

July 26, 2022

Tahoe Regional Planning Agency
Regional Plan Implementation Committee
Jennifer Self, Principal Planner
128 Market Street
Stateline, NV, 89410

Re: Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed Tourist Core Area Plan (TCAP) amendments

Dear Regional Plan Implementation Committee and Ms. Self,

As a member of the 2012 Regional Plan Update (RPU) Bi-State Working Group, the League to Save Lake Tahoe (League) appreciates the opportunity to continue to work with the Tahoe Regional Planning Agency (TRPA) and the City of South Lake Tahoe (City) to implement the RPU. Effective implementation of Area Plans is critical to this ongoing effort. The League thanks the City for the opportunity to comment on the Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed Tourist Core Area Plan (TCAP) amendments.

The League commented during the Scoping period and appreciates the “corner lot” (3828 Montreal Road) being taken out of consideration for development in response.

Overview

The League does not support the current proposed TCAP amendments because they are inconsistent with City and TRPA plans and intent. The Colony Inn parcel was intended to be permanently retired and the stream environment zone (SEZ) restored. The SEZ restoration attempt failed. Rezoning the last recreation/conservation land in the TCAP area does not align with the goals and policies of the City’s General Plan or TRPA’s Regional Plan, which the IS/MND is tiered off of. Because the environmental document only includes one mitigation measure, we are recommending two additional mitigation measures:

1. Restore the SEZ to a functional level and monitor and manage it to ensure it remains functional for the life of the project.
2. Permanently protect the “corner lot” (APN 029-441-003) as Recreation or Open Space through a permanent deed restriction running with the land.

We expect these two mitigation measures to be included for the TCAP amendments and proposed project in order to be approved.

SEZ Impacts and Site Suitability for Development

On March 18, 2008, the City passed a Resolution to permanently retire the Colony Inn site from future development as a condition of transferring the associated tourist accommodation units (TAUs) out of the City limits: “WHEREAS, the Colony Inn located partially Within an area identified for SEZ restoration, Once the Colony Inn is demolished, existing development will be transferred out of the SEZ and the site will be restored and permanently retired, thereby furthering the goals of the Stateline/Ski Run Community Plan and attainment of TRPA’s thresholds.”¹

¹ March 18, 2008 City of South Lake Tahoe Staff Report and Resolution.
http://slt.granicus.com/MetaViewer.php?view_id=4&clip_id=181&meta_id=15886

The City included a Policy in the TCAP that aligns with its Resolution and approval of TAU transfers from the Colony Inn site: “Onsite land coverage reduction will occur primarily through environmental redevelopment by providing development incentives in centers that promote the relocation and transfer of land coverage. The City will endeavor, where feasible, to reduce and avoid creating new coverage in order to benefit the objectives of the TCAP and other areas of South Tahoe.”² This language was discussed at the November 2013 TRPA Governing Board meeting, including whether or not to specifically include the Colony Inn site as a target restoration site. In the end, though a specific site was not targeted for restoration and the Colony Inn site was intended for restoration and permanent retirement as stipulated above.

The City needs to decide whether this amendment meets the intent of the General Plan and TCAP including the goals and policies contained within it. The City’s Attorney will also need to determine whether or not a new Resolution is required to allow this Area Plan amendment.

Between 2009 and 2013 the Colony Inn was demolished and the SEZ should have been restored, but the restoration failed. According to TRPA’s 2020 SEZ Baseline Report, the Colony Inn site (Colony Inn Meadows) restoration failed.³ The SEZ only ranked a “C,” indicating an unhealthy SEZ due to a ditch running through the entire project, dewatering the meadow and leading to loss of vegetation vigor. With the proposed amendments, the coverage limit would increase from 30 percent to 70 percent, with coverage transfer on applicable lands with capability 4-7. Additional development around the SEZ where headcuts and ditches are present, significantly and irreversibly impact the SEZ which expressly violates the 2008 City Resolution and the intent of SEZ restoration. Regardless of the success of the SEZ restoration efforts, the site was to be permanently retired, in line with the City’s 2008 Resolution and enforced by TRPA’s approval of the Boulder Bay Community Enhancement Program Project EIS in 2009.⁴

In September, October, and November of 2013, the TRPA Regional Plan Implementation Committee (RPIC) and Governing Board had lengthy discussions internally and with the City and the public. One of the results of the discussion was the City reinforcing that it “wanted to identify [Colony Inn] as a priority site for getting the stream environment zone restoration completed.”⁵ Other outcomes relevant to these proposed amendments are enshrined in the TCAP itself:

- “The Colony Inn which was located in SEZ lands by the intersection of Montreal Road and Heavenly Village Way was demolished and 64,800 square feet of land coverage was removed and banked, and the site stabilized. The existing tourist accommodation units removed from the site are proposed for transfer to the Boulder Bay Project in North Stateline. A condition of the Boulder Bay permit requires that the property be restored to a functioning SEZ prior to the units being transferred.” Page 3-4.
- “The Tourist Core Area Plan responds to the needed SEZ improvements: Restore the disturbed SEZ on the Colony Inn parcel located along Montreal Road.” Page 7-5.

² October 15, 2013 TCAP. Policy NCR-4.1, page 7-3. <https://www.cityofslt.us/DocumentCenter/View/3508/Final-Tourist-Core-Area-Plan?bidId=>

³ December 2020 Lake Tahoe Basin SEZ Baseline Condition Assessment. Report: https://gis.trpa.org/TahoeSEZViewer/SEZ%20baseline%20condition%20assessment_v8.pdf; StoryMap: <https://www.google.com/url?q=https://storymaps.arcgis.com/stories/815a21db82944f7f95ce94d76c73a19b&sa=D&source=docs&ust=1652741001866899&usq=AOvVaw2791Wlh0aSr9wKajKr5gZW>

⁴ November 4, 2009 Boulder Bay CEP Project EIS. https://www.trpa.gov/wp-content/uploads/documents/archive/4_01_Land_Use.pdf

⁵ October 24, 2013 Meeting Minutes from TRPA RPIC meeting. Page 19. <https://www.trpa.gov/wp-content/uploads/documents/archive/January-29-2014-Governing-Board-Packet.pdf>

In July of 2013, the League submitted comments on the TCAP in its early stages of development, including a clarifying question about the Colony Inn site. The November 2013 TRPA Governing Board meeting included responses to comments and #8 directly addresses the Colony Inn site.⁶ While the Boulder Bay project has been long-delayed and is currently changing with new ownership of that site, TRPA's transfer rules may still apply and the intent to permanently retire the site is clear.

TRPA Counsel will need to provide an analysis of the SEZ Restoration Credits and requirement to permanently retire and "stabilize" the site based on TRPA Code and TCAP approvals in 2013, and the final intent captured in TCAP.

Recreation/Open Space

The IS/MND for the proposed amendments tiers off of the City's 2011 General Plan and TRPA's 2012 RPU, and references the TCAP.

In the City's General Plan, the parcels that are the subject of the amendments are identified as "Conservation."⁷ The General Plan's Conservation designation "provides for the permanent preservation of natural resources, habitat protection, watershed management, public and quasi-public uses, areas that contain public health and safety hazards such as floodways, and areas containing environmentally-sensitive features."⁸ The parcels being considered for the amendment are the only General Plan Conservation parcels in the TCAP area, and some of the only infill/smaller lot Conservation parcels in the entire General Plan. This was done deliberately and likely linked to the discussions when Colony Inn was demolished.

In the TCAP, the parcels in question are zoned as recreation. While this questionably aligns with the intent in the General Plan, Recreation districts in the TCAP are "intended to allow a variety of recreation uses such as dispersed recreation and parks. Permissible uses include day use areas and group facilities."⁹ The dispersed recreation use most closely aligns with the intent of the Conservation designation in the General Plan. When the TCAP was developed, the Conservation designation arguably should have translated to the Open Space designation which "is intended to preserve land in its present use that would: 1) conserve and enhance natural or scenic resources; 2) protect streams environment zones, sensitive lands, water quality or water supply; 3) promote soil and habitat conservation; 4) enhance recreation opportunities; and/or 5) preserve visual quality along highways, roads, and street corridors or scenic vistas. The land is predominantly open, undeveloped, or in a lightly developed and is suitable for any of the following: natural areas, wildlife and native plant habitat; erosion control facilities, stream environment zones, stream corridors; passive parks; and/or trails for non-motorized activities."¹⁰ This Open Space designation also aligns with TCAP policies NCR-2.3 and R-2.3,¹¹ which would be very difficult or impossible to implement or achieve if the proposed amendments are approved.

⁶ November 20, 2013 Response to Comments on the TCAP. Response #8, Page 4. https://www.trpa.gov/wp-content/uploads/documents/archive/6_FINAL_Attachment-E_Responses-to-Comments.pdf

⁷ October 15, 2013 TCAP. Figure 2-2.

⁸ May 17, 2011 City of South Lake Tahoe General Plan. Land Use Element, page LU-3.

https://www.cityofslt.us/DocumentCenter/View/5639/SLTGPU_PD_2-LandUse_Final_2011-05-17?bidId=

⁹ October 15, 2013 TCAP. Page 5-6.

¹⁰ *Ibid.*

¹¹ TCAP Policy NCR-2.3: Encourage the use and access to designated open space for passive recreation uses when they conform to resource restrictions

TCAP Policy R-2.3: Encourage landscaped, small passive parks in and around the Tourist Core

TRPA's Regional Plan (RPU) was updated in 2012, between the adoption of the City's General Plan and the TCAP. The IS/MND, in section 1.8, selected a few TRPA- specific and -referenced goals and policies that this project *may* support but the ones it may conflict with are not included which does not allow a fair assessment of the pros and cons of the proposed project. These include, but are not limited to ROS-2.9, ROS-2.10, ROS-2.11, Land Use Element Goal 1 Policies 2 and 3, Soils Goal 1 Policy 7, Open Space Goal 1, and Stream Environment Standard SC-2.

To comply with the City's and TRPA's land use designations and goals and policies related to open space and recreation, the "corner parcel" at 3828 Montreal Road (APN 029-441-003) needs to be permanently retired as Recreation or Open Space through a deed restriction on the parcel. This would include the access easement associated with the Colony Inn to the Van Sickle access road.

Summary and Recommendations

For this IS/MND to tier off of the City's General Plan and TRPA's Regional Plan, the amendments analyzed must be consistent with those plans. The proposed amendments are not consistent with the land use designations or the majority of the relevant goals and policies in the documents being tiered off of, which sets a dangerous precedent. In addition to the inconsistency, the impacts to recreation, public services, biological resources, land use/planning, population/housing, and overall cumulative impacts have been underestimated, ignored, or not mitigated to less than significant. We recommend three mitigation measures that could put the amendments into conformance with the General Plan and Regional Plan:

1. To mitigate for recreation and public service impacts: enhance the existing mitigation which is Putting up a fence to block access directly to Van Sickle, the future Greenway path, and existing SEZ. Based on the map provided as Figure 2-2 on page 16 of the IS/MND, the fencing needs to go around the entire property and could include tying into the substation fencing. It would be easy to leave the property and get around the fencing as depicted from buildings 7, 8, and 10, pretty easy from building 9, and not difficult from all buildings.
2. To mitigate impacts to biological resources and land/use planning (SEZs): create a new mitigation measure, enforced through a permit condition or deed restriction, requiring the SEZ on the parcel(s) to be restored to a functional state and monitored and maintained for the life of the project.
3. To mitigate for conflicts with land use/planning, impacts on population/housing, and cumulative impacts¹²: create a new mitigation measure, enforced through a permanent deed restriction running with the land, permanently designating the "corner parcel" (3828 Montreal Road, APN 029-441-003) as Recreation or Open Space under the relevant TCAP definition.

Finally, mitigation monitoring reporting requirements and schedule need to be developed before approving the amendments,¹³ taking into account the updated and new mitigation measures we recommend.

¹² Pursuant to § 15370 of the CEQA Guidelines, mitigation includes: (a) Avoiding the impact altogether by not taking a certain action or parts of an action. (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation. (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment. (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action. (e) Compensating for the impact by replacing or providing substitute resources or environments.

¹³ CEQA § 21081.6.: Upon approving a project for which a MND is adopted, the Lead Agency must also adopt a mitigation monitoring or reporting program.

Based on City and TRPA Counsel determination, and any new mitigation measures proposed, the League will consider not opposing development of Colony Inn site and the “back parcel” as long as the SEZ is restored and permanently monitored; and the “corner lot” is permanently retired with a deed restriction.

Thank you for the opportunity to provide these comments. Please do not hesitate to contact us to discuss our recommendations and we hope to see an updated IS/MND with additional mitigation measures in order to comply with CEQA and TRPA environmental review, goals, and policies.

Sincerely,



Darcie Goodman Collins, PhD
CEO League to Save Lake Tahoe



Gavin Feiger
Senior Land Use Policy Analyst

7-27-2022 VIII. WORKSHOP

A. Tahoe Living Housing and Community Revitalization Initiative Discussion and Page 67 and conceptual proposal on density, height, and coverage for Possible Direction affordable and workforce housing related to Chapters 30, 31, to Staff 37, 50, 52, and 90

Staff Report

July 20, 2022

To: Governing Board

From: TRPA Staff

Subject: Housing Workshop: TRPA's Tahoe Living Housing and Community Revitalization Initiative; request for policy direction for possible Regional Plan amendments to encourage affordable and workforce housing.

Phase 1, the "near-term" actions were completed in July 2021. The Working Group is now in Phase 2, the "medium-term" action items.

Medium-Term (Phase 2 - Current Phase) Encourage multi-family residential housing:

- Re-evaluate development standards for multi-family residential development (density, height, coverage) (Phase 2A)
- Consider scaling and availability of development rights for workforce housing² (Phase 2B)

When is the long-term anticipated to be addressed?

Long-Term:

- Encourage commercial conversion to residential
- Streamline permitting for affordable and workforce housing
- Examine mitigation fees

No disrespect intended but affordable/achievable/workforce isn't just the fire and police first responders, teachers, etc. It's also the hotel cleaning crew, bartenders, restaurant servers, retail clerks, etc. By combining low-income affordability issues with achievable standards is disingenuous. They are not and never will be the same.

Who is this specific program actually targeting? This must be disclosed. The recommended video isn't for low-income. The premise of the presentation is for duplex, triplex, fourplex. When will price points be discussed? When will a real analysis to address low-income housing be done? <https://vimeo.com/719219232>

I'm looking forward to a Notice of Preparation for the required Environmental Impact analysis. When does staff anticipate the release of an environmental document?

Just carving out TRPA development code changes is not enough to ensure growth management, per capita VMT requirements, scenic highway requirements, etc. is kept in check and not violated.

This will certainly trigger Regional Plan amendments, local jurisdiction General Plan changes, Area Plan changes/amendments, joint environmental documents with each jurisdiction, local jurisdiction development code changes, etc. before this pilot program can be implemented?

The requests before you today bring to mind that the 2012 Regional Plan Update is almost 10 years old with many of the impacts analyzed going to be left on the cutting room floor with these affordable/achievable housing strategies being proposed as piecemeal development code changes.

Starting with definitions: Just trying to nail down what achievable area median income (AMI) should be and not what is proposed to exceed what definitions currently state.

CHAPTER 90: DEFINITIONS

90.2 Other Terms Defined

Achievable Housing

Single or multi-family residential development to be used exclusively as a residential dwelling by permanent residents with an income not in excess of the respective county's achievable area median income (AMI) percentage, using the following methodology:

1. Determine the county's median income where the housing development will be located using income limits for a family of three published annually by the US Department of Housing and Urban Development and, if applicable, the California Department of Housing and Community Development.
2. Determine the county's median single or multi-family housing price, as applicable, where the housing development will be located using median housing prices published annually by the TRPA.
3. Divide the median single or multi-family housing price, as applicable, (determine in Step 2) by 3.79 (buying power) to determine the annual income needed to afford an achievable housing unit.
4. Divide the annual income needed (calculated in Step 3) by the median income (determined in Step 1) to determine the achievable AMI percentage.

Affordable Housing

Residential housing, deed-restricted to be used exclusively as a residential dwelling by seasonal workers or permanent residents that are lower-income households (income not in excess of 80 percent of the respective county's median income) and very low-income households (not to exceed 50 percent of the respective county's median income). Such housing units shall be made available to individuals whose median income does not exceed the recommended state and federal standards. Each county's median income shall be determined according to the income limits published annually by the US Department of Housing and Urban Development and, if applicable, the California Department of Housing and Community Development

Moderate Income Housing

Residential housing, deed-restricted to be used exclusively as a residential dwelling by permanent residents with an income not in excess of 120 percent of the respective county's median income. Such housing units shall be made available for rental or sale at a cost that does not exceed the recommended state and federal standards. Each county's median income will be determined according to the income limits published annually by the US Department of Housing and Urban Development and, if applicable, the California Department of Housing and Community Development

Missing Middle 1) Presentation to the Local Government and Housing Committee on “Missing Middle” Housing by Opticos Design, Inc. – January 6, 2021 (44 minutes) (Attachment C)

<https://www.youtube.com/watch?v=nOGj1ZC9u8A>

1 This staff report uses the term “affordable and workforce housing” to refer to deed-restricted housing in the “affordable,” “moderate,” and “achievable” categories, as defined in Chapter 90 of the Code of Ordinances, as well as naturally affordable, non-restricted housing, also known as “missing middle” housing.

2 This item was not explicitly called out in the set of action items that the Governing Board approved in January of 2021, but the Working Group later identified it as a critical element of encouraging “missing middle” housing and smaller deed-restricted and non-deed-restricted units. The updated set of priority actions are included for board approval in the 2022-2023 Operations Work Plan.

What is the definition of naturally affordable and non-restricted other than the missing middle? Terms become confusing and issues not resolved.

Now into the weeds: Let’s examine the failed Community Enhancement Program (CEP) which evolved from Special Projects. To build the Domus affordable complexes 100% coverage was approved/allowed at the larger complex on State Route 28 in Kings Beach. No play area for children and substandard landscaping was allowed. No commercial component was ever built. Just saying incentivization and development code changes never seems to be enough. How much local jurisdiction funding will accompany these changes? Purchasing individual lots to offset financial feasibility to a developer? Example: Dollar Creek Crossing in Placer County.

For comparison how much per unit subsidy was required to fund the Domus units on SR 28?

Subsidies are scarce.

Where does any of these recommendations take into consideration the existing environment and people that live in these neighborhoods? Where is a fair balance? Many people have lived here for many years with restrictions while this “Pilot Program” proposes to usurp the development requirements imposed. On the opposite side the same could be said for the proposals for enormous resort destination proposals that do not take the existing residential public in to consideration.

When, yes when not if, are the local jurisdictions and TRPA going to require the major employers ski resorts, hospitals, golf courses, etc. to build some of this affordable need? The mitigation to allow In-lieu fees has built how many affordable units? This needs to be disclosed.

Also, calculating Full-time Equivalent Employees (FTEs) has not always been clear. Example: the Tahoe City Lodge proposal was allowed to use current employee count in the decayed Henrikson Building and not what the new hotel, commercial, restaurant employees, etc. would be. Assessing how many units we are deficient needs to be determined accurately.

There are so many broken components that never get correctly analyzed. Examples:

1). TRPA shall allocate the development of additional residential units as follows:

50.5.1. Requirement of Residential Allocation

No person shall construct a residential project or commence a residential use that creates one or more additional residential units without first receiving an allocation approved by TRPA and awarded by the appropriate jurisdiction. This requirement does not apply to affordable, moderate, or achievable housing units approved after January 1, 1986, but shall apply to conversions of such affordable, moderate, or achievable housing to market-priced status.

How many units have been converted to market rate to-date? This must be disclosed.

Will additional requirements and code be developed to prohibit the conversion of future units to market-rate using proposed incentives for financial feasibility with this pilot program as stated as being necessary? In the bonus unit code: 52.3.4. Affordable, Moderate, and Achievable-Income Housing B. The owner of the parcel, through a deed restriction running with the land, shall restrict the unit for which the bonus unit was awarded from being used as a second home or a vacation rental. Conversion to market-rate must be discussed.

2). 52.3. RESIDENTIAL INCENTIVE PROGRAM

52.3.1. Assignment of Bonus Units

A maximum of 1,400 residential bonus units may be approved by TRPA pursuant to this section. Residential bonus units may be made available to affordable, moderate, and achievable-income single and multi-family housing projects subject to the criteria in subsection 52.3.4 below. Five hundred and sixty-two (562) of the 1,124, or one half of the remaining as of December 24, 2018, residential bonus units from the TRPA pool, whichever is less, shall be used for affordable housing units; the remaining 562, or one half of the remaining, residential bonus units from the TRPA pool, whichever is less, may be used for moderate or achievable housing units.

52.3.2. Criteria

All projects receiving multi-residential bonus units shall comply with the following criteria:

A. The proposed density, including any multi-residential bonus units, shall not exceed the maximum density limits set forth in the area plan, plan area statement, applicable community or redevelopment plan, or this Code; and

B. When bonus units will be used for a multi-family dwelling, multi-residential uses shall be designated in the area plan, plan area, or community plan as an allowed use, or a special use for which the findings required in Section 21.2 have been made.

C. Except for affordable, moderate income, or achievable housing units as defined in Chapter 90: Definitions, an allocation shall be required pursuant to Chapter 50: Allocation of Development, in order to use multi-residential bonus units.

Additional analysis for growth management not assessed as stated by this exemption for affordable, moderate income, or achievable housing units is necessary. VMT for the additional

units must be analyzed and not ignored like the vacation home rentals not currently being added to VMT per capita analysis adopted.

Does the non-use of a bonus unit requirement trigger mitigations as stated in code below?

52.3.3. Determination of the Number of Multi-Residential Bonus Units

A. Determination of Project Score

Applications for projects proposing to use multi-residential bonus units shall include a list and description of all mitigation measures identified in Table 52.3.3-1 that are proposed as part of the project. Based on a review of the mitigation measures proposed, TRPA shall determine a score for the project in accordance with Table 52.3.3-1. A maximum of one residential bonus unit may be approved for each ten points received by a project.

B. Mitigation Measures

Projects proposing the use of multi-residential bonus units shall receive a score only when one or more of the mitigation measures in Table 52.3.3-1 are proposed as part of the project. Any combination of the measures in the table may be proposed. Only those mitigation measures that would not otherwise be required by the Code shall be considered in determining the score received by a project. This subparagraph establishes the maximum number of points that may be awarded for each mitigation measure. If a proposed mitigation measure satisfies the requirements of two or more of the mitigation measures listed below, points shall be awarded based on the mitigation measure resulting in the highest score. The total point score shall be rounded down to a number that is a multiple of ten.

When environmental analysis comes forward this code requirement will need to be explored.

3). Why isn't additional transportation analysis required under code 65.2. AIR QUALITY, GREENHOUSE GAS REDUCTION, AND MOBILITY MITIGATION PROGRAM? There is an increase in population thus cars. Not everyone uses public transportation and not everyone works in the Tahoe Basin that may qualify for this program when units are built?

Are there going to be restrictions that you must live and work in Tahoe Basin to qualify for a unit? Example: This would exempt residents of Truckee from purchasing a unit in Tahoe.

65.2.1. Purpose

The purpose of this section is to implement TRPA's 1992 Air Quality Plan and Goal #4, Policy 2 of the Development and Implementation Priorities Subelement, Implementation Element of the Goals and Policies in the Regional Plan, with respect to the establishment of fees and other procedures to offset impacts from indirect sources of air pollution; reduce mobile source greenhouse gas emissions per capita; and provide a more effective multimodal transportation system that reduces vehicle miles travelled per capita.

65.2.3. Definitions and Standards

D. Screened from Additional Transportation Impact Assessment

If a project meets one or more of the following criteria, it shall be considered to be screened from further transportation analysis: 1. Affordable, Moderate, or Achievable Housing Affordable housing that is 100 percent deed-restricted affordable, moderate, or achievable and

meets the requirements of Subsection 52.3.4, Affordable, Moderate, and Achievable-Income Housing.

65.2.4. Requirements for New Development

New development shall be subject to the requirements provided below and illustrated in Figure 65.2.4-1.

1. Regional and Cumulative Impact Fees

In order to offset regional and cumulative impacts, additional development, excepting deed-restricted affordable, moderate, and achievable housing development within areas eligible for Residential Bonus Units, shall contribute to the Mobility Mitigation Fund, except as provided for in subparagraph 2 below. The amount of contribution is established in subparagraph 65.2.4.D.

To add to the confusion section D below of how this all is supposed to come together:

D. Fee Schedule

The mobility mitigation fee shall be assessed in accordance with the mitigation fee schedule in the Rules of Procedure. The mitigation fee shall be adjusted annually consistent with the annual change in the Consumer Price Index for the San Francisco region. Fee adjustments are limited to increases, even in instances when the calculation may result in a negative percentage growth, to preserve the intent of the mobility mitigation fee and maintain consistency with the costs to implement VMT reduction measures. The current mobility mitigation fee shall be included within the schedule provided in the Rules of Procedures subsection 10.8.5.

E. Limited Exception for New Development within Adopted Area or Community Plans

New development shall be exempt from the requirements of subparagraph 65.2.4.C if located within an adopted area or community plan, where the impacts under Threshold Standard TSC-1 have been evaluated in the EIS, EA, or IEC for the area or community plan and TRPA finds that the new development's impacts are mitigated by the implementation element of the area or community plan consistent with the standards of subparagraphs 65.2.4.B and 65.2.4.C.

The environmental analysis will take a year plus based on the proposals of additional coverage, height and density that must be analyzed for environmental impacts as exemplified in the recommended video with three examples .

Key Findings as presented : Financial Feasibility is not achievable without the development code changes.

SCENARIO 1 | Kings Beach Residential



How do current development standards affect multi-unit housing types allowed in the Kings Beach Residential Zone?

1	MAX DENSITY	On a 5,000 sf lot, 15 unit /acre allows for no more than a single family unit.
2	LOT COVERAGE ALLOWANCE	Assuming increases to density, 30% lot coverage maximum limits development to no more than a large single family unit or small duplex.
3	SETBACK REQUIREMENTS	Assuming increases to density and lot coverage, setbacks consume close to half the site, limiting development to no more than a triplex.
4	PARKING REQUIREMENTS	Assuming increases to density and buildable area, a 2 space per unit parking requirement severely limits the potential for denser housing, limiting development to no more than a fourplex.
5	MAX HEIGHT	36' height maximum starts to become a significant barrier to development at more than 6 units.

SCENARIO 2 | Incline Village Residential



How do current development standards affect multi-unit housing types allowed in Incline Village Residential?

1	MAX DENSITY	On a 8,000 sf lot, 15 unit /acre allows for no more than a duplex.
2	LOT COVERAGE ALLOWANCE	Assuming increases to density, 30% lot coverage maximum limits development to no more than a triplex.
3	SETBACK REQUIREMENTS	Assuming increases to density and lot coverage, setbacks consume more than half the site, limiting development to no more than a 5 units.
4	PARKING REQUIREMENTS	Assuming increases to density and buildable area, a 2 space per unit and tuck under parking requirement severely limits the potential for denser housing, limiting development to no more than an 6 units.
5	MAX HEIGHT	36' height maximum starts to become a significant barrier to development at more than 10 units.

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SCENARIO 3 | Ski Run Blvd Town Center



How do current development standards affect residential development in Ski Run Blvd Town Center?

1	MAX DENSITY	On a 12,000 sf lot, maximum density limits development to no more than 6 units.
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How does the growth management calculations, etc. stay within maximum buildout of the Tahoe Basin capacity? This will be an interesting analysis along with the much needed “reality check” analysis of Short-Term Rentals/Vacation Home Rentals (STR/VHR)

How does this stay within the “growth management” strategies “as defined” as we are already experiencing additional VMT and plainly too many people in Tahoe with the vacation home rental explosion. VMT apparently gets ignored and not calculated as related to the increased number of cars that come with Short Term Rentals/Vacation Rentals. You cannot tell me there are not more cars thus more VMT with STR/VHR than a full-time resident. When is this going to rise to level of required analysis?

Example: In item # 3 (page 113) Consideration and Possible Recommendation of Approval of Proposed Amendments to the Tourist Core Area Plan on the Regional Implementation Committee agenda

The applicant (HVR Acquisitions) wishes to develop up to six (6) additional multi-family residential units on the 1.29 acre portion of the parcel located within the Recreation district. A four (4) unit Multi-Family Project has been approved by the City for the portion included in the TSC-MU district. Once built out, the eventual project would include a total of 10 multi-family residential structures (detached units) on the combined 3.79 acre site (APN 029-441-024). It is **anticipated that the multi-family residential units would be subdivided into individual airspace condominiums and rented as short-term vacation home rentals (VHRs).**

Frankly, it's more profitable to build a large home within the confines of the development code and make it a STR/VHR.

Back to the subject at hand. The March 20, 2022 video (<https://vimeo.com/719219232>) recommendation from Cascadia suggests going outside town centers. Using the word **vicinity** of town centers is misleading. Tahoe Vista is not a town center and is only 1.1 miles in its entirety. It is within the vicinity of Kings Beach Town Center. Area Plans were directed and driven by Town Center incentivization. The Area Plans should have to be amended and re-analyzed for local jurisdiction impacts which become cumulative regional impacts. From the staff report “Because of the Regional Plan’s historic focus on incentivizing multi-family residential development both within town centers and in the **vicinity** of town centers, these concepts are proposed as different options for within town centers and within the **vicinity** of town centers”

Next Steps:

Staff welcomes input into the Tahoe Living Working Group process. Staff also recommend moving the Phase 2A Housing Amendments into the environmental analysis and code development phase. Code amendments will follow the regular approval process including Tahoe Living Working Group input, followed by Local Government and Housing Committee, Advisory Planning Committee (APC), Regional Plan Implementation Committee, and Governing Board hearing. Enough said today. Be very cautious when approving development or any code

Tahoe Regional Planning Agency Governing Board Meeting July 27, 2022
Ellie Waller Public Comment for the Record

changes related to this housing crisis until environmental impact documentation has been approved. I'm not sure the proposed Phase 2A Housing Amendments have been fully vetted.

Public Comment: TRPA Governing Board re Housing Discussion July 27, 2022

Submitted by Carole Black as an Incline Village Resident

I am concerned about potential unintended consequences of interventions being discussed re TRPA Code changes related to Housing (more affordable/workforce) with the hope that this group will recommend modifications during the next phase of program development:

I. Will the intended goal of proposed code adjustments result in more, more affordable/ workforce housing units or will the likely resulting added units be diverted to other uses (e.g., second homes, STRs, seasonal (ski, etc.) rentals or shared ownerships)?

- **Proposed TRPA code modifications may fail to meet objectives and result in unintended adverse consequences. In particular, if applied to Nevada areas without added specific parameters/restrictions, since NV and particularly Washoe County lacks statutory regs as in CA and local codes may not be protectively modified, these units could (? likely will) be developed for alternative, often more profitable uses.**

- **In IVCB the “Missing Middle” concept if tagged to the “Attainable” range will likely place newly built units outside the reach of many/?most of the target workforce audience** but will create added opportunity for alternative use examples along with added congestion and adverse traffic/parking/safety community impacts.

- **NV apparently lacks CA incentives for building more affordable rental units (apartments) which could be rent-controlled and/or otherwise made more affordable to the target audience** and nothing in the current proposal addresses this option

II. Has growth in STR use diverted existing housing units?

- **STRs are diverting housing (~175 units recently documented) which is often more affordable and/or has been or could be long-term rentals; in addition they may drive up rental and overall housing prices**

- 77% of STR permits issued last summer and fall in Washoe County (almost all in the Tahoe region) were for smaller condo/apartment-type units – i.e., the less expensive units in the area

- Though not focused on this aspect, recent WC Tahoe Housing study documented loss of household residences with conversion of rental housing to STRs – the observation was noted to be the “minimal” finding with additional direct analysis needed for a more complete estimate

- Literature from other markets supports this observation

III. Will proposed changes drive housing availability to the target workforce? Possibly, BUT Maybe/ Likely NO:

- **Similar to last fall’s ADU discussion (with resulting GB modification for NV given differing local/state regs),**

- **If built restricted to the current achievable category,** eligible income levels may draw other buyers and support pricing out of reach to most of targeted local workforce

- For add-on units (ADU or SFR conversion to multi-family), if there is **no residency or rental restriction for an original main “unit/house,”** could owner qualify for and live in an added (restricted) unit using the original/main unit as an STR or >30 day transient rental with no net housing add?

- **Even with a residency requirement, Seasonal rentals** to other than seasonal employees working locally might occur with an added unit/ADU e.g., if the renter used the ADU as their “primary residence” during the rental period.

IV. Have other options been fully explored? No!

- **In addition to no apparent plan for apartment units, there is concern re central area housing developments (IVCB) currently being proposed with no requirement for a subset to be reserved as “more affordable” units**

Thank you for considering these concerns and requiring/incorporating remedies.

From: Diane Heirshberg <dbheirshberg@gmail.com>

Date: July 26, 2022 at 8:05:38 PM PDT

To: Cindy Gustafson <cindygustafson@placer.ca.gov>, Shelly Aldean <shellyaldean@gmail.com>, Barbara Cegavske <bkcegavske@sos.nv.gov>, Ashley <ashleyc@alumni.princeton.edu>, Belinda Faustinos <belindafastinos@gmail.com>, John Friedrich <jfriedrich@cityofslt.us>, Bud Hicks <ajhicks@mcdonaldcarano.com>, Alexis Hill <AHill@washoecounty.gov>, Vince Hoenigman <vhoenigman@yahoo.com>, James <lawrence@dcnr.nv.gov>, Hailey Williamson <hayley.a.williamson@gmail.com>, Bill Yates <jwytrpa@gmail.com>, Sue Novasel <bosfive@edcgov.us>, Wesley Rice <wrice@douglasnv.us>

Cc: John Marshall <jmarshall@trpa.gov>

Subject: July 27, 2002 Governing Board Agenda, Request No Action be Taken on Agenda Item VIIIA Until TRPA Governing Board receives Analysis of Nevada Law Discussed Below

Dear TRPA Governing Board,

While I applaud the desire to take steps to address the lack of work force housing in Incline Village/Crystal Bay ("IVCB") I respectfully submit that the current Staff proposal ignores (i) the realities of current NEVADA law as impacts the ability to enforce restrictions to workforce housing and affordable housing; (ii) how to set up an enforceable program that serves the needs of those needing workforce housing and affordable housing that has actual compliance monitoring; and (iii) the differences between workforce housing and affordable housing programs because the people served by the programs may not be identical.

The project should be sent back to Staff for more study and a report to the Governing Board, with an emphasis on Nevada legal advise and advise on affordable and workforce housing program set-up. The current Staff recommendations with no compliance component will not do anything except increase density to benefit others then workers needing housing.

TRPA and Washoe County CANNOT CREATE AN AFFORDABLE OR WORKFORCE HOUSING PROGRAM for IVCB without strictly enforced compliance monitoring as part of a formal program. (There is no better example then the deed restricted affordable housing already built in Incline Village which has been sold and re-sold at full fair market value and is not enforced as deed restricted affordable housing by Washoe County.)

Among the questions that need to be answered by a further investigation and Staff report are:

1. Legal advice confirming that TRPA and a local jurisdiction in Nevada could condition a higher density and increased allowable coverage (with mitigation) in Incline in a legally enforceable deeded work force housing ONLY restriction.
2. EXPERT NEVADA Affordable housing program advice and Workforce housing program advise as to (i) what the difference is between the two and what can be enforced in Nevada under current Nevada property rights laws; (ii) what the state of Nevada is doing on each to incentivize developers; and (iii) what is needed in terms of a program to enforce compliance with the restrictions to work force housing and/or affordable housing. A real Compliance Program is essential.
3. Analyze what changes in Nevada laws and housing legislation may be needed to be made at the State Legislature level to allow local jurisdictions to enforce workforce housing restrictions, if any. Perhaps a lobbyist will need to be retained by TRPA to get the needed changes enacted by the Nevada legislature.

4. ENGAGE A DEVELOPER WHO KNOWS HOW TO DESIGN A WORKFORCE HOUSING PROJECT IN NEVADA TO SET UP A MANDATORY TEMPLATE PROGRAM SO EACH TAHOE COMMUNITY IN NEVADA CAN HAVE A BEAUTIFUL PROJECT THAT ACTUALLY PROVIDE HOUSING FOR LOCAL WORKFORCES. This will include providing an understanding of what tax credits and other incentives exist for each type of housing. This is important for the Board to review because there may be no reason to increase density and reduce coverage if there cannot be legally enforceable workforce housing at this time.

5. Have an answer as to how to address the deficient amount of parking that exists in communities at Lake Tahoe, especially in IVCB currently PLUS the added needed local parking of 1 to 1 1/2 parking spaces per additional units where density and lot coverage are increased. There are streets with no parking year around (I live on one of those streets.) Where is the advance plan to have parking or alternative destination transportation to these new increasingly dense developments?

The presentation by Tony Perez was interesting and probably applicable to Reno and Carson City and maybe to the City of South Lake Tahoe it does not yet support any decisions that impact IVCB. As Mr. Perez said in his introduction HE IS NOT AN EXPERT ON HOUSING. And in response to a question on the large flat lots he showed with photos of parking on the flats and in garages and how that applies to steep streets, small lots, streets with no winter parking “everything comes down to parking in a snow area”. He went on to say his concept could work in a snow area by such ideas as having the public park on one side of the street and plowing the other side. In IVCB there is not adequate snow storage area to do this.

In 2012 TRPA made a simple change of adding a few words to its Development Code and failed to anticipate the impact of STRs being much more than just vacation rentals from time to time by owners who also used their vacation homes. The addition at that time of a few words to the Development Code created a nightmare for Lake residents that was mitigated in some areas following the TRPA Short Term Rental Guidelines developed between 2016-2020. But recall that Washoe County did not follow the TRPA recommended STR restrictions on density and concentration, and provided less STR parking restrictions and allowed greater STR occupancy than the TRPA guideline recommendations. Allowing ADUs on lots of less than 1 acre, increasing allowable density and allowing greater areas of coverage, especially with no mandatory workforce housing compliance provisions, should only be done if the TRPA Governing Board is confident that this will result is actual workforce housing instead of just more STRs or expensive residences. There is nothing in anything provided to the Governing Board that demonstrates cause and effect yet.

I am a retired (inactive) California lawyer and hold current real estate broker licenses in California and Nevada, and in my former law practice worked on deed restricted workforce and student housing in the California State college system and have other relevant background. I support workforce housing at the lake but believe there is no workforce or affordable housing at the Lake unless it is legally enforceable and has a strong compliance program that checks compliance every year.

Respectfully submitted
Diane Becker
Full time Incline Village Resident
805-290-2779

Sent from my iPhone
Diane L.Becker

July 26, 2022

Public Written Comment

RE: Opposition to TRPA Governing Board Meeting Wed July 27, 2022
Agenda item VIII " WORKSHOP"- Item A.

A. Tahoe Living Housing and Community Revitalization Initiative
and conceptual proposal on density, height, and coverage
for Possible Direction affordable and workforce housing related to Chapters 30, 31, 37, 50, 52, and
90" - **For Possible Direction to Staff**

1. Agenda Item VIII A. as described in the TRPA Agenda and Staff Report is in violation of the following sections of the Nevada Open Meeting Law.

A. NRS 241.020(2)(d)(2), see e.g., OMLO 2003-13 (March 21, 2003). The agenda did not provide a list describing the items on which action may be taken and clearly denoting that action may be taken on those items, by placing next to the agenda item, the phrase "**For Possible Action.**"

In this case "Possible Direction to Staff" represents "Possible Action."

Further, the term "**Workshop**" within the VIII. Agenda item was placed to **avoid** complying with the Nevada Open Meeting Law.

It is not sufficient to place "**Possible Direction to Staff**" next to the agenda item. The phrase "**For Possible Action**" must be used.

Additionally, Page 69 of the Staff Report, states that **staff will "request direction and guidance on possible amendments"**.

This I contend, is "**For Possible Action**" and such "**For Possible Action**" should have been clearly and completely indicated on the meeting Agenda.

NRS 241 is clear concerning the definition of "**Action**" and "**Deliberate**" as follows:

NRS 241.015 Nevada Open Meeting Law Definitions. As used in this chapter, unless the context otherwise requires:

1. "**Action**" means:

(a) A **decision made by a majority of the members present**, whether in person or by means of electronic communication, during a meeting of a public body.

Note: it is clearly the intent of the Agenda VIII. A. Public Body Meeting that TRPA staff is seeking and wishes to leave the meeting with an assumed outcome, that of a decision on the part of the Governing Board regarding a "direction" to "proceed" with Phase 2 and certain "environmental assessment parameters".

(b) **A commitment** or promise made by a majority of the members present, whether in person or by means of electronic communication, during a meeting of a public body;

Note: it is clearly the intent of the Agenda VIII. A. Public Body Meeting that TRPA staff is seeking and wishes to leave the meeting with an assumed outcome, that of a commitment on the part of the Governing Board regarding a “direction” to “proceed” with Phase 2 and certain “environmental assessment parameters”.

2. **“Deliberate” means collectively to examine, weigh, and reflect upon the reasons for or against the action.** The term includes, without limitation, **the collective discussion or exchange of facts preliminary to the ultimate decision.**

Note: It is clearly the intent of the Agenda VIII. A. Public Body Meeting that there will be a “deliberation” on the part of the TRPA Governing Board collectively to examine, weigh and reflect upon the reasons for or against the action. The action is the requested and assumed outcome of “commitment” on the part of the Governing Board regarding a “direction” to “proceed” with Phase 2 and certain “environmental assessment parameters”.

Additionally, the following bolded Staff Comments are a call for **“possible action”** on the part of the Government Board and were not clearly and completely explained in the Meeting Agenda:

1. Do you support increases to density or density exemptions for affordable and workforce housing? **Staff will also gather input on the recommended scale of these changes.**
2. Do you support limited coverage exemptions or coverage alternatives for deed-restricted housing? **Staff will also gather input on the extent of exemptions and types of alternatives.**
3. Do you support additional height allowances for deed-restricted housing? **If so, to what height?**

B. NRS 241.020(2)(d)(1) - AG Manual §§ 6.02, 7.02 - A clear and complete agenda was not provided as it relates to Agenda Item VIII. A. The agenda in question failed to clearly and completely list all topics scheduled to be considered during the meeting.

The agenda description stating “Chapters 30, 31, 37, 50, 52, and 90” is not clear and not complete. The public has no way of referencing what these “Chapters” refer too. The TRPA is practicing insider government baseball with this vague agenda description. It is unknown to the General public that the “Chapters” are actually related to the “TRPA Code of Ordinances.” The concealment of this specific information prevents the public from discerning any connection with important TRPA “Code of Ordinance” modifications.

Additionally, Page 69 of the Staff Report clearly indicates that a request will be made for and outcome of what I believe is “possible action” as follows:

At the **July 27** workshop, staff will request direction and guidance on possible amendments to TRPA’s density, coverage, and height development standards prior to initiating environmental analysis on this phase.” This phrase should have been clearly and completely listed on the Agenda next to Agenda Item VIII. A.

2. The TRPA is utilizing an extensive misleading process system known as “Leading Small Groups” to impose change upon the Lake Tahoe Basin, and shape and achieve the TRPA ideological agenda regardless of the Bi-State Compact, the will of the Lake Tahoe Basin residents and to avoid true public involvement by violating the Nevada Open Meeting Law.

In this case, the Tahoe Living Housing and Community Revitalization Group and Initiative title represent a consummate example of a “**Leading Small Group**” process. This process is also known as “Government Collaboration” and” Partnership” leaving out the real “**missing middle,**” that of the residents and the environmental Bi-State compact requirements of the Lake Tahoe Basin.

The TRPA appears to have adopted and accelerated a social change system strikingly similar to “Leading Small Groups” (LSG's), which meet behind closed doors, out of the public view, in order to craft plans and effect agenda driven change to the quality of life and environmental integrity within the Lake Tahoe Basin.

Eventually, years after past TRPA Executive Director John Singlaub's presumed exit from TRPA, his replacement, Joanne Marchetta, revealed during last year’s TRPA Board retreat that she is obsessed with "systems" when it comes to "getting things done" within the TRPA.

Information regarding Leading Small Groups is explained here:

https://en.wikipedia.org/wiki/Leading_Small_Groups

Historically, Leading Small Groups (LSG's) have operated as interagency executive committees, within a hierarchical system working to impose ideological or agenda driven change, while cutting across regulatory boundaries and often functioning with assumed or self-declared quasi authority granted by a central or controlling power.

In the Lake Tahoe Basin, under the TRPA, significant numbers of committees that appear to be operating as LSG's have come and gone. This includes "non-profit" organizations, otherwise known as "Non-Governmental Organizations" (NGOs) of which TRPA Board members (several of whom are also County Commissioners) are involved with and support, by taking on active Board of Director roles within the NGO's. In this way, TRPA leaders can ensure funds, for projects, plans and studies are quietly funneled to through the NGOs from a variety of sources directly or indirectly. Then the results from these quietly funded studies are rolled out to the community by "Collaborative Government and NGO Partners” creating the illusion that public government and TRPA agencies have adopted policy of, by, and for the public and according to an expected “Partnering” public process. This is simply not true.

LSG committees give the outward impression of having broad representation during their deliberations, but the truth is that LSG's are made up of sympathetic members of the small group in power, and in the case of the TRPA, specific “government partners” and favored “partner” NGO's.

What is missing is true meaningful community involvement. Instead, the process is deceptive in nature as public officials and agencies give approvals for projects that have been privately evaluated and funded through closed-door government “partner” and NGO "Leading Small Group" collaboratives.

Additionally, some NGOs seem to have so far been able to skirt the grey area of whether they are classified as "Public Body's" under the California and Nevada Open Meeting Laws.

Oftentimes numerous, impossible for the public to follow, committees and subcommittees are layered into a given committee to eventually achieve TRPA pre-determined planned change. This, by methodically convincing the public, utilizing its chosen government and non-government "collaborative partners", that a given proposed change (often declared for the "greater good") is the

accepted and proper norm and no one should dare to question it. Achievement of the change is helped along by obsessive media and public messaging.

As the pre-established project or study to effect change works its way through the committee daisy chain process it gains increased credibility, legitimacy, and acceptance. By the end of the committee process, any proposed change has usually garnished unquestioning acceptance by lawmakers and agencies making it easy to be adopted as a presumptive task at which time it becomes adopted as law, ordinance, or project.

All of this usually without assessing and analyzing true environmental data for actual cumulative effects of all projects within the Lake Tahoe Basin and decisions affecting growth, policies, and the environment in the Tahoe Basin and without any real opportunity for balanced scale public discourse or inputs.

During these systematic, automated checklist and sham TRPA “environmental checklist” style approvals, the public is overwhelmed by the rapid speed at which a given governmental or agency ideology for change moves through the small group and favored committee process, often with only a few days’ notice for public comment. This by TRPA taking advantage of our weak Open Meeting laws, which favor systematic government process over the will of the people.

It is the norm for government and TRPA staff report packets to run between 200 to 500 pages, such as those posted on the TRPA website only a few days before any given public meeting, making it impossible for the average citizen to read or comprehend much of the content. **(As an example, the Governing Board and Committee Packet for the July 27, 2022, TRPA meetings in question is 230 Pages)**. Further, these staff reports are proliferated with unclear daunting government acronyms, making it even more difficult for most everyone to understand.

After LSG’s have served out their mission (i.e., public indoctrination and acceptance in preparation for the predetermined government or agency vote), they either seemingly disappear from the TRPA and public radar or gain even more traction depending on their need to promote the overwhelming open spicket of federal funding into the Lake Tahoe Basin. This, by oftentimes taking on a life of their own, continuing to tout their much-accomplished social changes often branding themselves as the chosen purveyors of public social change leadership for the greater good. All TRPA Federal Grants are branded as “Environmental Improvement Programs” void of substantial data to prove otherwise.

I urge the TRPA Governing Board to cease this process, including the continuation of the A. Tahoe Living Housing and Community Revitalization Initiative.

Further the following example represent Agenda VIII. A. statements that are subjective, arbitrary and capricious, agenda driven, controversial

3. The following comments within the Staff Report and Staff Report “Attachment A” are subjective (S), vague (V), arbitrary (A) and Capricious (C), Opinionated (O), highly controversial (HC) and fail to provide substantial evidence (Fail SE) regarding these claims and warrant a complete Environmental Impact Statement regarding any code changes to TRPA Code of Ordinances Chapters 30, 31, 37, 50, 52, and 90”.

a. “Existing development standards do not allow for the financial feasibility of new multi-family housing. (S, V, A, C, HC, Fail SE, O)

b. Higher residential density allowances are critical in making affordable and workforce housing financially feasible and for creating compact, walkable neighborhoods (S, V, A, C, HC, Fail SE, O).

c. Certain levels of density are necessary to sustain efficient transit for the region (S, V, A, C, HC, Fail SE, O).

4. The Lake Tahoe Basin is out “Equilibrium” and “Harmony” as required by the Bi-State Compact.

It is time for another moratorium starting with the rejection of Agenda VIII.A.

TRPA has failed to measure and provide substantial data to ensure “equilibrium” and “harmony” within the Tahoe Basin.

This until the TRPA can properly assess the environmental damage that it has allowed over the last 10 to 15 years, void of adequate data collection, of which will continue under the TRPA agenda of increased human capacity, relaxation of building regulations, increased parking and transportation, human capacity initiatives including promotion of high-density growth without an adequate cumulative impact environmental assessment and public hearing process.

Our Lake suffers from a significant decrease in Lake Clarity, increases in algae blooms, chemicals in our drinking water and a TRPA policy of increasing building and human capacity, parking, recreation, and traffic capacity.

This by failing to ensure adequate “cumulative Impact data” by requiring an “Environmental Impact Study” (EIS) for all government and non-government projects within the Basin as well as all TRPA Proposed Code Changes. **(Example: Proposed Code Changes for TRPA Code of Ordinances Chapters 30, 31, 37, 50, 52, and 90).**

Nevada’s pristine East Shore is being overrun by increased human capacity and traffic impacts. TRPA and its Government Partners intend to significantly add to the human and traffic impacts by promoting a “Government Partnership” extension of the East Shore Trail.

I request the TRPA Governing Board to stop sidestepping the vital issue of properly determining “Cumulative Impacts” related to all projects and Code Changes within the Lake Tahoe Basin including the obvious “Leading Small Group” agenda in connection with Proposed Code Changes for TRPA Code of Ordinances Chapters 30, 31, 37, 50, 52, and 90).

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

The long-term failure on the part of the TRPA involves the use of a "sham" environmental checklist in place of the required Bi-State Compact Environmental Impact Study. This TRPA sham environmental checklist circumvents the process of ensuring that **cumulative impacts** are analyzed.

TRPA must provide for adequate Cumulative Environmental Impact Studies on all projects and code changes, starting with Agenda Item VIII.A.

End of Public Comment

Sincerely,
Doug Flaherty
TahoeBlue365@gmail.com

July 26, 2022

To: TRPA

From: North Tahoe Preservation Alliance

RE: Opposition to TRPA Governing Board Meeting Wed July 27, 2022
Agenda item VIII " WORKSHOP"- Item A.

A. Tahoe Living Housing and Community Revitalization Initiative
and conceptual proposal on density, height, and coverage
for Possible Direction affordable and workforce housing related to Chapters 30,
31, 37, 50, 52, and 90" - "For Possible Direction to Staff"

We all know how hard the members of Governing Board and the ED of TRPA have worked to fix Lake Tahoe. The Executive Director and many of the same individuals have been on the Board leading the TRPA for over a decade. North Tahoe Preservation Alliance has been actively involved for the last 15 years.

We are all getting old. New Governing Board members are encouraged to follow the previous policies of the Board...to have "consistent messaging". There is little room for critical thinking. Previous failed policies such as the 2012 Regional Plan are doubled down on. To many of us it feels like TRPA has been captured by the developers.

\$2.5 billion dollars have been spent on Lake Tahoe, lake clarity, affordable housing, traffic impacts, and traffic congestion. Yet everything is worse.

Lake Tahoe has been monetized by the agencies. A culture of more, more, more is promoted, yet the little property owner is terrorized by punitive code enforcement and the big developers get a free pass on everything else. Development control has been given back to the Counties with disastrous results. Look at Boulder Bay's Mass Grading Permit approval by Washoe County without a project.

Back to what is in front of us today...more height, density and coverage. TRPA already did that in the 2012 Regional Plan. It hasn't worked.

TRPA you aren't equipped to fix affordable housing. Encouraging more units, coverage and height has only encouraged developers to promote projects too large for our infrastructure and too big for prudent experienced developers. It has enriched planning attorneys and developers who flipped projects with entitlements. Also, if history has taught us anything we all know what "direction" and a "pilot project" in TRPA speak really means. It means it's the new policy. Look at how CEP projects formed the 2012 Regional Plan. The Tahoe Inn approval formed the Tahoe City Area Plan.

TRPA TAKE A STEP BACK. YOU CAN'T FIX EVERYTHING. QUIT TRYING.

Hopefully, this new program isn't just a PR stunt for the Lake Tahoe Summit.

Georgina Balkwell

From: Georgina Balkwell
Sent: Wednesday, July 27, 2022 1:27 PM
To: Georgina Balkwell
Subject: FW: PUBLIC COMMENT July 27, 2002 Governing Board Agenda, Request No Action be Taken on Agenda Item VIII A Until Board gets Nevada Law analysis

From: Pamela Tsigdinos <ptsigdinos@yahoo.com>
Sent: Wednesday, July 27, 2022 1:03 PM
To: Marja Ambler <mambler@trpa.gov>; Cindy Gustafson <cindygustafson@placer.ca.gov>; Shelly Aldean <shellyaldean@gmail.com>; Barbara Cegavske <bkcegavske@sos.nv.gov>; Ashley Conrad-Saydah <ashleyc@alumni.princeton.edu>; Belinda Faustinos <belindafaustinos@gmail.com>; John Friedrich <jfriedrich@cityofslt.us>; Bud Hicks <ajhicks@Mcdonaldcarano.com>; Alexis Hill <ahill@washoecounty.gov>; Vince Hoenigman <vhoenigman@yahoo.com>; Jim Lawrence <lawrence@dcnr.nv.gov>; Hayley Williamson <hayley.a.williamson@gmail.com>; Bill Yeates <jwytrpa@gmail.com>; Sue Novasel <bosfive@edcgov.us>; Wesley Rice <wrice@douglasnv.us>; John Marshall <jmarshall@trpa.gov>
Subject: PUBLIC COMMENT July 27, 2002 Governing Board Agenda, Request No Action be Taken on Agenda Item VIII A Until Board gets Nevada Law analysis

Dear Marja,
Please include my email, below, as part of the public comment for Agenda item VIII A for the 7/27/2022 TRPA Governing Board meeting.

I am also sending this to each Board member since I may not be able to participate in the live meeting via Zoom today.
Thank you, Pamela

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My name is Pamela Tsigdinos. I am a full-time resident in Incline Village, Nevada.

I ask the TRPA governing board to send this Tahoe Living Housing and Community Revitalization Initiative conceptual proposal back to Staff for much-needed research and analysis to address several critical overlooked issues:

First, **Nevada** property rights law differs from California. It is imperative that Staff seek knowledgeable legal advice to determine what can actually be enforced in Nevada under current **Nevada** property rights laws.

Second, the Governing Board and Staff must address the elephant in the room: there will be no enforceable affordable workforce housing program without actual **compliance monitoring**. Without proper compliance monitoring, this well-intentioned program will be abused by developers and real estate investors seeking maximum return on investment. Please consider that there are already deed-restricted affordable housing units in Incline Village that have been usurped. These units have been sold and RE-sold at full fair market value.

Third, TRPA must not green light **more** development into the Tahoe basin **without** further restricting short-term rentals. It's time for the TRPA board to reconsider its ill-informed 2004 decision to allow short-term rentals as a "permitted residential use." This decision opened the door to real estate speculators, out-of-town property management companies and other business interests to prioritize vacationers over full-time residents and local workers. There is currently no limit to the number of short-term rentals in Incline Village Crystal Bay and little to no compliance to hold non-permitted short-term rental operators accountable.

Finally, TRPA cannot simply apply a cookie cutter high-density approach to our workforce and affordable housing problem **without** acknowledging and addressing the distinct Tahoe environmental challenges (wildfire and extreme weather risks,

etc.). More units will lead to more congestion. Please direct Staff to engage a developer who understands how to design an environmentally appropriate workforce housing project relevant for Nevada Tahoe communities.

Thank you.