

**From:** [Doug Flaherty](#)  
**To:** [Marja Ambler](#); [Alexis Hill](#); [Shelly Aldean](#); [Vince Hoenigman](#); [Cindy.Gustafson](#); [Julie Regan](#); [jdiss.trpa@gmail.com](mailto:jdiss.trpa@gmail.com); [Alexis Hill](#); [James Settelmeier](#); [John Hester](#)  
**Subject:** Public Comment Agenda Item 4 - TRPA RPIC Mtng 5-24-23  
**Date:** Wednesday, May 24, 2023 8:25:36 AM

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While TahoeCleanAir.org generally supports the concept and informational report associated with Agenda Item 4 during today's RPIC meeting, TahoeCleanAir.org opposes the following item contained in the "Climate Change Smart Update" below (61.1.4.C.1)

The proposed code change language, if adopted by the TRPA, would continue to allow incremental adverse impact and degradation to the environment by allowing subjective and arbitrary removal of trees over 30" within the Western Forest and over 24" within the Eastern Forest, without a region wide cumulative impact EIS.

***61.1.4.C.1 TRPA may approve the removal of healthy trees on the applicant's property provided TRPA finds that the trees unreasonably impede the operation of an active or passive solar energy system and that the solar energy system is properly located so as to minimize the need for tree removal, and provided it does not cause a reduction in the scenic score for the property pursuant to section***

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.

**From:** [Doug Flaherty](#)  
**To:** [Marja Ambler](#); [Alexis Hill](#); [Shelly Aldean](#); [Vince Hoenigman](#); [Cindy.Gustafson](#); [Julie Regan](#); [jdiss.trpa@gmail.com](mailto:jdiss.trpa@gmail.com); [Alexis Hill](#); [James Settelmeier](#); [John Hester](#)  
**Subject:** Public Comment TRPA RPIC Mtg 5-24-23  
**Date:** Wednesday, May 24, 2023 9:00:56 AM  
**Attachments:** [North Tahoe Preservation Alliance Public Awareness Flyer.pdf](#)

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Dear TRPA RPIC Members,

Please make this email and attachment part of the minutes and record connected with Agenda item 7 of today's TRPA RPIC meeting 5-24-23, Public Interest Comments.

As referenced in the attached recap informational flyer by North Tahoe Preservation Alliance, TahoeCleanAir.org is opposed to TRPA's relentless efforts to further force **adverse cumulative incremental impacts** upon the Tahoe Basin, without an adequate EIS discussing among other adverse public health and safety environmental impacts, a roadway by roadway wildfire and winter peril evacuation capacity evaluation. Any increases in height, density, and coverage or setbacks will endanger the public by further exacerbating the current unsafe human and roadway overcapacity peril created by the TRPA during its 2012 Regional Plan update.

**Cumulative impacts** result from the tyranny of the incremental impact of small decisions when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. Cumulative impacts result from individually minor but collectively significant actions taking place over a period of time.

These CUMULATIVE adverse impacts are dangerously supported by the pro-growth, pro-developer mindset of the TRPA and its "partners" counties. TRPA and its County partners are operating under an aggressive obsession to make Area and Regional plan code changes supporting increased height, density, and coverage. Such increased overcapacity will lead to already well documented and unsafe current human and roadway over capacity, adversely impacting both residents and visitors during wildfire and winter evacuations.

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# DANGEROUS NEW MULTI-FAMILY CODE PROPOSED BY TRPA May 2023



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					
	Inside Town Centers			Outside Town Centers		
	Current	Proposed	Change	Current	Proposed	Change
<b>Density units P/Acre</b>	25	unlimited	unlimited	25	60	240%
<b>Height stories</b>	4	5	25%	3	4	37%
<b>Coverage</b>	70%	100%	43%	30-50	70	75%
<b>Setbacks</b>	Front - 20 Rear - 10 Sides - 5	Front - 0 Rear - 0 Sides - 0	Front - 100% Rear - 100% Sides - 100%	Front - 20 Rear - 10 Sides - 15	Front - 0 Rear - 0 Sides - 0	Front - 100% Rear - 100% Sides - 100%
<b>Parking Spaces P/Unit</b>	2.25	0.75	66%	2.25	0.75	66%

**Affects:**

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

**From:** [Pamela Tsigdinos](#)  
**To:** [Alexis Hill](#); [Cindy.Gustafson](#); [Shelly Aldean](#); [jdiss.trpa@gmail.com](mailto:jdiss.trpa@gmail.com); [Vince Hoenigman](#); [James Settelmeier](#); [Marja Ambler](#)  
**Subject:** Public comment: RPIC - Proposed Regional Standards/Definitions for Mixed Use Development  
**Date:** Wednesday, May 24, 2023 8:52:34 AM

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Good morning, Marja,  
Please share the following input with TRPA's RPIC committee members and include in TRPA's public comment record for today's meeting.

Thank you, Pamela

Dear RPIC Members:

In discussions with fellow local residents, I'd like to underscore some important points as you work to provide a definition and minimum standards for "mixed use" development. It's important to consider the following:

1. There is **need for broader consultation with local communities** on definitions and minimum standards for mixed use to ensure that the concerns of small business and working families are adequately considered. **Including proposals in the Governing Board Packet for public comment is not sufficient given the significant impact the changes will have on our communities.**
2. **Allowing developers to include "lobby space" of luxury condos as "mixed use" where "retail is not viable" is far too vague. It is a massive loop hole in the definition of "mixed use".** Who is to determine when retail is not viable? If it is space below luxury condos, the costly lease rates in such complexes may indeed make most retail establishments not viable!
3. **Affordable rental housing for many of our Tahoe Basin service workers is not adequately addressed in this mixed-used definition.** TRPA staff has focused on owner-occupied units when what our community needs is affordable rental units. That high-end condo complexes will include 8.5% to 25% of units for sale to qualified buyers does little to address the needs of our working families and individuals who make far less than \$100,000 a year. **Staff should re-visit their work and devise how minimum standards for mixed-use development can encourage construction of rental units.** And the percentage should be far greater than 8%.
4. **Deed restrictions are not a panacea.** Housing experts have advised that **one needs a dedicated housing entity to ensure effective enforcement** of such deed restrictions. **TRPA does not have the capacity to effectively monitor and enforce the scale of deed restrictions envisaged** by all of these proposals and other proposals to encourage workforce housing. Please see email thread below (from Tahoe Prosperity Center) that explains what is necessary for effective deed restriction enforcement.
5. Finally, in the context of Incline Village and the corridor of SR28 within Special Area 1, many residents are concerned that the corridor will be transformed into a string of 4-5 story luxury condo complexes with perhaps just a few high end retail/business catering to tourists below. **It is unclear what the proposed definition and minimum standards will do to ensure that our existing small businesses — the locksmith, cleaners, modest eateries —**

**will continue to find retail space** to lease when their older properties are re-developed into condos.

Please consider these concerns as you review the TRPA staff proposals.

**From:** [kathie julian](#)  
**To:** [Cindy Gustafson](#); [Shelly Aldean](#); [jdiss.trpa@gmail.com](mailto:jdiss.trpa@gmail.com); [Alexis Hill](#); [Vince Hoenigman](#); [James Settelmeyer](#)  
**Cc:** [Marja Ambler](#)  
**Subject:** RPIC Comment - Proposed Regional Standards/Definitions for Mixed Use Development  
**Date:** Wednesday, May 24, 2023 1:29:43 AM  
**Attachments:** [Twitter.png](#)  
[Youtube.png](#)  
[Facebook.png](#)  
[LinkedIn.png](#)

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Dear Members:

While it is good to see an effort by TRPA to provide a definition and minimum standards for “mixed use” development, please consider the following comments:

1. There is **need for broader consultation with local communities** on definitions and minimum standards for mixed use to ensure that the concerns of small business and working families are adequately considered. **Including proposals in the Governing Board Packet for public comment is not sufficient given the significant impact the changes will have on our communities.**
2. **Allowing developers to include “lobby space” of luxury condos as “mixed use”** where **“retail is not viable”** is far too vague. **It is a massive loop hole in the definition of “mixed use”**. Who is to determine when retail is not viable? If it is space below luxury condos, the costly lease rates in such complexes may indeed make most retail establishments not viable!
3. **Affordable rental housing for many of our Tahoe Basin service workers is not adequately addressed in this mixed-used definition.** TRPA staff has focused on owner-occupied units when what our community needs is affordable rental units. That high-end condo complexes will include 8.5% to 25% of units for sale to qualified buyers does little to address the needs of our working families and individuals who make far less than \$100,000 a year. **Staff should re-visit their work and devise how minimum standards for mixed-use development can encourage construction of rental units.** And the percentage should be far greater than 8%.
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5. Finally, in the context of Incline Village and the corridor of SR28 within Special Area 1, many residents are concerned that the corridor will be transformed into a string of 4-5 story luxury condo complexes with perhaps just a few high end retail/business catering to tourists below. **It is unclear what the proposed definition and minimum standards will do to ensure that our existing small businesses — the locksmith, cleaners, modest eateries — will continue to find retail space** to lease when their older properties are re-developed into condos.

Please consider these concerns as you review the TRPA staff proposals.

Sincerely,

Kathie M. Julian  
PO Box 5477  
Incline Village, NV 89450  
E-mail: [kathiejulian@gmail.com](mailto:kathiejulian@gmail.com)

Begin forwarded message:

**From:** Heidi Hill Drum <[heidi@tahoeprosperity.org](mailto:heidi@tahoeprosperity.org)>  
**Subject:** **Following up on data you requested**  
**Date:** March 14, 2023 at 12:44:02 PM PDT  
**To:** [kathie julian](mailto:kathiejulian@gmail.com) <[kathiejulian@gmail.com](mailto:kathiejulian@gmail.com)>, [Jean Diaz](mailto:jeandiaz@saintjosephclt.org) <[jeandiaz@saintjosephclt.org](mailto:jeandiaz@saintjosephclt.org)>  
**Cc:** [Seana Doherty](mailto:seana@agnewbeck.com) <[seana@agnewbeck.com](mailto:seana@agnewbeck.com)>

Hi Kathie,

From our previous housing consultant regarding how successful deed restrictions work in other mountain resort communities:

1- You need an entity to actively manage them. Or have developments placed under the land lease management of St. Joseph (if Jean wants to go there). I recall this was spelled out in the needs

assessment.

Primary forms of successful enforcement:

- Housing Trust/land lease
- Housing Authority
- Non-profit housing organization
- Town/County government (not recommended as the primary administrator, but should be a fall-back in case the organizational housing entity goes away) - This is the formula we are currently setting up with Granby, CO - they have a regional housing authority that will take primary lead for enforcement, but the town is a fall back if the authority dissolves.

Pick any Colorado community - Telluride, Aspen/Pitkin County, Breckenridge/Summit County, Vail/Eagle County (to list just a few)... they all have successful enforcement programs; Mammoth Lakes, CA is one closer to home that has a good track record (and DR to look at); Jackson, WY - I am listing those that have done this for decades. A couple relative newcomers: Winter Park, CO; Big Sky, MT (housing trust model).

As you can see - it can be done successfully. We will include language in the roadmap that addresses options for enforcement as that is a critical part for future success.

Also, regarding ADUs, Whitefish has a "rent to local for 5-years" requirement; Crested Butte has a permanent "rent to local" requirement to get permission to build any ADU (ADU is not a permitted use by-right in other words). Communities like Jackson Hole, that do not have deed restrictions have ADUs being used by non-residents, so we will need to make sure any additional ADUs in the Town Center have a local resident requirement.

I hope this is helpful Kathie.

Heidi Hill Drum • CEO



**Tahoe Prosperity Center**

Phone: 530-545-9095

Website: [tahoeprosperity.org](http://tahoeprosperity.org)

Email: [heidi@tahoeprosperity.org](mailto:heidi@tahoeprosperity.org)



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