

From: [Doug Flaherty](#)
To: [Shelly Aldean](#); [Francisco Aguilar](#); [Belinda Faustinos](#); [John Friedrich](#); [Alexis Hill](#); [Vince Hoenigman](#); [Brooke Laine](#); [Wesley Rice](#); [Cindy Gustafson](#); [Julie Regan](#); [John Marshall](#); [Marja Ambler](#); [Nicole Rinke](#); [Sophie Wenzlau](#)
Subject: Public Comment Opposition Agenda V.A. Item TRPA Local Government & Housing Committee Meeting June 14, 2023
Date: Wednesday, June 14, 2023 11:52:21 AM

Please make this public comment part of the minutes and the record in connection with today's TRPA Governing Board regarding agenda item V. A.

TahoeCleanAir.org is in opposition to Agenda Item V.A. for the following reasons:

1. The proposed code amendments if adopted, as well as past incremental public and private projects, development code changes, and Area Plan approvals and adoptions since the 2012 Regional plan, will and have **cumulatively** increased adverse environmental impacts as well as public safety peril human from human and roadway overcapacity, **thereby jeopardizing public safety during a wildfire evacuation**. Therefore, the TRPA must prepare a supplemental Environmental Impact Statement (SEIS) to the 2102 Regional Plan, of which must include a discussion of the current proposed code amendment environmental and safety impacts **AND** a comprehensive roadway by roadway fire evacuation capacity evaluation, driven by accurate and substantial data. Until that time the proposed amendments must be placed on hold.

2. Adoption of the proposed amendments is unconstitutional, as TRPA, will upon adoption, and has since the 2012 Regional Plan, failed in its responsibility under the State of Nevada and California Constitution and the Bi-State Compact to ensure the inalienable right of Lake Tahoe Basin residents and visitors safety during a wildfire evacuation.

*Nevada - Article 1 Section. 1. Inalienable rights. All men are by Nature free and equal and have certain inalienable rights among which are those of enjoying and defending life and liberty; Acquiring, Possessing and Protecting property and **pursuing and obtaining safety and happiness**[.]*

*California - ARTICLE I DECLARATION OF RIGHTSSECTION 1. All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, **and pursuing and obtaining safety, happiness, and privacy**.*

3. Adoption of the proposed amendments will be in violation of Article V of the Bi-State Compact and, as has past TRPA approved private and public project approvals since the 2012 Regional Plan. **TRPA adoption of the proposed code amendments, will and has in the past failed in its responsibility to provide a comprehensive indication or allocation of Tahoe Basin wide maximum population densities in its Land Use Plan, thereby allowing unsafe cumulative human and roadway overcapacity upon incremental approval of projects and code**

amendments since the 2012 Regional plan, thereby jeopardizing public safety during a wildfire evacuation.

Article V - The TRPA The regional plan shall be a single enforceable plan and includes all of the following correlated elements:

(1) A land-use plan for the integrated arrangement and general location and extent of, and the criteria and standards for, the uses of land, water, air, space and other natural resources within the region, including but not limited to an indication or allocation of maximum population densities and permitted uses.

The failure to analyze and identify the wildfire evacuation impacts brought on by cumulative population densities, jeopardizes Lake Tahoe residents and visitors alike during a wildfire evacuation.

4. As a Regional Agency, TRPA is in violation of its responsibility under Article I, (a)(8) of the Bi-State Compact which states:

(8) Responsibilities for providing recreational and scientific opportunities, preserving scenic and natural areas, and safeguarding the public who live, work and play in or visit the region are divided among local governments, regional agencies, the States of California and Nevada, and the Federal Government.

5. TRPA must provide a supplemental Environmental Impact Statement (SEIS) per TRPA Rules of Procedure 6.15... A simple desktop Environmental Checklist is woefully deficient for this significant set of proposed code amendments and allows TRPA to side step the cumulative impact of the proposed code amendments.

TRPA continues to ignore incremental and cumulative human and roadway overcapacity impacts resulting from public and private projects and code changes, including adoption of Area Plans since the 2012 Regional plan, thereby jeopardizing the safety and lives of residents and visitors alike, and therefore providing an approval glide-path for significantly cumulative numbers project and code change approvals since the 2102 Regional Plan. (See CEQA Note Below). Increased height, density, and coverage, as well as reduced setbacks and reduced parking, especially in town centers, incrementally and therefore cumulatively increases human and roadway capacity and further degrades the ability of those located in and adjacent to town centers to safely evacuate.

6. TRPA fails in its statement of Mission and Purpose to provide for the safety of residents and visitors i.e.

3. In accomplishing its purpose, TRPA is to: a. Establish environmental threshold carrying capacities, defined as environmental standards necessary to maintain significant scenic, recreational, educational, scientific, or natural values of the Region or to maintain public health and safety within the Region, including but not

limited to standards for air quality, water quality, soil conservation, vegetation preservation, and noise; b. Adopt and enforce a Regional plan and implementing ordinances which will achieve and maintain such capacities while providing opportunities for orderly growth and development consistent with such capacities; and. Pursue such activities and projects consistent with the Agency purpose.

7. TRPA has failed in its responsibility **to establish a human and roadway Threshold Carrying Capacity**, thereby providing a glide path for significant incremental public and private projects and code amendment approvals to become adopted under the eleven year old 2012 Regional Plan, and thereby escaping their responsibility to provide a cumulative supplemental Environmental Impact Statement (SEIS), connected with projects since the 2012 Regional Plan, and thereby jeopardizing the safety of Tahoe Basin residents and visitors alike during a wildfire evacuation. Until that time all projects that generate, and attract either directly or indirectly, an increase in human and roadway over capacity and VMT must be placed temporarily on hold.

8. Additional Comments in Response to Staff Report Wording

Wildfire Evacuation

"The proposed housing amendments will not result in an overall increase to development potential in the basin, and instead are intended to concentrate development closer to transit and services, consistent with Regional Plan goals (i.e. 2012) for walkable communities and reducing reliance on the private automobile. (Comment: this staff comment as it relates to wildfire evacuation is vague, and skirts the issue of public safety and health during wildfire evacuation caused by increased human and roadway capacity. The comment suggesting "reducing reliance on the private automobile" is highly controversial, speculative, opinionated, not based on substantial data, arbitrary, capricious and its stated outcomes highly speculative and would require a crystal ball to make such claims).

"As part of the IEC, the amendments must be evaluated to determine whether they represent a change in the ability for first responders to conduct emergency evacuation compared to the 2012 Regional Plan. (Comment: TRPA continues to rely on an outdated eleven year-old 2012 Regional Plan and its outdated 11 year Environmental Impact Statement (EIS). This allows the TRPA to continue carte blanche approvals of individual and significant projects and code amendments, using an individual project "desktop" Initial Environmental Checklist (EIS), rather than conducting a data driven cumulative supplemental EIS to the 2012 Regional Plan).

"TRPA will coordinate with first responders and public safety agencies to review the policy proposal related to emergency evacuation and develop mitigation measures, if appropriate, during the environmental review process." (Comment: TRPA must require a roadway by roadway basin wide fire evacuation capacity evaluation based on accurate substantial data. On the

California side the proposed code amendments, without providing an EIS containing a roadway by roadway basin wide fire evacuation capacity evaluation violates the California Environmental Quality Act (CEQA), as the proposed actions are "significant" and the environmental and evacuation limitations in the Tahoe Basin are "unique".

CEQA Note: California Attorney General CEQA Guidance that **tips the scale** in favor of an EIS containing a roadway by roadway basin wide fire evacuation capacity evaluation : Excerpts From California Attorney General Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act".

1. 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**".
 2. 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.
 3. 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.
 - Evaluation of the project's impacts on existing evacuation plans.
 - **Traffic modeling to quantify travel times under various likely scenarios.**
 - 4.
9. TahoeCleanAir.org is in support of and agrees with the comments from Sierra Club and North Tahoe Preservation Alliance delivered to TRPA connected with Agenda Item V. A.

END

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
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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.

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June 14, 2023

Re: TRPA-Public Comment Item V.A. June 14, 2023

To the Housing Committee Members

My name is Leah Kaufman. I am a semi-retired land use planning consultant who has worked exclusively in the Tahoe Basin since 1989. My first job out of college was as a planner for the TRPA which was transitioning from the CTRPA and NTRPA into the TRPA. At that time, there were approximately **twelve** of us responsible for the planning matters in the Basin. We examined every project not processed by the individual counties/City of South Lake Tahoe etc. and were not shy about denying projects that were not good for the lake. Shorezone, land coverage (Bailey system), vegetation protection, scenic resources, water quality, height, historic resources etc. were issues that had been defined in working papers and the tools we used at the time to evaluate projects. Each project was evaluated and negotiated based on impacts to the environment. The League to Save Lake Tahoe played a significant role in all larger project approvals and if there were disputes between the public and the developers the Governing Board sent the developers and the public into the hall to work out disputes and create compromises before final decisions were made. The locals had a say in the planning process in the basin which appears to be diminishing by the day.

Now, there is the IPES system, Area Plans, Implementing Ordinances, and Thresholds. In 2017, the Community, developers, and agencies adopted the Tahoe Basin Area Plans which are in place today. A lot of money, effort, and work went into crafting these documents. Meetings were often contentious, but there were compromises. TRPA and Placer County now want to change our Area Plans because there aren't enough multiple family dwellings, achievable, and or affordable workforce housing. Why is that?

1. 3,900 Short Term Rentals (STR's) have been approved in Eastern Placer County alone, of which all are not being used, yet there are huge impacts from the 3,400 or so current permits. Other jurisdictions also have a reduced amount of STR's. The STR's have ruined the affordable/workforce housing market and impacted the community. STR's are a big money-making business (\$100,000 or more per year for a three bedroom). In the past, the empty homes were used to house the workforce. I started my career on the south shore with roommates living in moldy apartments, upgrading into small houses, and finally after 10 years of working on the north shore was able to buy a small house. My husband and I remodeled and traded up several times. We feel very fortunate. STR's were few and far between and the second homeowners generous about sharing their

homes with the local work force. They are not so generous now because huge amounts of money are made from the short-term rentals as evidenced by realtors selling the homes.

Placer County has allowed too many STR's. The permits should be rescinded until policies are worked out that protect the community and the Lake like other areas throughout the entire Country experiencing the same issues.

2. Currently, TRPA and the counties/City of SLT approve luxury condos, McMansions, timeshares, and huge additions to our ski areas without requiring these employers to take care of their own employees. The Nevada side has no employee housing requirements and recently approved a 95-foot-tall 40-unit luxury apartment complex (Latitude 39) in Stateline, Nevada with dog grooming, pools and pickleball courts. The attorney for the applicant said that they did not have to provide any affordable or workforce housing because it was in Douglas County, yet this is a huge project that will employ workers and was still approved by the TRPA. \$\$\$
3. 947 Tahoe Blvd proposed project in Incline Village is trying to change the zoning to allow for 40 single family luxury condos on the main street with no affordable component. It is reported that the units have presales as high as \$ 3.5 million dollars each. \$\$\$ The current Area Plans have banned single family dwellings on the main street frontage in Town Centers, yet there is a push for spot zoning to allow single family dwellings in the Town Center of Incline Village.

There needs to be a uniform policy basin-wide (California and Nevada) for workforce, affordable, achievable, etc. housing. Ban the two-step process and pause approving the luxury condos, McMansions and Timeshares until there are equitable affordable components basin wide and provisions for on-site housing. *

4. When (Squaw)/Palisades first expanded Intrawest came into Town in the late 1990's early 2,000, stating they would NOT provide for employee housing on site and the County let them expand. No on-site workforce housing required. Huge mistake. The village was constructed. Palisades has 1,000 employees and accommodation for approximately 35. They have recently purchased hotels in Tahoe Vista which are zoned for tourists and a 8 plex apt in Kings Beach for housing located 17 plus miles away from their own ski area. Now Palisades wants to expand again and only provide 300 of the required 1,000 workforce on-site. NorthStars' affordable housing (Sawmill Heights) was reputedly sold to the Ritz Carlton? It is unknown what the requirements are to rent these units and or if they are actually used for employees of the ski area.

Require larger employers and projects to provide on-site housing or don't approve the project. Rules must be strictly enforced to enable housing for the workforce.

5. I was reading the Sept 2022 mtg minutes from the Local Government and Housing Committee. Placer County stated that Placer County only has a few sites that would benefit from 100 housing units or more. Please be more specific? What sites? Are they private or public lands? I believe in Tahoe Vista alone there are numerous two plus acre parcels that could accommodate hundreds of units due to size if the amendments are approved. What are the potential impacts to infrastructure, community character, water quality, noise, traffic, fire evacuation, and other thresholds?

Please provide an inventory of the parcels located outside Town Centers affected by the proposed ordinance that would be eligible for the increased density.

6. The minutes also state that there are empty two- and three-bedroom units in Truckee because of qualifications and demand for smaller units.

Why is the missing middle, which is a new term this year, i.e. (achievable housing) not renting the two- and three-bedroom units in Truckee and why would it be any different in Tahoe as is intended for the TBAP amendment projects?

7. The proposed amendments do not in any way address community character and would homogenize the northshore into villages that currently do not exist. Community character as originally discussed in meetings crafting the 2012 thresholds is a compilation of the sum of many parts. These include a consideration of the existing natural environment in conjunction with its built surroundings, cultural/historic landscape and resources, natural features of the area, existing community character as to density, coverage, existing architecture styles, colors, materials, massing, height, roof pitch, tree preservation, compatibility, unity, cohesiveness, etc. Communities throughout the basin are unique. South Shore is very different from North Shore and people decide what they like best when traveling and choosing a place to live.

We learned recently via the June 8th Hearings Officer Hearing for the 14,000 sf 8307 Meeks Bay Ave proposed single family dwelling project that:

- TRPA is not enforcing their own historic ordinance Chapter 67. Properties of historic significance that historians have recommended to be included in the Historic Register are being torn down because the State Historic Preservation Office (SHPO) has not reviewed private parcels in years and defers back to the local jurisdiction or permitting authority. TRPA used to enforce historically significant structures to remain intact, or repurposed on site, or relocated off site but now one after the other of these iconic structures are being torn down and the materials put in recycling dumpsters.

TRPA's excuse is that they submit reports but haven't heard back from SHPO within 30 days which is because SHPO doesn't review private structures. Are staff even aware of this?

There are no provisions in the TRPA Code of Ordinances to preserve or identify community character even though these were discussed in the thresholds. This was also discussed at the June 8, th Hearing Officer meeting when a community of 60 plus people in Plan Area 149 are fighting valiantly to preserve the almost 100-year-old community they live in. Cabins from the 1920's, 1930's, and 1940's are preserved intact. The average size of a home is 1,900 sf and two stories. Only one other large McMansion exists in the entire subdivision. If there are no provisions to save the small communities due to a lack of proper ordinance definition, then what will our communities outside Town Centers look like? The areas outside Town Centers fought hard to not be included in the increased height, density and coverage that currently are allowed for Town Centers as they are transition areas in nature and farther away from any services. Infrastructure, fire evacuation, mobility during the winter months to even walk several blocks are an issue. The roads are two lanes, there are constant construction delays and traffic backups, limited transit, and other services. People will have cars and they will park them all over the place if restricted.

Until the TRPA addresses Community Character nothing should move forward regarding amending the Area Plan. Simply adding more density, more coverage, more height, reduced setbacks, and less parking will destroy any character currently existing.

Summary:

Currently, TRPA/Placer/El Dorado County is not addressing community character, historical significance and landscape, loss of specimen trees, trees dying two years after construction, and cumulative impacts, evacuation concerns, etc. The morphing, or the impacts of STR's are also not addressed as part of cumulative impacts. More dense development is proposed without fixing the existing problems. Those in the area, including tourists that learn of the proposed increased density, land coverage and height are appalled. It is not just the local population. I believe there is the large MAJORITY FEELS THIS WAY. Workforce housing is a problem and I suggest we all sit down and try to work it out. I am in total support of the Junior Adu's, ADU's and more workforce with constraints in Town Centers.

Please think carefully about what is being considered and why we are at this crossroads.

Respectfully submitted.

Leah Kaufman
Principal Planner