

**From:** Tobi Tyler <tylertahoe1@gmail.com>  
**Sent:** 11/19/2024 3:09:46 PM  
**To:** Public Comment <PublicComment@trpa.gov>  
**Subject:** Sierra Club comment on TRPA RPC meeting agenda item 3, Chapter 13 Code amendments  
**Attachments:** [SC comments RPIC 11.20.24.pdf](#)

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Please see the Sierra Club's Tahoe Area Group comments attached for the RPC agenda item 3, Chapter 13 amendments to the Code of Ordinances.  
Tobi Tyler  
Vice, Chair Tahoe Area Group



Date: November 19, 2024

Via email to: [publiccomment@trpa.gov](mailto:publiccomment@trpa.gov)

Tahoe Regional Planning Agency  
Regional Planning Committee  
Attn: RPC Agenda Item No. 3, Code of Ordinance Amendments  
128 Market Street, Stateline NV

**RE: RPC Agenda, Item No. 3, Amendments to TRPA’s Code of Ordinances, Chapter 13**

On behalf of the Sierra Club’s Tahoe Area Group, we provide the following comments regarding the Tahoe Regional Planning Agency’s (TRPA) amendments to Chapter 13 of their Code of Ordinances.

The amendments would change the maximum density from 25 units per acre in any Town Center, Regional Center and High Density Tourist District to “density standards above the maximum set forth in Table 13.5.3-1 in town centers, regional centers, and the High-Density Tourist District” meaning any height could be approved. Regarding height, the amendments state “TRPA may approve height standards above the maximum set forth in Table 13.5.3-1 in town centers” so any height could be approved. These are unacceptable changes that encourage growth without assuring an increase in affordable housing. Instead, these changes will cause unmitigated transportation and evacuation impacts and are inconsistent with the TRPA’s existing Regional Plan as well as its goals and policies.

It is one thing for the City of South Lake Tahoe (CSLT) to find that their changes in the Tahoe Valley and Tourist Core Area Plans do not reach a level of impact needing an Environmental Impact Report (EIR), Mitigated Negative Declaration (MND), or Negative Declaration, but it is quite another thing for the TRPA to conclude the same for the entire Tahoe Basin based on a flimsily and poorly produced Initial Environmental Checklist (IEC) by TRPA staff. The stated reason for these changes is that both the CSLT and Douglas County are desiring to exceed the density and height limitations set in the Code and therefore TRPA should grant it everywhere in the Tahoe Basin just so that TRPA staff will not have to repeat granting exceptions to the Code when County or City jurisdictions request increases in height and density.

One of the unstated reasons for this is to allow Barton to move their hospital to the old Lakeside Inn site in Stateline, exceed the 56-foot threshold, and build an 85-foot-tall hospital despite this proposed plan being far from the casino corridor, completely out of character and scale for the site, and will likely cause deaths as ambulances will be delayed travelling from population-

denser areas through the casino corridor. Douglas County staff state they do not need to comply with the National Environmental Policy Act (NEPA) for amendments to their South Shore Area Plan so they do not plan on doing any environmental analysis. Instead, they will rely entirely on TRPA and their IEC process, which is utterly lacking and incapable of producing an unbiased, scientifically valid analysis.

Our objection to this stems from the fact that these changes (a) will not result in more affordable housing, (b) will increase growth in the Basin causing, at a minimum, unmitigated transportation and evacuation impacts, and (c) require an Environment Impact Statement (EIS)/EIR because of the increase in growth that will occur and that will cause cumulative impacts on transportation, greenhouse gas emissions, vehicle miles travelled (VMT) thresholds, and stormwater treatment in the Basin.

We disagree that “overall growth caps” and increases in density “will not increase the amount of development potential planned for the region.” This is an absurd statement. Of course, this will increase both growth and development potential. These changes will result in cumulative increase in housing with no assurances that the housing will be designated as affordable. The increase in housing will just end up being added to the oversupply of short-term rentals, result in more traffic-related impacts, which then translates to more degradation of Lake Tahoe, and increased human health risks from wildfire evacuations.

There needs to be a thorough independent, science-based analysis of cumulative impacts and climate change/greenhouse gas emissions and the VMT thresholds. The IEC is woefully inadequate. TRPA staff are not appropriate to take on this task as they are both biased and untrained in scientific analysis. The cumulative impacts of transportation, greenhouse gas emissions, VMT thresholds, and stormwater-related must be analyzed by an impartial third party. Amendments to the Code of Ordinances should not be allowed until an independent, science-based EIR/EIS is performed.

Thank you for your considering these comments.



Tobi Tyler, Sierra Club's Tahoe Area Group

**From:** Kristina Hill <tahoehills@att.net>  
**Sent:** 11/19/2024 3:05:29 PM  
**To:** Public Comment <PublicComment@trpa.gov>; Alyssa Bettinger <abettinger@trpa.gov>; Graham St.Michel <gstnichel@trpa.gov>  
**Subject:** RPIC Meeting 11.20.24  
**Attachments:** [TRPA rplic comment 11.20.24.doc](#)

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To Whom It May Concern:

Please see attached my comments regarding the above referenced matter.  
Please circulate to the RPIC.

Thanks,  
Kristina

Kristina Hill  
Hill Planning, Inc.  
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c: (775) 544-4345

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## MEMO

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**Date:** November 20, 2024  
**To:** TRPA RPIC  
**From:** Kristina Hill  
**Subject:** Chapter 13 Proposed Code Amendments to Allow More Building Height and Density

Hello, my name is Kristina Hill. I'm a former TRPA planner, a long time planning consultant and a 44 year full-time Tahoe Basin resident. I'm speaking on behalf of the Sierra Club.

The staff summary states that the proposed amendments to Ch. 13 do not involve or result in any new development.

How can that be true if the amendments allow for increased building height and density over and above what is allowed now?

“The proposed amendments to the Regional Plan and Chapter 13 would “formalize a process” for local jurisdictions proposing density in centers and height in town centers of their area plans above 25 units per acre or 56 feet.”

I'm not seeing this “process change” being identified. What new process? The counties would not have to go through APC and GB? Staff approval?

### **Environmental Impacts**

#### **A. Human Health:**

This new “process” was determined not to have any environmental impact based on another Initial Environmental Checklist which cavalierly ticks off the no box under the heading of “Human Health” to the question:

##### 17. Human Health

Will the proposal result in:

a. Creation of any health hazard or potential health hazard (excluding mental health)?

Yes    No    No, with mitigation    Data insufficient  
           

b. Exposure of people to potential health hazards?

Yes    No    No, with mitigation    Data insufficient  
           

In case you missed it: California’s First District Court of Appeal ruled on Oct. 23 to reject a project’s revised EIR because developers had failed to account for the risk of wildfire the development would have on an area susceptible to human-caused blazes.

The court concluded: No developer should be allowed to make it harder for people to escape deadly fires.

In truth, the impact on human health is exacerbated by large mixed use projects, like the many proposed on the north shore; yet you all keep approving them because you claim fire protection is not your jurisdiction.

Unfortunately, it seems common sense can only be determined in the court system. Meanwhile, our lives are at stake.

## B. Required Findings

As a planning consultant I’ve had to make many findings for my projects over the past 35 years as required by the Code of Ordinances. Code section 4.6. states: “to approve any amendment or adoption of the Code, Rules or other TRPA plans and programs that implement the Regional Plan, TRPA shall find, in addition to the findings required pursuant to Section 4.4 and in accordance with Sections 4.2 and 4.3, that the Regional Plan and all its elements as implemented through the Code, Rules and other TRPA plans and programs, as amended, achieves and maintains the thresholds.”

This very important finding has not been made.

## C. Water Quality

It used to be TRPA's job was to protect Lake Tahoe; in addition to wildfire evacuation impacts, prior to taking action on this item, you should be aware that high density and high buildings have water quality impacts as well. Regardless of your "science", 100% land coverage resulting from unlimited density, leaves little area for infiltration, resulting in more urban run-off being discharged directly into the Lake resulting in less water clarity and more pollution and algae.

Where is that environmental impact being justified in the "Checklist"?

Since these amendments are blatantly being made to accommodate the City of South Lake Tahoe, why not limit their jurisdiction to the specific area. These amendments have no place in Washoe and Placer Counties.

Please recommend denial of these amendments.

**From:** Sophia Heidrich <sophia@mapf.org>  
**Sent:** 11/19/2024 10:30:17 AM  
**To:** Public Comment <PublicComment@trpa.gov>  
**Cc:** Alexis Ollar <alexis@mapf.org>;  
**Subject:** Comments Re: RPC Agenda Item No. 3 - 11.20.24  
**Attachments:** [RPC 11.20.24\\_Agenda Item No. 3\\_MAP Comments.pdf](#)

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Dear TRPA Staff,

On behalf of Mountain Area Preservation, please find comments attached to this email regarding Regional Planning Committee Agenda Item No. 3, Amendments to Codify a Process for Area Plans to Allow for Additional Height and Density in Centers, for tomorrow's RPC meeting. Please distribute them to the committee and include them as part of the record.

Thank you,

  
mountain area preservation

**Sophia Heidrich**  
Advocacy Director

Mailing Address: P.O. Box 25, Truckee, CA 96160  
Physical Address: 10098 Jibboom St., Truckee, CA 96161  
Office: 530.582.6741

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

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November 19, 2024

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

Re: Agenda Item No. 3 — Amendments to Codify a Process for Area Plans to Allow for Additional Height and Density in Centers

Dear Regional Planning Committee,

Thank you for the opportunity to provide comments on the proposed amendments to the local jurisdiction approval process for additional height and density in centers. 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.

On behalf of MAP, we would like to express several concerns with the proposed amendments. First, allowing for additional height and density in Centers across the Basin weakens the Phase 2 Housing incentives, which allow for more height, density, and coverage for deed-restricted housing in Town Centers. We understand that this proposal does not, in and of itself, change the height or density standards in any of the area plans, but it codifies a path for that to occur. Indeed, the very next items on your agenda for this meeting are proposals to exceed the TRPA's density standards.



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During the Advisory Planning Commission (APC) hearing on August 14th (where the APC first reviewed these proposed changes along with proposed amendments to several of the City of South Lake Tahoe's area plans), one of the city planners stated that the City is exceeding its numbers for deed-restricted housing, but is behind on its numbers for moderate and market-rate housing. These are not either/or categories. Under its current definition, achievable housing is just market-rate housing for locals, with no income cap. If developers in the City need more density to build market-rate housing, they can already get that density by deed-restricting the housing to local community members, who work at a minimum of 30 hours per week in the Tahoe Truckee Unified School District.

The bigger issue, it seems, and one that wasn't discussed on August 14th is that developers don't want to be encumbered by deed restrictions. While we understand that perspective, we need a culture shift in Tahoe. Housing that is deed-restricted for locals must become the norm, or we'll never improve the housing crisis; we will just have more luxury, market-rate units, adding to the local workforce housing crisis. And this will not become the norm if the TRPA and local jurisdictions weaken the incentives for developers to build deed-restricted housing.

Second, as we understand, the proposal is inconsistent with the Regional Plan and Regional Code. According to the staff report, Chapter 13 of the TRPA Code of Ordinances states that area plans must be consistent with the height and density requirements outlined in the Code. However, the staff report says that local jurisdictions are already allowed to amend their area plans to allow for more height and density than is allowed per the Code. Where in the Code or Regional Plan is the language that allows for additional height and density in area plans? This assertion from staff is contradicted by Regional Plan Policy CD-2.1.C.i, which outlines height regulations and exceptions. It states that



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“Subject to TRPA approval pursuant to TRPA Code of Ordinances or a Conforming Area Plan, provisions for additional height requirements may be provided for unique situations such as lighting towers, ski towers, buildings within Ski Area Master Plans, steep sites, and essential public safety facilities.” Nowhere in the policy or Plan does it mention exceptions for entire Area Plans.

Third, this proposal will remove the requirement that density/height outliers be included in the Regional Code. One of the benefits of the current system is that all of the height/density “exceptions” can be found in one place rather than having to scour each local jurisdiction’s area plan for potential increases.

Finally, this proposal must consider the cumulative impacts of concentrating additional density in centers basinwide. We understand that the Regional Plan supports redevelopment in Town Centers, directing development from more sensitive areas to the core of each town and encouraging densities and development patterns that promote alternative modes of transportation and increased demand for transit. That said, when the Regional Plan was adopted in 2012, the environmental review didn't contemplate having unlimited amounts of the remaining density concentrated in centers as that was not allowed by the Code.

During the Phase 2 process, adding density incentives adjacent to Town Centers was removed from the proposal at the final December 13th hearing in 2023 due to the need for adequate environmental analysis. At the time, the Governing Board determined that the existing environmental analysis was adequate in analyzing the unlimited density for deed-restricted housing in Town Centers because the limited number of remaining bonus units would serve as a guardrail. However, the Governing Board was not willing to allow unlimited density adjacent to Town Centers for the Phase 2 housing codes, which illustrates the analysis has not been conducted and could leave the TRPA in a



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legal and liable situation. The current proposal outlines a process for local jurisdictions to propose additional density in centers for all housing. The City of South Lake Tahoe (with a proposed 65 dwelling units/acre) will likely be the first of several density increases. Overall, this may be the right general approach for minimizing environmental impacts in outlying areas, but the public safety impacts (especially as they relate to evacuation) have not been thoroughly considered nor mitigated, which is required under CEQA and NEPA.

The IEC admits that the City's proposed amendments would result in "changes to the overall density and distribution of the region's population and gradually increase the density of the population within the centers..." It goes on to conclude that these changes would have a less than significant impact. The issue is that this approach makes it difficult to analyze cumulative impacts. Density increases in the City may not have a significant impact on the basin as a whole, but how does that change when the other local jurisdictions follow suit? If this is TRPA's new direction (changing the Regional Plan and Code to provide a path for more height and density in the area plans), the impacts must be fully analyzed. The same goes for height increases. These standards were set for a reason—to limit the impacts of future Tahoe Basin development. If the TRPA wants to provide "flexibility" or a path forward to change the guardrails set in place, the impacts should be understood at the onset.

The staff report characterizes the proposal as a simple plan to codify an existing process. Yet, it also states that it's a process that has never been undertaken before. The staff report states that the proposal is consistent with the Regional Plan and Code. Yet, the Regional Plan outlines which projects may receive additional height and does not include area plans. The Initial Environmental Checklist states that the proposed amendment would not result in any environmental impacts. Yet, it also admits that the actions that come directly from these amendments (more density in South Lake Tahoe and more height in



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Douglas County, to start), may result in environmental impacts. The staff report is a series of contradictions and should not be relied upon by the Regional Plan Committee, as it does not provide a clear baseline for these changes or align with the Regional Plan.

Whether this amendment codifies an “existing” process or creates a new process is up for debate. Regardless, it is critical to understand what the amendment will mean in the future, what kinds of proposals will come forward as a result, and whether the impacts are fully understood. We would argue that TRPA is setting the stage for more height and density in centers across the Basin, which dilutes the incentives established in the Phase 2 Housing process, the impacts are not fully understood, and the appropriate mitigation is not in place.

Thank you for your consideration of these comments.

Sincerely,

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

Sophia Heidrich, Advocacy Director

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

Alexis Ollar, Executive Director

**From:** preserve@ntpac.org <preserve@ntpac.org>  
**Sent:** 11/16/2024 4:57:21 PM  
**To:** Public Comment <PublicComment@trpa.gov>  
**Subject:** Please distribute to the APC, RPIC and Governing Board  
**Attachments:** [image002.png](#), [Comment on RPU changes nov 24 final 2.docx](#)

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**North Tahoe Preservation Alliance**

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

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**North Tahoe Preservation Alliance**

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11/12/24

TO: TRPA/APC

RE: Discussion and possible recommendation for Discussion approval of proposed amendments to Chapter 13 and Possible of the TRPA Code of Ordinances, and the Goals Action/Recommendation and Policies of the Regional Plan, regarding the review and potential approval process for local jurisdiction Area Plans that propose alternative density and height limits in Centers

<https://www.trpa.gov/wp-content/uploads/November-13-2024-APC-Packet.pdf>

<https://www.trpa.gov/wp-content/uploads/November-13-2024-APC-Agenda.pdf>

TRPA stated at the APC hearing on 11/13/24 the following insufficient justifications for amending Chpt. 13 height and density:

ENCOURAGE GROWTH - (Potential growth numbers, distributions and locations around the lake need to be cited).

CLARIFY PROCESS (process is still confusing-need examples of process).

ELIMINATE DUPLICATIVE WORK FOR TRPA. Once TRPA approves individual Area Plans, power is transferred to the Counties and City of South Tahoe, eliminating TRPA review of individual projects. Only guardrails for development will be the Area Plans. (i.e South Lake Tahoe wants 65/units/acre instead of 25, which they claim will encourage smaller units-how? It could encourage large market rate higher units.)



DEVELOP A REGIONAL CODE. This proposed amendment is the way for TRPA to get their desired Regional Code out of Area Plans.

Stop further “SPOT ZONING” through more amendments to the Regional Plan. (It appears this proposed change is again utilizing spot zoning to facilitate the City of South Lake Tahoe and Barton Hospital). Encourage more Height and Density outside Town Centers.(pg 15 APC packet) Will the Area Plans also be changed without the example of a specific project?

### **1. Insufficient Public Process to Change the Regional Plan:**

TRPA is trying to significantly change the Regional Plan and the Goals and Policies without meaningful community input. Only one previous confusing discussion of myriad similar topics hearing has been held at APC in August 2024. There have been no community hearings on this specific topic-changing the Regional Plan and Goals and Policies and Chapter 13 regarding height and density, which is what the community really cares about. These changes are not “clarifications”, these aren’t changes of degrees. They are changes in kind. This continued lack of transparency is the reason so many distrust TRPA.

### **2. The Regional Plan has fallen into disarray.**

Master Plans meant something. TRPA has modified the Regional Plan’s Code of Ordinances 44 times since 2013 resulting in 375 changes to existing codes. This is not master planning or following the rules; it’s concessions to whatever a developer desires. The TRPA has been captured by developers. Using 3 previous changes to height and density since 2012 as justification is insufficient. At the time these changes were made the public was guaranteed by TRPA they would not serve as future precedents.

### **3. TRPA is turning over the management and control of Lake Tahoe Planning to the Counties and the City of South Lake Tahoe through the individual area plans.**

TRPA was originally formed to keep Lake Tahoe from local control: local proposals to build a bridge over Emerald Bay and a freeway around the Lake are prime examples. Mindless development of luxury condos without affordable housing components has been the norm. Further empowering the Counties who are solely driven by money is a failure to follow the edicts of the Compact.

Has TRPA become an irrelevant growth machine? What is the purpose of TRPA’s \$28m/budget? Only \$400k is being spent on enforcement of the rules.

### **4. The APC packet characterizes the Regional Plan change as a project. In that case the significant change requires an EIR/EIS under CEQA.**

Only the environmental checklist is provided, and it is insufficient. Without guard rails and caps on height and density, the environmental consequences are unknown.

**5. The Regional Plan proposed changes to Chapter 13 (Goals and Policies) are inconsistent with the existing Regional Plan and Goals and Policies.**

**6. The proposed significant changes are growth inducing.**

Lake Tahoe does not have the capacity to absorb more people during peak period. The environmental analysis must consider the results of:

- a. the Evacuation Study provided by Tahoe Clean Air Coalition
- b. Lake Tahoe's lack of infrastructure and reliable transportation
- c. Impacts of short term rentals
- d. Surrounding growth in Reno, Carson, Ca. foothills
- e. Capacity Study of Lake Tahoe
- f. Extensive cumulative analysis
- g. Traffic increases on SR 431, 267 and 50.

Please vote no on this poorly conceived solution to "clarifying the Regional Plan".

Ann Nichols

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[www.ntpac.org](http://www.ntpac.org)

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