

## Public Comment TRPA Local Government and Housing Committee Mtg 6.14.2023

**Item V A.** Submitted by Carole Black, Incline Village Resident

**PLEASE PAUSE ...**

**TRPA is moving too aggressively - may not solve problems but potentially INCREASE SAFETY RISK ...**

I submit comment opposing code changes as proposed re likely increased safety risk to the entire community. I understand the need and support targeted initiatives to increase availability of affordable/workforce housing. However, proposed TRPA code changes are unnecessarily broad including considerations which may undermine accomplishing targeted goal while undermining the “small town” Incline Village environment and also impacting traffic congestion. My concerns cluster into categories as follows:

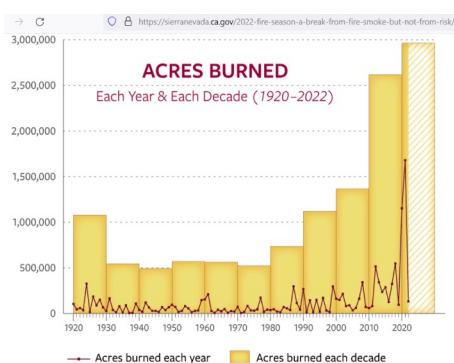
> **MARKET RATE RESIDENTIAL CONSTRUCTION IS NOT NEEDED:** Thus proposed incentives are too broad, extending beyond documented community housing need as they allow adjustment to zoning for market rate residential construction. In addition, **STR erosion of supply has not been, but must be, comprehensively addressed.**

> **MIXED DEVELOPMENT** (market rate mixed with more affordable units) **MAY FAIL IN MULTI-FAMILY SETTINGS AS FEES OR RENTS RISE OUT OF REACH:** Thus this approach either needs modification and/or should not be relied upon to meet the targeted need.

> **DENSER DEVELOPMENT IMPLIES HIGHER AREA OCCUPANCY & SOME REGULATORY FLEX IS CRUCIAL TO MEET TARGET WORKFORCE NEED:** Yet analyses fail to address local already overcrowded highways with documented elevated accident risk and little/no organized delivery of improved transit and/or policies and procedures to limit excessive incoming traffic during busy tourist times. So any expansion or adjustment beyond meeting the well-documented workforce focused need is unwarranted and potentially increases public safety risk.

> **PARKING DECREASE IS WORRISOME/RISKY:** Many local workers need vehicles to carry supplies/equipment to worksites. And relying on transit is a ridiculous concept for many others given the current service levels. Transit reliance may work well in urban and some tourist areas but not so much with current Tahoe transit. Development without sufficient on site parking will clog local roadways more with overflow parking!

> **EVACUATION PLANNING APPEARS INSUFFICIENT TO ENSURE POPULATION SAFETY and TRPA ASSESSMENT TOOLS FAIL TO ADEQUATELY IDENTIFY CURRENT & CUMULATIVE RISKS TO PEOPLE OR THE ENVIRONMENT:** As has been well documented by other residents, **evacuation plans appear to lack important elements including formal street by street assessments/plans. And the superficial environmental impact assessment tools commonly used by TRPA (i.e., EIC) are primarily qualitative, tied to out-dated metrics (>10 years old!) and don't consider cumulative impacts.**



Consider, for example, the relative rise in Sierra wildfire impacts (and associated risk) compared with historic in the graph to the left and note that: **Increased fire risk is not noted in this proposal. Neither is the likelihood that current community evacuation planning may include more bus transit than is feasible or acceptable** as folks must abruptly leave homes and possessions. This week's report cites the SLT evacuation as a success which it surely was re avoiding loss of life. But not so much regarding the time delays, huge traffic jams and apparent paucity of resources or guidance for evacuees!

**In conclusion, PLEASE LIMIT Code Adjustment to only the most MINIMAL ADJUSTMENT required, limiting to workforce housing & EXPAND SCOPE of the TRPA Impact Evaluation process!** This concept also applies to current in process Area Plan & related code changes which as drafted may also undermine these housing priorities.

## Marja Ambler

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**From:** kathie julian <kathiejulian@gmail.com>  
**Sent:** Tuesday, June 13, 2023 3:57 PM  
**To:** Marja Ambler  
**Cc:** Cindy.Gustafson; Brooke Laine; Alexis Hill; Wesley Rice; Francisco Aguilar; Shelly Aldean  
**Subject:** Comment-- Proposed Phase 2 Housing Amendments to promote affordable and workforce housing

Please consider my comments as a full-time resident of Incline Village on the proposed Phase 2 Housing Amendments to promote affordable and workforce housing.

While TRPA efforts to encourage workforce housing are appreciated, the staff report has several weaknesses, highlighted below:

**Greater distinction needed between affordable and workforce, and market rate units.** It appears the benefit of increased height, density and coverage could fall disproportionately to market rate units, the more profitable for developers. The report assumes increased density = smaller units and thus more affordability. This is not necessarily the case where even small units in Incline Village are selling and renting for astronomical sums because they are considered as part-time vacation homes, STRs or simply a good investment. All units benefiting in any way from such changes in height, density and coverage should be under deed restriction.

**Problem with percentage allocation.** Suggesting that a percentage of a development's units be allocated as affordable/workforce has in some instances failed to generate the benefits intended. In the case of owner-occupied units, it is not simply the purchase price that dictates affordability. It is also HOA fees. Ultimately those with modest incomes are forced out because of such fees. Nothing is simple. One must anticipate such issues.

**Coverage assumptions.** Increasing the allowable coverage from 30% to 70%, provided area-wide BMPs and green stormwater infrastructure is established, seems a huge challenge in terms of financing, coordination and enforcement. **Does TRPA have the capacity to monitor and enforce area wide BMPs throughout the basin to ensure that such significantly increased coverage (including that from ADUs) does not impact our Lake?**

**Unintended consequences — more high-end condos.** In the context of Incline Village, changing the development code as proposed in the report will likely lead to more high-end condos (albeit smaller) and vacation homes. Any development code changes should be limited specifically to rental or purchase housing for our local workforce — not market rate units.

**Potential threat to small businesses.** Further, in Incline Village, the proposed changes to height, density and coverage will likely lead to the redevelopment of our older retail properties that cater to Incline's modest small businesses. TRPA's suggested changes to the definition of mixed-use development does little to address these concerns. (See previous comment sent to RPIC in May 2023.) This points to need for a comprehensive plan to ensure that cost-effective retail space remains available to serve community needs.

**Deed Restrictions not a silver bullet.** Most important, all of these proposed changes rely on the existence of enforceable deed restrictions to ensure that our workforce benefit. The staff report correctly notes the need for an expanded compliance program and increased penalties for violation. But much more than this is needed. The Tahoe Basin has no competent institution to effectively monitor and enforce deed restrictions. **TRPA is not and could never be the body to enforce deed restrictions. TRPA should instead focus on monitoring and enforcing the area BMPs — protecting our environment.**

**Housing Authority needed.** Consultants on the recent Washoe Tahoe Housing Partnership Roadmap noted in an email (copied below) that one needs **a proper housing authority to monitor and enforce deed restrictions.** In Incline Village, we have some 50+ deed restrictions that have been poorly monitored and enforced by TRPA. And there is little transparency as to where they are and how effective they have been in supporting affordable housing. Much more work needs to be done on examining how to make deed restrictions effective in delivering results to generate affordable workforce housing before changes are made to our development codes. **There needs to be an well-resourced and appropriately empowered authority to oversee such deed restrictions, perhaps on more local than basin level.** It should be in place and working before any more deed restricted properties are developed!

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

Thank you!

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

Begin forwarded message:

**From:** kathie julian <kathiejulian@gmail.com>  
**Subject:** RPIC Comment - Proposed Regional Standards/Definitions for Mixed Use Development  
**Date:** May 24, 2023 at 1:29:18 AM PDT  
**To:** Cindy Gustafson <cindygustafson@placer.ca.gov>, Shelly Aldean <shellyaldean@gmail.com>, "jdiss.trpa@gmail.com" <jdiss.trpa@gmail.com>, Alexis Hill <AHill@washoecounty.gov>, "vhoenigman@yahoo.com" <vhoenigman@yahoo.com>, "jsettelmeyer@dcnr.nv.gov" <jsettelmeyer@dcnr.nv.gov>  
**Cc:** Marja Ambler <mambler@trpa.gov>

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%.

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.

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

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*Support Firefighters*

## Marja Ambler

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**From:** Mark Spohr <mhspohr@gmail.com>  
**Sent:** Tuesday, June 13, 2023 8:39 AM  
**To:** Marja Ambler  
**Subject:** Development at Tahoe

The TRPA seems to be focused on development of businesses and accommodations for tourists.

I think the TRPA is ignoring the impacts of these developments on the community.

At many times of the year there are severe impacts on the community from traffic, lake access, recreation facilities and wilderness access due to large numbers of tourists.

I think the TRPA needs to look at reducing the number of visitors at peak times.

I propose that a "congestion charge" be implemented to enter the basin. This can be easily implemented using the "FastTrack" system which many people already use for tolls. Since there are only a limited number of access roads to the basin, implementation would be relatively easy. Pricing could vary based on season, day of week, time of day, etc.

We already have a TOT tax which overnight visitors pay, we need something similar for day visitors.

The money from this could be used to improve public transit and development of tourist facilities.

Please distribute this email to the TRPA board and the Public Housing Committee.

Regards,  
Mark

Mark Spohr, MD

[mhspohr@gmail.com](mailto:mhspohr@gmail.com)

*"Health is a state of complete physical, mental, and social well-being and not merely the absence of disease or infirmity". (WHO)*

Revised-Pamela Tsigdinos

Dear TRPA Local Government & Housing Committee members,

I am a full-time resident of Incline Village. I am writing regarding Item V. A. "Housing Amendments, including proposed changes to Informational/Possible Page 9 height, density and coverage for multi-family housing Direction to Staff and accessory dwelling units."

TRPA is advocating for significant changes in the building code, such as increasing multi-family density (240%), coverage (75%), and height (37%). This presents very real danger for residents and visitors in a geographically constrained region subject to wildfires and extreme weather events.

The suggestion to build 60 units per acre, with 100% coverage and four to five-story buildings, along with a parking ratio of .75 parking spaces per unit, is an unsustainable solution proposed by Cascadia Partners of Portland Oregon, a consulting firm. Cascadia is promoting an increased urbanization plan that promises a 12-15% return on investment for developers.

An important question is why was a consulting firm whose previous work, as listed, is cities such as Austin TX, San Antonio TX, Sacramento CA, Kansas City MO, and Bend OR chosen for this work? Its previous projects have vastly different circumstances than the Tahoe Basin. This should cast doubt or disqualify the firm and its proposal.

Another major proponent of these changes is the Tahoe Prosperity Center (TPC). Please recognize that from inception, TPC was formed to serve investors and developers as well as lobby and effectively turn TRPA into a rubber stamp for its own aims. TPC's pro-development agenda has always been more focused on generating revenue than on the unique public safety and environmental needs of the Tahoe Basin.

It is particularly inappropriate that this organization, which lacks the oversight and transparency required of government agencies wants to handle some of the money associated with these changes and act as a go-between for government jurisdictions. It is not in the public interest that TPC, a non-government body, have such power and influence. There are legitimate questions of conflict of interest when public servants from Washoe County, TRPA and Placer County are featured as part of a pro-business group — which it also funds and directs — to achieve outcomes that run counter to environmental priorities and threaten public safety all without public scrutiny.

I ask this committee and TRPA to:

1. Determine cumulative capacity for the Tahoe Basin with updated population and visitor data.
2. Determine road by road evacuation.
3. Perform independent traffic study for the entire Tahoe Basin.
4. Require offsets for any new development.

Revised-Pamela Tsigdinos

The public deserves to have an updated capacity and environmental study with cumulative impacts and public safety needs clearly laid out. Until this is complete such significant changes should **NOT** be approved, or related codes changed.

Thank you,  
Pamela M. Tsigdinos