related findings to ensure that there are no impacts to natural resources. The proposal does not create any additional growth, thus is not expected to increase the rate of use of any natural resources or non-renewable natural resources.

CEQA Questions 9.1-9.2:

All responses are “no impact” or would be determined at the project level, each of which must make project-related findings to ensure that there are no impacts to mineral resources.

10. Risk of Upset (TRPA Checklist Questions)

Will the proposal:

	Yes	No	No, with mitigation	Data insufficient
a. Involve a risk of an explosion or the release of hazardous substances including, but not limited to, oil, pesticides, chemicals, or radiation in the event of an accident or upset conditions?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Involve possible interference with an emergency evacuation plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Hazards & Hazardous Materials (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (CEQA IXa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (CEQA IXb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (CEQA IXc)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (CEQA IXd)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? (CEQA IXe)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (CEQA VIII f)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? (CEQA IXg)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Wildfire (CEQA Checklist Questions)

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
8. Substantially impair an adopted emergency response plan or emergency evacuation plan? (CEQA XXa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? (CEQA XXb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Require the installation of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? (CEQA XXc)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? (CEQA XXd)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

TRPA Question 10.a.

There is no additional risk of explosion or release of hazardous substances associated with encouraging development to shift to centers and areas zoned for multi-family housing close to transit and services. All projects must comply with current local and state safety standards during construction and operation.

TRPA Question 10.b.

Evacuation planning and execution is conducted at the local level, with coordination among local fire and law enforcement agencies, departments of transportation, and state fire agencies during a large-scale emergency event, such as the 2021 Caldor Fire.

As part of the 2012 RPU EIS analysis, TRPA conducted an emergency evacuation analysis, considering the amount of growth forecast for the region. This amendment does not propose additional growth, only amendments to standards intended to encourage buildout of the remaining residential bonus units for deed-restricted affordable, moderate and achievable housing. By concentrating remaining residential growth in centers and along evacuation routes such as major highways, rather than in neighborhoods closer to the forest, or on roads which may have limited exit routes, the proposed amendments would benefit evacuation planning. Further, a goal of the current proposal seeks to shift more of the future housing stock to occupancy by local residents, rather than part-time second homeowners or tourists (e.g., vacation home rentals). Because of the lack of available housing and high rates of commuting into the basin, a similar number of people are likely to be in the basin during a potential emergency event, still requiring evacuation. Having fewer commuters in the basin during an emergency event will reduce congestion on roadways.

Several California state laws, including SB-99, require cities and counties to (1) identify residential areas without adequate exit routes for evacuation and (2) include mitigation measures in their general plans to overcome those issues. Another state law is AB 747, which requires local governments to plan evacuation route capacity needs under a range of emergency scenarios. The proposed amendments do not conflict with local jurisdictions' ability to prepare or implement emergency evacuation plans and therefore, would result in no impact.

CEQA Questions 10.1-10.5:

There is no additional risk of explosion or release of hazardous substances associated with encouraging development to shift to centers and areas zoned for multi-family housing close to transit and services. All projects must comply with current local and state safety standards during construction and operation.

CEQA Question 10.6 and 10.8:

Please refer TRPA question 10.b.

CEQA Questions 10.7 and 10.9-10.11:

All responses are “no impact” or would be determined at the project level, each of which must make project-related findings to ensure that there are no impacts related to wildfire risk.

11. Population (TRPA Checklist Questions)

Will the proposal:

	Yes	No	No, with mitigation	Data insufficient
a. Alter the location, distribution, density, or growth rate of the human population planned for the Region?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Include or result in the temporary or permanent displacement of residents?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Population (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (CEQA XIVA)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

TRPA Question 11.a:

The proposal will not increase the number of housing units planned for the region under the growth management system, as only remaining residential bonus units are available for the proposed incentives. In the recent past, the Tahoe Region population exceeded 60,000 people, approximately 10,000 more than present. Since much of that previous population has been lost, any growth in population provided by construction of bonus units would allow the growth rate of the human population residing in the region to more closely align with the growth rate/population projections envisioned in the Regional Plan (60,365 as reported in 2012 RPU Draft EIS, page 3.12-9; and 58,041 as reported in the 2020 Regional Transportation Plan, page 249), which includes a goal of providing sufficient local workforce housing to meet the needs of the Region. The Regional Plan also includes the State of California Regional Housing Needs Assessment (RHNA) requirements for affordable, moderate, and above-moderate-income housing. The proposed amendments would incentivize construction of the deed-restricted housing units planned for with the Bonus Unit Incentive Pool (currently approximately 946 remaining bonus units),

thus more quickly achieving the RHNA goals and the larger housing need identified in several other regional housing needs assessments [Tahoe Living Working Group Housing Need, August 19, 2020 accessed at <https://www.trpa.gov/wp-content/uploads/documents/archive/2/Housing-Need.pdf>]. The proposed amendments will shift densities to town center and multi-family zoned areas close to transit and services to help achieve Regional Plan goals of reduced VMT and walkable, bikeable centers. However, the changes in density will not result in increases to population growth rates anticipated in the 2012 RPU, thus they will not result in adverse impacts to the growth rate.

TRPA Question 11.b:

The proposal is not anticipated to result in temporary or permanent displacement of residents, rather the proposal will incentivize development of additional affordable housing opportunities for local residents. While an individual redevelopment project may temporarily displace residents during construction, those temporary impacts would be addressed through the specific project application.

CEQA Question 11.1:

Please refer to TRPA question 11.a.

12. Housing (TRPA Checklist Questions)

Will the proposal:

a. Affect existing housing, or create a demand for additional housing?

To determine if the proposal will affect existing housing or create a demand for additional housing, please answer the following questions:

- | | Yes | No | No, with mitigation | Data insufficient |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| 1. Will the proposal decrease the amount of housing in the Tahoe Region? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Will the proposal decrease the amount of housing in the Tahoe Region historically or currently being rented at rates affordable by lower and very-low-income households? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Housing (CEQA Checklist Questions)

- | | Potentially Significant | LTS with Mitigation | LTS Impact | No Impact |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 1. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? (CEQA XIVb) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion

TRPA Question 12.a:

The proposed amendments are intended to increase the amount of 100 percent deed-restricted affordable, moderate and achievable housing in the region, including housing affordable to lower and very-low-income households. By making multi-family and accessory dwelling unit housing types more affordable to build, housing projects will become more competitive for state and federal grants. Projects that receive government grant funding, such as the recently approved Sugar Pine Village, are more likely to provide affordable housing for the

lower income levels. Use of the remaining 946 residential bonus units to supply local residents with 100 percent deed-restricted affordable, moderate, and achievable housing units is anticipated to relieve pressure on the extremely limited rental market, allowing households to move into appropriately sized and priced units, and opening up more supply at lower rates.

It is possible that proposed density, height and land coverage amendments available for 100 percent deed-restricted housing units, including achievable, could encourage future developers to demolish existing housing units being rented at affordable or moderate rental rates and replace them with 100 percent deed-restricted housing units that would be rented to households working locally with higher incomes, but that still qualify for deed-restricted housing. However, in the case of future multi-family residential projects, the project would be required to complete an Initial Environmental Checklist (IEC) to analyze whether the proposed demolition of existing housing would decrease the amount of housing historically or currently being rented at rates affordable to lower and very-low income households. If a future project is found to reduce existing affordable housing supply, mitigation would be required to avoid a net loss of units affordable to low or very-low income households.

CEQA Question 12.1:

Please refer TRPA question 12.a.

13. Transportation / Circulation (TRPA Checklist Questions)

Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. Generation of 650 or more new average daily Vehicle Miles Travelled?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Changes to existing parking facilities, or demand for new parking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Substantial impact upon existing transportation systems, including highway, transit, bicycle or pedestrian facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Alterations to present patterns of circulation or movement of people and/or goods?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Alterations to waterborne, rail or air traffic?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Transportation (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities? (CEQA XVIIa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b) VMT Threshold – Land Use Projects? (CEQA XVIIb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Transportation (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
3. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (CEQA XVIIc)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Result in inadequate emergency access? (CEQA XVIIId)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

TRPA Question 13.a:

The proposed amendments to increase height, coverage and density allowances for residential or mixed-use projects with 100 percent deed-restricted affordable, moderate or achievable housing units would only benefit projects receiving residential bonus units from TRPA. Since no new units are being added to the overall growth limits of the region, the VMT impact of the approximately 946 bonus units has already been analyzed, and the proposal will only further incentivize these housing units to be located in areas that generate less VMT per capita (centers and zones that permit multi-family housing) as encouraged by the 2012 Regional Plan and subsequent amendments.

As part of the analysis in the 2012 Regional Plan Update, the 2020 Regional Transportation Plan analysis, and the 2021 Phase 1 Housing Amendments analysis, bonus units were already assumed to be located within the Bonus Unit Boundary. In the 2012 RPU analysis and 2020 RTP analysis, the Bonus Unit Boundary included all centers except for Meyers, plus a ½ mile distance from existing transit. In the 2021 Phase 1 Housing Amendments analysis, similar to previous analyses, the Bonus Unit Boundary included the ½-mile buffer from existing transit, but also added a ½-mile buffer from centers, and all areas zoned multi-family at the time of the amendment. The proposal to increase height and coverage and remove maximum density limits for multi-family residential units in centers and to increase density to allow a minimum of three residential units per parcel in multi-family zones could result in bonus units being located more densely in centers and multi-family zones. However, this assumption would not cause the VMT threshold to be exceeded as both of these areas are within the bonus unit boundary and were already found to not have an impact in the previous analyses referenced above.

TRPA Question 13.b:

The proposed amendments will not result in a demand for new parking beyond what was assumed under the 2012 RPU, 2020 RTP and 2021 Phase 1 Housing analyses. The proposal does not add additional units under the region's growth management system. Similar to the response for question 13.a, it is assumed that new 100 percent deed-restricted affordable, moderate or achievable homes that utilize bonus units (up to approximately 946 bonus units) would be located more densely in centers or multi-family zones because of the proposed amendments than was previously anticipated within the slightly broader bonus unit boundary. To further incentivize use of the remaining bonus units, the amendments include a proposal to exempt 100 percent deed-restricted affordable, moderate, or achievable housing developments from minimum parking requirements within centers. Outside of centers but within areas zoned for multi-family housing, the proposal would reduce minimum parking requirements to .75 spaces per unit, on average. In order to deviate from existing local parking requirements, the project applicant must demonstrate their ability to meet the demand generated by the new development by constructing new parking and/or implementing parking management strategies. ADUs within the bonus unit boundary would be subject to applicable local parking requirements that exist today. Therefore, this condition will ensure that adequate localized parking is available in centers and multi-family zones without spillover impacts on neighborhoods.

The change in overall demand for parking would be minimal compared to previous analyses. Under the 2012 RPU, the 2020 RTP, and 2021 Phase 1 Housing analyses, all remaining residential units of development potential except

for bonus units were assumed to be randomly distributed to buildable residential parcels throughout the region. At present, existing minimum parking requirements vary by jurisdiction for units that are 1-bedroom or less, but each local jurisdiction requires all units with two or more bedrooms to have at least two parking spaces. By incentivizing more units to be 100 percent deed-restricted as affordable, moderate, or achievable and located in proximity to transit, with higher parcel-level densities, future units will be more likely to include studios and 1-bedroom options, as documented in the Cascadia Partners Zoning and Affordability Analysis for TRPA, April 21, 2023. Studies have shown that demand for parking is reduced when people live close to transit, and that there is a positive correlation between home size and number of vehicles per household (Yes in My Backyard: Mobilizing the Market for Secondary Units, 2011; ADUs in Portland, Oregon ISS Survey Report, 2018). Furthermore, a study from Los Angeles found that the market was more effective at responding to parking demand in centers than government mandated parking minimums which were on average too high (Manville, 2014). Additionally, centers offer more opportunity to provide shared parking agreements and other parking management strategies to better utilize existing parking resources. Thus, increasing the number of 100 percent deed-restricted affordable, moderate or achievable housing developments that are close to transit and other multi-modal options will reduce the overall demand for parking and support a parking supply model, and resulting land use, that is more reflective of real parking demand in multi-use centers. Therefore, the impact is considered less than significant.

TRPA Question 13.c:

The proposed amendments incentivize residential development within centers and multi-family zones, closer to employment and service centers, with better connections to transit, sidewalks, and bicycle trails. The most likely change resulting from the proposal is that 100 percent deed-restricted affordable, moderate or achievable housing units utilizing bonus units will be located more densely in centers and multi-family zones, where services and employment are more concentrated, rather than distributed throughout the larger bonus unit boundary. This should reduce the number of vehicle trips and reduce or have no difference in impact to the highway system than what was analyzed in the 2012 RPU, 2020 RTP, and 2021 Phase 1 Housing ADU analysis. While an individual project could have a location-specific impact if a very large number of housing units are located, for instance, at the corner of a busy roadway intersection, certain factors would limit the impact overall on the highway system. For instance, the higher the number of units on a parcel, the smaller the units must become (Cascadia Partners Zoning and Affordability Analysis for TRPA, April 21, 2023), and smaller unit size is associated with fewer vehicles per household [Yes in My Backyard: Mobilizing the Market for Secondary Units, 2011; ADUs in Portland, Oregon ISS Survey Report, 2018]. Thus, it is anticipated that 100 percent deed-restricted affordable, moderate, or achievable households would generate fewer vehicle trips, lessening the impact overall on the highway and transportation system. Further, because of the design of nearly all communities in the basin, with neighborhoods that feed onto one or two main arterials, nearly all new vehicle trips will pass through centers. Whether those trips originate in centers or originate in outlying neighborhoods, the effect on traffic in centers will be the same. Thus, incentivizing more 100 percent deed-restricted housing development with lower vehicle requirements and within or near to centers would reduce trips and trip length and reduce the impact on the region's highway system.

By increasing densities in the lower-VMT areas of centers and multi-family zones, the proposed amendments will have a beneficial effect on existing transit systems. More people will be living within walking distance to transit, increasing ridership and making better use of available capacity and public investment in the transit system. Likewise, bike trails and pedestrian paths in centers are part of the transportation infrastructure with capacity to accommodate trips that may shift from vehicles to biking and walking. This will have a beneficial impact, making better use of public infrastructure.

TRPA Question 13.d:

Please refer to TRPA question 13.c.

TRPA Question 13.e:

The proposal will not result in any alterations to waterborne, rail or air traffic. However future waterborne transit access is focused in centers where there would be a denser population of potential users.

TRPA Question 13.f:

While the proposed amendments to incentivize housing for the permanent population/workforce could lead to an increase in vehicle traffic during off-peak times, it is not anticipated to be greater than traffic levels during peak times and would likely be significantly less due to new housing being in close proximity to services, transit and employment opportunities. The proposal is anticipated to reduce trip length and shift the proportion of trips made by motor vehicle so that a greater proportion are made by transit, biking, and walking. While an increase in biking and walking trips could lead to increased conflicts between these users on bicycle trails and sidewalks, these user conflicts are not considered as hazardous as conflicts between vehicles and bicyclists or pedestrians. The 2020 RTP includes pedestrian and bicycle improvements that address this potential increase in conflicts with vehicles and are intended to mitigate them. Thus, no significant increase in traffic hazards to motor vehicles, bicyclists, or pedestrians is expected as a result of the proposed amendments.

CEQA Question 13.1:

Please refer TRPA question 13.f.

CEQA Question 13.2:

Please refer TRPA question 13.a.

CEQA Question 13.3:

Please refer TRPA question 13.f.

CEQA Question 13.4:

Please refer TRPA question 10.b.

14. Public Services (TRPA Checklist Questions)

Will the proposal have an unplanned effect upon, or result in a need for new or altered governmental services in any of the following areas?:

	Yes	No	No, with mitigation	Data insufficient
a. Fire protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Police protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Schools?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Parks or other recreational facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Maintenance of public facilities, including roads?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Other governmental services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Public Services (CEQA Checklist Questions)

Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: (CEQA XVa)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Fire protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Police protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Schools?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Parks?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Other public facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

TRPA Question 14.a:

Fire protection. There is no increase in the overall number of units that will be built, as there is no change to the growth management system. However, with the amendments, more housing units may be built within or nearby to centers and existing fire protection services, resulting in a beneficial impact. See Section 10, Risk of Upset for discussion of evacuation.

TRPA Question 14.b:

Police protection. There is no increase in the overall number of units that will be built, as there is no change to the growth management system, thus there is not expected to be a change in the need for police protection.

TRPA Question 14.c:

Schools. The proposed amendments encourage housing that will help bring the permanent population back to previous Tahoe region levels. Thus, school enrollments may increase. This could be considered a beneficial impact; however it is not considered to be a significant impact because school enrollment has fallen in the past and there is capacity in the Districts. For example, the Lake Tahoe Unified School District enrollment has been declining since the 2015/16 school year, and projections show continued declines through the next six years (Lake Tahoe Unified School District 2022 Facilities Master Plan [9.8.22 Revision]).

TRPA Question 14.d:

Parks or other recreation facilities. The proposed amendments encourage 100 percent deed-restricted affordable, moderate and achievable housing (e.g., workforce housing) that will help increase the permanent regional population toward previous levels, shifting expected population from seasonal workers, and commuters who travel into the Basin to more evenly distributed permanent population over time. While there is no increase in the overall number of housing units that will be built, there could be an increase in the use of existing parks and recreation facilities due to greater full-time population levels. However, because of the historical population levels that exceed current population figures, the increase in recreational facility use by full time residents does not result in a significant impact.

TRPA Question 14.e:

Maintenance of public facilities, including roads. There is no expected impact on maintenance of public facilities, including roads.

TRPA Question 14.f:

Other governmental services. There is no expected impact on other governmental services.

Although the amendments do not add development potential over what was analyzed in the 2012 RPU EIS, adoption of the proposed amendments may encourage higher residential development densities that could increase localized demand for fire protection, law enforcement, parks and school services. However, as with other project development anticipated in the 2012 RPU, environmental review of any necessary public service projects (e.g., City of South Lake Tahoe Recreation Center) would be required to ensure that impacts are identified and mitigated. Thus, this impact would be less than significant.

CEQA Question 14.1:

Please refer TRPA question 14.a.

CEQA Question 14.2:

Please refer TRPA question 14.b.

CEQA Question 14.3:

Please refer TRPA question 14.c.

CEQA Question 14.4:

Please refer TRPA question 14.d.

CEQA Question 14.5:

Please refer TRPA questions 14.e and 14.f.

15. Energy (TRPA Checklist Questions)

Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. Use of substantial amounts of fuel or energy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Energy (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? (CEQA VIa)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? (CEQA VIb)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion:

TRPA Questions 15.a and 15.b:

As reported in the 2012 EIS, the utility companies project that, based on their forecasting and recent growth trends in the Region, their existing capacity will substantially exceed the future demand that could be generated by the RPU at build-out (Anderson, Matthews, and Walden, pers. comms. 2012). The proposed amendments would not encourage residential housing that exceeds the building types and sizes anticipated in the 2012 EIS. This impact would be less than significant.

There is no change to the overall number of units proposed, as there are no changes to the growth management system. While individual household residents use different amounts of energy depending on how they are using the home, and permanent residents may use more energy overall, for the most part these are households which are already living in another location nearby, such as the Carson Valley, and would be using similar amounts of energy in their current location. In addition, 100 percent deed-restricted affordable, moderate or achievable housing units that will be incentivized under the amendments are likely to use the same amount or less energy than multi-family residential units modeled for buildout of the 2012 RPU. Thus, the proposed amendments will not result in the use of substantial amounts of energy or require the development of new sources of energy.

CEQA Question 15.1:

Please refer TRPA questions 15.a and 15.b.

CEQA Question 15.2:

TRPA Regional Plan Land Use Element AQ-1.5 encourages the construction of energy efficient buildings, replacement of energy inefficient buildings, and improvements to the efficiency of existing buildings. Transportation Element Goal 1 is to “Protect and enhance the environment, promote energy conservation, and reduce greenhouse gas emissions.” Furthermore, Policy 1.6 states, “Require new and encourage existing major commercial interests providing gaming, recreational activities, excursion services, condominiums, timeshares, hotels, and motels to participate in transportation demand programs and projects.” The Conservation Element Goal E-1 is “Promote energy conservation programs and development of alternative energy sources to lessen dependence on scarce and high-cost energy supplies.”

Housing development using the proposed amendments has the potential to improve energy efficiency through increased residential density and utilization of new, energy efficient materials, fixtures, and designs. Therefore, development of 100 percent deed-restricted affordable, moderate or achievable housing would not obstruct plans for renewable energy or energy efficiency. Development of the bonus unit housing would still be required to comply with federal and state regulations, TRPA Code and General Plan policies, during project specific review, and therefore, would not obstruct energy efficiency goals.

16. Utilities (TRPA Checklist Questions)

Except for planned improvements, will the proposal result in a need for new systems, or substantial alterations to the following utilities:

	Yes	No	No, with mitigation	Data insufficient
a. Power or natural gas?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Communication systems?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Utilize additional water which amount will exceed the maximum permitted capacity of the service provider?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Utilize additional sewage treatment capacity which amount will exceed the maximum permitted capacity of the sewage treatment provider?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Storm water drainage?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Solid waste and disposal?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Utilities/Service Systems (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects? (CEQA XIXa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Have sufficient water supplies available to serve the and reasonably foreseeable future development during normal, dry, and multiple dry years? (CEQA XIXb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Result in a determination by the wastewater treatment provider that serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments? (CEQA XIXc)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? (CEQA XIXd)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? (CEQA XIXe)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

TRPA Questions 16.a-16.f:

Adoption of the proposed amendments may encourage new residential development densities that could increase localized demand for power, water, sewage and solid waste that, in turn, could require new or improved facilities. However, as with other project development anticipated under buildout of the 2012 RPU, environmental review of

any necessary public utility projects (e.g., Liberty Utility 625/650 Line Upgrade Project) would be required to ensure that impacts are identified and mitigated. Thus, this impact would be less than significant.

The proposed amendments do not include any change to the overall number of units proposed, as there are no changes to the growth management system. While individual households may use different amounts of public utilities depending on how they are using the home, any changes are anticipated to be small relative to the overall capacity available. Thus, the proposed amendments will not result in the need for new systems, or substantial alterations to utility providers.

CEQA Questions 16.1-16.5:

Please refer TRPA questions 16.a-16.f above.

17. Human Health (TRPA Checklist Questions)

Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. Creation of any health hazard or potential health hazard (excluding mental health)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Exposure of people to potential health hazards?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

TRPA Questions 17.a and 17.b:

The proposed amendments will not create health hazards. Individual projects must complete project-level analysis and mitigate for any temporary health hazards related to construction or storage of construction related materials.

18. Scenic Resources/Community Design (TRPA Checklist Questions)

Current and historic status of the scenic resources standards can be found at the links below:

- [Built Environment](#)
- [Other Areas](#)
- [Roadway and Shoreline Units](#)

Will the proposal:

	Yes	No	No, with mitigation	Data insufficient
a. Be visible from any state or federal highway, Pioneer Trail or from Lake Tahoe?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Be visible from any public recreation area or TRPA designated bicycle trail?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Block or modify an existing view of Lake Tahoe or other scenic vista seen from a public road or other public area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Be inconsistent with the height and design standards required by the applicable ordinance, Community Plan, or Area Plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- e. Be inconsistent with the TRPA Scenic Quality Improvement Program (SQIP) or Design Review Guidelines?

Aesthetics (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Have a substantial adverse effect on a scenic vista? (CEQA 1a)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, within a state scenic highway? (CEQA 1b)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Substantially degrade the existing visual character or quality of the site and its surroundings? (CEQA 1c)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

TRPA Questions 18.a and 18.b:

Each of these responses are “no” or would be determined at the project level, each of which must make project-related findings to ensure that there are no impacts to scenic resources.

TRPA Questions 18.c and 18.d:

Additional height proposed for deed-restricted affordable, moderate or achievable housing has the potential to block or modify existing views and result in potentially significant impacts to scenic resources as viewed from federal/state highways, Lake Tahoe, public recreation areas, and shared-use trails. Height in excess of 26 feet is considered “additional height” and is allowed only if specific findings can be made. Increased height is currently allowed for many land use types and in many locations, subject to a variety of approval requirements. Existing opportunities for additional building height include:

- Up to 75 feet in Special Height Districts;
- Up to 95 feet in the City of South Lake Tahoe Redevelopment Area;
- Up to 56 feet for Area Plan Town Centers and certain recreation and public service buildings;
- Up to 48 feet for affordable housing projects within the Kings Beach Commercial subdistrict (formerly the Kings Beach Commercial Community Plan);
- Up to 48 feet for tourist accommodation uses within adopted Community Plan areas; and
- Up to 46 feet for a variety of environmentally beneficial design features.

Many of the redevelopment projects that have resulted in scenic improvement have utilized allowances for additional height, demonstrating that increased height and scenic improvement can occur simultaneously. Representative projects are described in 2012 RPU EIS Chapter 4, Cumulative Impacts, and in the Draft 2011 Threshold Evaluation (TRPA 2012a).

The current proposal to allow greater height for 100 percent deed-restricted affordable, moderate or achievable housing that utilize bonus units would expand existing 2012 RPU height allowances for affordable housing buildings (now capped at 56 feet) to 65 feet (with no cap on the number of building stories) in town centers, an additional 11’ of height, beyond what is allowed in Table 37.4.1 in the TRPA Code of Ordinances, for parcels that are adjacent and contiguous to centers, and to 36 to 42 feet for multi-family zones outside of centers (now 24 to 42 feet subject to Code Section 37.4). Changes to maximum height limits (up to 56 feet) for centers was previously analyzed as part of

the 2012 RPU EIS. The visual impact of such buildings would depend on several factors, including the building design, viewer location, setbacks from the roadway, view backdrop, and the landscape setting (including surrounding forest trees and other buildings).

These height amendments could increase the number of taller buildings in and adjacent to the centers, thereby increasing the overall visible mass, height, and scale of the built environment, despite the corresponding opportunities for improved building design in the case of site redevelopment. If a taller and more massive building is located between important viewer locations and the Lake, it could interfere with Lake views. Important viewer locations include TRPA roadway travel routes, public recreation areas and bike trails. If such a building is located near a designated scenic resource, the scenic quality of the designated resource could be adversely affected. Designated scenic resources are listed in the inventory maintained by TRPA and include specific views and certain physical features of the landscape.

Because the forest tree canopy is approximately 100 feet high throughout the Basin, including centers, it is unlikely that future buildings in the relatively flat centers would extend above the forest canopy where present. Taller buildings would have the potential to interrupt ridgeline views where such views exist, depending on the size of the building and its relationship to the ridgeline and the viewer; however, application of existing TRPA and local Area Plan standards for setbacks, building design, and site design would minimize ridgeline view impacts. Although aesthetically sensitive redevelopment design would create the opportunity for scenic benefits, permitting heights up to 65 feet for buildings in centers, up to 47 – 53 feet (depending on parcel slope) on parcels adjacent and contiguous to centers, and up to 36 to 42 feet (depending on parcel slope) in multi-family zones outside of centers could also result in new housing development that is incompatible with the natural, scenic, and recreational values of the Region. Despite existing scenic quality ordinances, building and site design standards, and new approval requirements for increased building height that require more stringent height limitations and/or other supplemental design standards, the impact of increased height for 100 percent deed-restricted affordable, moderate, or achievable housing would be potentially significant.

To protect scenic resources, earning the additional height proposed for 100 percent deed-restricted affordable, moderate, or achievable housing projects in centers and multi-family zones would require TRPA to make scenic resources findings similar to those currently required for additional height in the Kings Beach Commercial Community Plan (now the Placer County Tahoe Basin Area Plan). The following new or amended Code sections are included in the proposed amendment package to ensure that scenic resources are not adversely affected.

- New Code Section 13.5.3.I Height and Density Standards for Affordable, Moderate, and Achievable Housing in Centers Effective in Area Plans:

A. The maximum height specified in table 13.5.3-1 may be increased for residential or mixed-use developments with a residential component that is 100% deed-restricted affordable, moderate, or achievable housing as described in subsection 36.13. The maximum height shall be no greater than 65', provided the additional height is stepped back one foot for each additional foot of height, additional ground level shade is not created at the winter solstice, and TRPA makes findings 1, 2, 3, 8, and 14, as set forth in Section 37.7. The project shall incorporate community design features such as pitched roofs, articulated facades, articulated roof planes, and the use of earth tone colors consistent with the Design Review Guidelines.

- Amend Code Section 37.5.5 Additional Building Height for Affordable, Moderate, or Achievable Housing Projects:

A. Residential and mixed-use projects that are 100% deed-restricted to affordable, moderate, or achievable as described in subsection 36.13 and utilize bonus units may have additional building height, up to the maximum for the slope of the building site set forth in Table 37.4.4-1, with a

roof pitch greater than or equal to 3:12, provided the applicants makes findings 1, 2, and 8 as set forth in Section 37.7; or

B. Residential and mixed-use projects that are 100% deed-restricted to affordable, moderate, or achievable as described in subsection 36.13, utilize bonus units, and are located on a parcel that is adjacent and contiguous to a center may have an additional 11 feet above what is permissible in Table 37.4.4-1, provided the additional height is stepped back one foot for each additional foot of height, additional ground level shade is not created at the winter solstice, and TRPA makes findings 1, 2, 3, 8, and 14, as set forth in Section 37.7. The project shall incorporate community design features such as pitched roofs, articulated facades, articulated roof planes, and the use of earth tone colors consistent with the Design Review Guidelines.

37.7.1. Finding 1

When viewed from major arterials, scenic turnouts, public recreation areas, or the waters of Lake Tahoe, from a distance of 300 feet, the additional height will not cause a building to extend above the forest canopy, when present, or a ridgeline. For height greater than that set forth in Table 37.4.1-1 for a 5:12 roof pitch, the additional height shall not increase the visual magnitude beyond that permitted for structures in the shoreland as set forth in subsection 66.3.7, Additional Visual Magnitude, or Appendix H, Visual Assessment Tool, of the Design Review Guidelines.

37.7.2 Finding 2

When outside a community plan, the additional height is consistent with the surrounding uses.

37.7.3. Finding 3

With respect to that portion of the building that is permitted the additional height, the building has been designed to minimize interference with existing views within the area to the extent practicable.

37.7.8 Finding 8

The maximum building height at any corner of two exterior walls of the building is not greater than 90 percent of the maximum building height. The maximum height at the corner of two exterior walls is the difference between the point of lowest natural ground elevation along an exterior wall of the building, and point at which the corner of the same exterior wall meets the roof. This standard shall not apply to an architectural feature described as a prow.

37.7.9. Finding 9

When viewed from a TRPA scenic threshold travel route, the additional building height granted a building or structure shall not result in the net loss of views to a scenic resource identified in the 1982 Lake Tahoe Basin Scenic Resource Inventory. TRPA shall specify the method used to evaluate potential view loss.

TRPA Threshold Indicators:

As discussed above, no significant scenic impacts are anticipated with the addition of a new code section that requires TRPA to make additional height findings for 100 percent deed-restricted affordable, moderate or achievable housing projects that utilize bonus units. Continued application of existing and proposed design

standards and guidelines and maintenance of scenic quality numeric ratings will ensure improvement of overall scenic quality.

Scenic Resources: Current and historic status of the scenic resource standards can be found at the links above:

CEQA Questions 18.1-18.3:

Please refer to TRPA questions 18.c and 18.d.

19. Recreation (TRPA Checklist Questions)

Current and historic status of the recreation standards can be found at the links below:

- [Fair Share Distribution of Recreation Capacity](#)
- [Quality of Recreation Experience and Access to Recreational Opportunities](#)

Will the proposal:

	Yes	No	No, with mitigation	Data insufficient
a. Create additional demand for recreation facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Create additional recreation capacity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Have the potential to create conflicts between recreation uses, either existing or proposed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Result in a decrease or loss of public access to any lake, waterway, or public lands?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Recreation (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (CEQA XVIa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (CEQA XVIb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

TRPA Questions 19.a and 19.c:

The proposed amendments encourage workforce housing that will help bring the permanent population back to previous Tahoe region levels, shifting expected population from seasonal workers and commuters who travel into the Basin to more evenly distributed permanent population. There could be an increase in the use of existing parks

and recreation facilities due to more full-time population, but because of the historical population levels that exceed current population figures, the anticipated population increase is not expected to be a significant impact.

TRPA Questions 19.b and 19.d:

The proposal would not create additional recreation capacity or result in a decrease or loss of public access to any lake, waterway, or public lands.

TRPA Threshold Indicators:

As discussed above, the amendments are not anticipated to result in significant recreational impacts.

Recreation: Current and historic status of the recreation standards can be found at the links above:

CEQA Question 19.1:

Please refer to TRPA questions 19.a and 19.c.

CEQA Question 19.2:

Please refer to TRPA questions 19.b and 19.d.

20. Archaeological / Historical (TRPA Checklist Questions)

Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. An alteration of or adverse physical or aesthetic effect to a significant archaeological or historical site, structure, object or building?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Is the proposed project located on a property with any known cultural, historical, and/or archaeological resources, including resources on TRPA or other regulatory official maps or records?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Is the property associated with any historically significant events and/or sites or persons?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Will the proposal restrict historic or pre-historic religious or sacred uses within the potential impact area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Tribal Cultural Resources (CEQA Checklist Questions)

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)? (CEQA XVIIIa.i)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. (CEQA XVIIIa.ii)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Cultural Resources (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
3. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? (CEQA Va)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? (CEQA Vb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Disturb any human remains, including those interred outside of formal cemeteries? (CEQA Vc)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

TRPA Questions 20.a and 20.d:

All of these responses are “no” or would be determined at the project level, each of which must make project-related findings to ensure that there are no impacts to cultural resources.

TRPA Questions 20.b, 20.c, and 20.e:

The proposed amendments would not change the likelihood of projects being located on properties with known cultural, historical, and/or archeological resources, any properties associated with any historically significant events, sites, or persons. Nor would the proposed amendments restrict historic or pre-historic religious or sacred uses.

CEQA Questions 20.1 to 20.5

Please refer to TRPA questions 20.b, 20.c and 20.e.

21. Agriculture and Forestry Resources (CEQA Checklist Questions)

Would the Project:

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the CA Resources Agency, to a non-agricultural use? (CEQA IIa)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Conflict with existing zoning for agricultural use, or a Williamson Act contract? (CEQA IIb)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resource Code section 12220(g), timberland (as defined by Public Resource Code section 4526) or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (CEQA IIc)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Result in the loss of forest land or conversion of forest land to non-forest use? (CEQA II d)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? (CEQA IIe)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

CEQA Questions 21.1, 21.2 and 21.5

The locations where housing development may occur under the proposed amendments are partially developed and not located in an area identified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency.

CEQA Questions 21.3, 21.4 and 21.5

Public Resources Code section 12220(g) defines forest land as, "land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits." Since the locations where housing development may occur under the proposed amendments are already partially developed and located in Centers, areas zoned for multi-family housing and the bonus unit boundary, such canopy coverage does not typically exist. The amendments conflict with no zoning of and cause no rezoning of forest land, timberland or timberland zoned Timberland Production.

22. Cumulative/Synergistic Impacts

The Regional Plan, Code of Ordinances and adopted local jurisdiction Area Plans are a collection of both short- and long-term goals, policies, and measures designed to guide development and support the Region in attaining environmental thresholds and other important objectives. These goals, policies, and measures are inherently cumulative in nature as they are applied over a long-term basis, for the planning area as a whole, and in compliance with local jurisdiction and TRPA goals, policies, measures, and thresholds.

The proposed amendments do not include changes to regional growth restrictions that would be cumulatively considerable. The density, height, land coverage and parking amendments allow for greater flexibility in the design and financing for 100 percent deed-restricted affordable, moderate or achievable housing developments that utilize bonus units but maintains the existing land use designations for Centers and multi-family zones, thereby restricting the potential for cumulatively considerable impacts. The amendments do not propose any changes to the overall growth allowed in the Basin by the Regional Plan, nor would they cumulatively contribute to changes to the overall growth allowed when other projects or future Area Plan amendments are considered.

23. Findings of Significance

	Yes	No	No, with mitigation	Data insufficient
f. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California or Nevada history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time, while long-term impacts will endure well into the future.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environmental is significant?)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Does the project have environmental impacts which will cause substantial adverse effects on human being, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

TRPA Questions 23.a, 23.b and 23.d:

All of these responses are “no” or would be determined at the project level, each of which must make project-related findings to ensure that there are no impacts to cultural resources.

TRPA Question 23.c:

Please refer to Section 22 above.

DECLARATION:

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Signature:

_____ at _____
Person preparing application County Date

Applicant Written Comments: (Attach additional sheets if necessary)

Determination:

On the basis of this evaluation:

- a. The proposed project could not have a significant effect on the environment and a finding of no significant effect shall be prepared in accordance with TRPA's Rules of Procedure YES NO
- b. The proposed project could have a significant effect on the environment, but due to the listed mitigation measures which have been added to the project, could have no significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with TRPA's Rules and Procedures. YES NO
- c. The proposed project may have a significant effect on the environment and an environmental impact statement shall be prepared in accordance with this chapter and TRPA's Rules of Procedures. YES NO

Signature of Evaluator

Date _____

Title of Evaluator