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Subject: Post Public Comment for the Record - Question still remaining unanswered - Environmental Thresholds? Where are they in the interim reports due out in a full report in a few months?

Please accept this as a Post Public Comment for TRPA APC 12-6-23 and 12-13-23 TRPA Governing Board on TRPA Housing Amendments

There was a reference in Today's APC meeting to an Addendum M but the public has never received these answers to their questions,....have they? Maybe this Addendum should be forwarded to the public individual's who asked these questions?

Were the following questions answered in that Memorandum M?

Resubmitted from **PUBLIC COMMENT at OCT 11 2023 APC MEETING - NO answer or REPLY RECEIVED**

Dear TRPA Advisory Planning Commission and Governing Board,

THANK YOU for seeing the necessities of definitive thresholds whether they are attained or not. 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. **While a statement of intent is seen as too broad.**

As indicated in the meeting, **all four of the proposed Environmental Thresholds that TRPA proposes to change are currently in question** of being attained in the next publicly available Threshold Evaluation 4 year report (due in 2024). 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.

Where are current Environmental Thresholds? Are there any Interim reports available to substantiate no changes in Environmental Thresholds since 2019? Of the 10 threshold areas stated, are all thresholds being met prior to these proposed Amendments to the Regional Plan. If not, which ones are not being met?

Resubmitted from **PUBLIC COMMENT at JUNE 14 2023 Governing Board Meeting - NO Answer Received**

From the TRPA website -

"The Bi-State Compact as revised in 1980, gave TRPA authority to adopt environmental quality standards, called thresholds, and to enforce ordinances designed to achieve the thresholds. In 1982, TRPA adopted nine environmental threshold carrying capacities (thresholds), which set environmental standards for the Lake Tahoe basin and indirectly defined the capacity of the Region to accommodate additional land development. In 2021, TRPA adopted an additional threshold, Transportation and Sustainable Communities."

My question -
Is there another Threshold Evaluation Report in the works? when will it be published? The last one being 2019 and they are to be completed every 4 years according to your website. Also, the **2019 report only indicates two of the ten thresholds are rated as "attained or better than the target" , and many threshold details show that there was "insufficient data". 21 thresholds had mitigation management implemented in 2019** - <https://thresholds.laketahoeinfo.org/ThresholdCategory/Index>
Interim studies conducted should prove that all the thresholds from 2019 have improved? and now "attain the original goals set" or these amendments to density wouldn't be merited, would they?

Where are these interim studies?

The Governing Board and public have the right to be provided with this information prior to considering Basin wide changes in Land Use development proposed in these Housing Amendments.

The timing of these proposals is purposeful.

Why is TRPA staff pushing so hard for these Housing Amendments to be passed quickly without ANY current environmental threshold status transparency or a Cumulative Environmental Assessment, instead providing only an Environmental Checklist?

As I pointed out in 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 asked at the October 11th TRPA Advisory Planning Commission meeting for the commission **to ask TRPA staff to consult with the Attorney General's office** that the environmental analysis documentation was sufficient enough for the proposed Housing Amendments and thereby also meet the necessary strengthened Federal NEPA Regulations and CEQA guidelines. - **NO REPLY**

?? - I asked TRPA staff and Legal Counsel specifically for **the legal language in CEQA and NEPA that substantiates their legal counsel that no Cumulative Environmental Assessment is necessary**. Especially considering the fact that the **Tahoe Basin is classified as being in a Very High Fire Hazard Severity Zone** - **NO REPLY**

In addition, the public feels that the TRPA Regional Plan Chapter 6 Policies and Goals: Public Services & Facilities Element falls woefully short of providing an "Environmental Threshold carrying capacity", "to maintain public health and safety within the region", as discussed in the Bi-State Compact.

Thank you for your time and consideration.

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From: slpecci <slpecci@aol.com>
Sent: 12/5/2023 11:50:58 PM
To: Public Comment <PublicComment@trpa.gov>
Subject: [BULK] Public Comment TRPA Agenda Item VI A Placer Tahoe Basin Area.
Attachments: [TRPA Comment 12-5-23.pdf](#)

Please accept and distribute this Public Comment to the Advisory Board Members and appropriate staff for the 12-6-23 TRPA APC Public Comment Agenda Item VI.A Placer Tahoe Basin Area

From: Suzanne Pecci

According to the TRPA Deed Restrictions for Affordable website trpa.org there are approximately 250 early deed-restricted units in the Tahoe Basin, most of them in large rental apartment buildings which TRPA monitors, tracks, and enforces compliance with deed restrictions.

According to the website, beginning in 2018, TRPA established a requirement for new deed-restricted units to submit an annual [compliance form](#) and instituted financial penalties of \$5,000 for failure to submit the form, and higher penalties for failure to comply with the requirements of the deed restrictions. TRPA issued letters to owners of all deed-restricted units to ensure that owners understood the terms of their deed restriction, and inform them they may be audited and required to furnish documentation showing that the unit is in compliance.

Information reported on the TRPA website focused on just 95 units in multiple locations in Incline Village, Nevada states that approximately 75 percent of these units (or 71 units) were in compliance with the requirements of their deed restriction. The website disclosed TRPA had issued letters to all 95 of the units to ensure they understood the terms of the deed restriction and has issued follow-up letters of an unknown nature requesting documentation to another 71 of the units.

The TRPA website provided no information on the remaining 25% of the units (24 units) who received a compliance letter and were later determined to be in violation of TRPA's Code of Ordinances for deed restriction violations. There was no information provided on the website as to the number of audits performed, the nature of the violations and number and type of enforcement actions taken by TRPA to gain compliance, the amount of fines collected, the number of civil cases filed, and number of deeds reinstated to retain deed-restricted affordable housing and whether

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enforcement cost were recovered or a financial judgement resulted, The number of noncompliant units unresolved by Code Enforcement was not disclosed. The public should also know if units have been foreclosed and affordable housing deed restrictions wiped out through foreclosure and how many affordable units were lost, if any.

While information on individual parcels in the focus group of 95 units is available on Lake Tahoe Info Parcel Track, public access to this information is on a parcel by parcel basis and requiring knowledge of individual parcel numbers. Where is the TRPA summary analysis of compliance and monitoring efforts since 2018 of the total number of 250 deed restricted units? How many of the 250 deed restricted units are still in existence and in compliance? What is the current status of the 95 units on the TRPA website- 24 nonconforming units and the 71 conforming units??

This is public information that should be readily accessible to the Public to affirm TRPA's accountability to the Public,

As of August 2023, TRPA states it is in the process of contracting with a third-party consultant, HousingInc., to conduct the annual compliance and monitoring of deed-restrictions, and to produce the First Annual Report in February 2024 as part of its performance measures on the compliance status of all deed-restricted units and to make recommendations for improvements to the process as a whole. which will be available to the Governing Board and the public. None of this available at this time in support of TRPAs Placer Tahoe Basin Area Plan.

What is TRPA's track record in enforcement of the TRPA Code of Ordinance for deed restricted units? TRPA's effectiveness in implementing a policy that will preserve deed restricted units over the long-term is not discernible. TRPA is requesting approval of a new plan for Placer Tahoe Basin Area for undefined numbers of deed restricted affordable high density housing based on the "new" definition of Community Achievable Housing made up by the task force appointed by TRPA . Following is the definition:

"The definition of Community Achievable Housing, as recommended and adopted by the Mountain Housing Council, includes housing that meets the

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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.”

This a “new” definition is without a legal basis in housing statues or real estate law. It is a definition without implementation guidelines that encourages a local jurisdiction to move forward without a comprehensive housing strategy in place. The definition encourages implement of what the jurisdiction interprets the definition to mean —jump in feet first, put-the cart- before the horse and make-it-up as you go.

By contrast community planning starts with a comprehensive housing strategy and includes, at a minimum, three elements: an articulation of the locality’s housing policy objectives, a robust set of policy tools that draw on the capacities of multiple local agencies, and measurable goals to allow the locality to monitor its progress over time. A locality’s housing strategy should be grounded in a thorough understanding of its needs and solid engagement with community residents, building on public support and representatives from all relevant departments and agencies and non governmental organizations with a vested interest.

It is my opinion TRPA Placer Tahoe Basin Area has not provided evidence of a viable housing strategy to achieve long-term affordability protective of the environment and supportive of community values. They have not provided a record of past performance supportive of a history of successful monitoring and enforcement policy to retain long-term deed restricted affordable Housing in the Placer Tahoe Basin.

Thank you