

Marja Ambler

From: Ellie <tahoellie@yahoo.com>
Sent: Tuesday, October 22, 2019 3:04 PM
To: Marja Ambler
Subject: Comments for the Oct 23, 2019 RPIC and GB on Short Term Rentals
Attachments: TRPA Governing Board October 23, 2019 Short Term Rental comments for the record.docx.pdf

Hi Marja,
I'm unable to attend the meeting.

Please distribute today to the RPIC for their 8:30a meeting as well as entire Governing Board and Advisory Planning Commission.

Many Thanks for your assistance, Ellie Waller

Public Comment for Short Term Rental Working Group.

This is a REGIONAL issue that TRPA should engage in an oversight role as each jurisdiction is unique. Framework much like Area Plans should have been established years ago for Short Term Rentals (STRs).

This is bigger than just assessing residential allocation rights. It's about developing ordinances that must be followed by all jurisdictions.

This is a dual-purpose comment for Placer County and TRPA. Simplifying isn't the answer. The process and final ordinances must have teeth to allow proper enforcement.

Many questions must be answered before codifying anything related to Vacation Home Rentals. Even approving residential allocations under TRPA.

1. How many visitors can come here during the summer before air quality becomes unhealthy, knowing most will always arrive by car?
2. How many people can a specific area sustain before noise and parking standards are exceeded?
3. How many people can the basin sustain before carrying capacity is exceeded and VMT standards violated?

And be reminded The League to Save Lake Tahoe commented during Martis Valley West and Squaw EIRs several years ago and Bill Yeates responded: not exact words but which project puts us over? The VMT assessment didn't include the lake-wide STR impacts which have never been analyzed, The Tahoe City Lodge approval, the proposed Laulima and Clarke Group Kings Beach Town Center proposals, The Dollar Creek Affordable Housing Proposal, etc. these are only the North Shore projects. and of course, the growth in Truckee and Northstar and South Shore projects must be assessed to conclude we are over capacity and have been for many years.

The League's comment:

The DEIR/S fails to properly analyze the cumulative effects of Squaw and Martis Valley on VMT. If the current VMT Threshold (from the Area Plan DEIR/S) is 2,030,938 VMT per day (on the peak day), and the current status is 1,937,070 VMT, the addition of 37,582 VMT from Squaw and Martis Valley projects will bring the status to 1,974,652 VMT. **This would mean the *entire* Lake Tahoe Region would be within 0.97% of attainment, meaning there is only 3% before the region is out of attainment.** This does not include the Brockway campground project, which could very well bring the region out of attainment. Simply concluding that Squaw and Martis Valley "would not make a considerable contribution to a significant cumulative impact," without any adequate explanation is not only not legally defensible, it is a potentially dangerous conclusion that could put the Lake at risk and result in a failure to prepare for a threshold nonattainment. Further, there is no discussion as to what is considered "significant" in either the transportation section of the Area Plan DEIR/S or the cumulative impact discussion. Concluding that there is not a considerable contribution to a significant cumulative impact is arbitrary because there is no standard of significance. While the Area Plan DEIR/S shows that VMT will decrease by 2035, again there is still no discussion of the Squaw and Martis Valley projects' impacts to existing conditions, or to future Area Plan build-out. Even with the projected beneficial improvement of a reduction to 1,931,634 VMT in 2035, the additional VMT from Squaw and Martis Valley would still bring the VMT threshold to **within 0.967% of complete attainment.** The work and efforts put forth through this Area Plan to improve existing traffic conditions could be negated by these projects. These inaccuracies must be resolved in the FEIR/S. The Squaw and Martis Valley FEIR/S should also be amended to reflect the most current data, and all of this information should be made public.

STR PERMIT REQUIREMENTS and RENTAL AGREEMENTS MUST INCLUDE THE FOLLOWING AND MUST BE MANDATORY AND NOT BE EXAMPLE BEST PRACTICES:

- 1). Limit the number of visitors per bedroom (open for discussion)**
- 2). Noise limitations restricted by establishing quiet hours from 10Pm- 7:00a**
- 3). Require adequate on-site parking on location at STR which includes snow removal and possibly limit parking in the Winter.**

- 4). Installation of bear box for garbage and require trash pick-up.**
- 5). Require defensible space certification and annual maintenance inspections**
- 6). Require public health and safety inspections and update home as determined necessary i.e. smoke detectors, handrails, etc.**
- 7). Limit the number of STRs based on emergency medical services, fire and law enforcement resources availability.**
- 8). Require full-time certified local contact or Tahoe based management firm be available anytime STR is occupied with timely resolution of complaints and stringent enough fines to make a point that violations are to be taken seriously.**
- 9). Require Permit fees, money generated by fines, and some dedicated TOT allotment fund code enforcement, fire district and police responses.**
- 10). Additional funding from above mentioned sources fund dedicated local Tahoe STR enforcement staff.**

In addition to permit and rental agreement requirements, MANDATORY STUDIES MUST BE COMPLETED BEFORE IMPLEMENTATION of this process:

- 1). Local jurisdiction ratio of STR's versus full time residents**
- 2). Emergency medical services, fire and law enforcement resources availability to determine restrictions.**
- 3). Mapping of known STRs to show clustering issues, location, etc.**
- 4). Mapping current allowable land use to show applicability to Area Plans, zoning, etc.**

Placer without Washoe best guest is 3700 STRS in basin (not sure how to count Squaw and Northstar), with South Shore (City of SLT, Douglas and El Dorado at 2875 for a total of 6575. Each location is unique and I understand trying to give many options but with that said too many zoning violations have occurred and will continue to occur in residential neighborhoods with no recourse.

I believe in private property rights but also zoning ordinances that have been established to protect various districts and mitigations do not always provide impact relief. CCR's for HOA's must be considered as they also govern STRs differently.

The increase due to Short Term Rentals has affected our residential neighborhoods by violating zoning policies, noise ordinances, creating parking nightmares, etc. Also contributes to traffic impacts, code enforcement issues, etc. Back in 2013 my comment to TRPA on "Economic growth", which according to the RPU will result in dramatic increases in high-end tourist accommodations will of course create more new part-time

seasonal jobs for Edgewood and corporations like Vail. This all results in a net increase in thousands more residents and potentially hundreds of thousands more visitors each year. Short Term Rentals weren't accounted for in 2013 after the Regional Plan Update approval December 2012 or required as cumulative impacts for any projects. TRPA has long ignored the concept of "carrying capacity" as it applies to numbers of people, even though this concept was required by the 1980 Compact and has been applied worldwide for many years relative to humans as well as animals. The Basin is a finite size with finite resources.

We drive cars. We disturb the soil where we walk.
There is no way to fully mitigate our impact.

Until TRPA and the local jurisdictions recognize this, and determine how many people the Basin and Lake can tolerate before the degradation becomes irreversible, TRPA will fail to meet its legal responsibilities under the Compact.

More specially related to STRs an article from 2016 captures the issues of Short Term Rentals. YES 2016 and still no ordinances to govern the issues

Another article by Dr. Tim Schroeder

Opinion July 6, 2016

Excerpts:Opinion: The Truckee-Tahoe tragedy of Airbnb and VRBO

This is America, land of the free. I am in favor of freedom and the right to earn an income using your talent, resources and abilities.

So I don't write today to suggest that we start a legal fight to regulate Airbnb and VRBO in the Tahoe area. I will leave that up to those who enjoy those types of things.

I would, however, like to open a discussion about the community effects of the short-term rentals in the Tahoe basin. It seems that the owners of many homes in our area have turned them into small businesses.

Rather than contributing to the neighborhood, they have become a transient stop much like the inns that are negatively affected by these new small businesses.

Our community has already noticed that these small businesses have caused a housing crisis, making it nearly impossible for local people to find a place to rent.

"Let's open a discussion about the future of these small businesses that are being run in neighborhoods that are zoned residential. We are losing our communities."

Employers are finding it difficult to hire a work force to support our economy because locals just can't find a place to live. Second homeowners have decided that it's more lucrative to rent for the weekend instead of offering a family a place to live.

And with that, our normal community, one in which neighbors know neighbors, is going through a change. People come and go in these rentals with no attachment to the neighborhood.

Although there are some nice people who rent these homes on a short-term basis, their attitudes and actions can often be the same that you find when in a resort hotel.

But in a hotel there are rules for conduct that are expected and enforced by management. These businesses have no oversight from County agencies like the Health or Building departments.

There are no property managers for these rentals. And although traditional Property Management Companies are seeing a negative effect on their business, the lack of rules and management for rental guests is the real problem for neighborhood communities.

Absentee management of small business seldom works. Our family is trying to figure out if it's the new normal that renters on our block somehow think that because we live here, we are the default property managers.

We are friendly folks who love people but we tire of having people come to us during their vacation to ask us why their Internet is not working.

They come to our home asking to borrow things that are left out of their rental home. "Do you have a measuring tape that I can borrow?" "Do you have a screwdriver?" "Do you by chance have 3 eggs that I can have? We want to bake a cake."

These would all be normal requests from a neighbor, but I'm not sure how I feel about it when it comes from someone who I have never met and will never see again.

Recently a guy from God-knows-where came to my house and with a straight face asked me for a toilet plunger. How's that for a picture? Can you say dysentery? I was stunned and handed him our plunger. I made it clear that he shouldn't return it, bought a new one and contributed to our economy.

The list of neighborhood challenges is too long to list here. Hot tub parties, beer bottles in the street, late and noisy check-ins. You get the idea. It's like living in a hotel without the rules.

If we ask them to be considerate, they say, "We're on vacation." And how about the renter who lit a 4-foot bonfire in the backyard on a windy day? He "checked out" and left the coals burning.

We called the North Tahoe Fire Protection District and they put out the coals. If that house burns down, a small business is disturbed. If ours goes with it, we lose the memories of a local family.

So let's open a discussion about the future of these small businesses that are being run in neighborhoods that are zoned residential. We are losing our communities.

Dr. Tim Schroeder has lived in Tahoe City for over 35 years and can be reached at balancedoctor.com.

A more recent article by Judy Miller on August 28, 2019

<https://www.tahoedailytribune.com/news/opinion/an-open-letter-to-washoe-county-commissioners/>

Some will argue that tourism is the life blood and economic driver of the community. However, sometimes we can have just too much of a "good thing." The ski industry has a term — "Comfortable Carrying Capacity" — to estimate the number of skiers a ski resort can safely and comfortably handle. I believe we have exceeded that capacity in reference to STRs.

We are at a point where we must reduce the number of vacation rentals. The list of negative impacts is long, but safety is our primary concern (especially in light of the Paradise Fire); illegal parking impedes access by emergency vehicles. Evacuation would be impossible during high tourist season. Our local sheriff says they do not have staff to respond to the volume of complaints about violations of existing regulations. This is a complex problem and there is likely no "simple" solution. The current situation is no longer a mere "annoyance" — it is a real threat to our health and safety.

And worth the repeat to make a point: STRs have never been accounted for: And most recently at a RPIC meeting where John Marshall reluctantly admitted that traffic counts have increased such that the VMT standard is assumed to have been exceeded although it won't be official until they do the model update in 2020. He said they are

telling applicants that they can't increase VMT for this reason. When will a study be completed to account for Short Term Rentals lake-wide and become a cumulative impact assessment?

Brandy McMahon

From: Marja Ambler
Sent: Tuesday, October 22, 2019 8:50 AM
To: Brandy McMahon
Cc: Robert Graves
Subject: FW: The end of single-family zoning in California?

Marja Ambler
Management Assistant
775-589-5287
mambler@trpa.org

From: Ellie <tahoellie@yahoo.com>
Sent: Tuesday, October 22, 2019 7:33 AM
To: Marja Ambler <mambler@trpa.org>
Cc: Joanne Marchetta <jMarchetta@trpa.org>; John Marshall <jmarshall@trpa.org>
Subject: The end of single-family zoning in California?

Please send to TRPA Governing Board and Advisory Planning Commissioners.

Does this override TRPA zoning and other related ordinances?

Regards, Ellie Waller

The end of single-family zoning in California?
<https://www.dailybreeze.com/2019/10/19/the-end-of-single-family-zoning-in-california-susan-shelley/>

Brandy McMahan

From: Marja Ambler
Sent: Tuesday, October 22, 2019 8:49 AM
To: Brandy McMahan
Cc: Robert Graves
Subject: FW: The end of single-family zoning in California?

Marja Ambler
Management Assistant
775-589-5287
mambler@trpa.org

From: Larissa Berry <lzkberry2@gmail.com>
Sent: Tuesday, October 22, 2019 8:01 AM
To: Ellie <tahoellie@yahoo.com>
Cc: Joanne Marchetta <jMarchetta@trpa.org>; John Marshall <jmarshall@trpa.org>; Marja Ambler <mambler@trpa.org>
Subject: Re: The end of single-family zoning in California?

After my discussion with Patrick Dobbs yesterday it does allow 3 units per parcel. The important thing for Placer County is that the definition of accessory dwelling unit is being changed to include "Tiny Houses on Wheels" these are licensed by the DMV and are RV's. HUD does not consider these acceptable for year round occupancy.

With the new housing definitions being proposed a tiny house on wheels could even be the primary residence. They will also allow tiny house on wheels cluster communities in virtually any zoning district.

Having a tiny house is a lifestyle choice, but tiny houses on wheels will definitely negatively impact property values and degrade neighborhoods. These should only be allowed in RV parks.

For Rural areas this 3x increase in allowed coverage could seriously impact well and septic needs. While I understand the intent, the measure has not done enough analysis on impacts of public services which will be most impacted such as Tahoe, Auburn and Granite Bay. Land is available in parcels large enough to accommodate 2 rental units but infrastructure is definitely at capacity in many locations particularly sewer.

Coupled with new short term rental changes and the winery and brewery ordinances.... better hang on to your hats because traffic is going to quadruple.

My thoughts

Larissa

Tiny houses on wheels has got to be pulled as an ADU!!!!!!

On Tue, Oct 22, 2019 at 10:35 AM Ellie <tahoellie@yahoo.com> wrote:

Please send to TRPA Governing Board and Advisory Planning Commissioners.

Does this override TRPA zoning and other related ordinances?

Regards, Ellie Waller

The end of single-family zoning in California?
<https://www.dailybreeze.com/2019/10/19/the-end-of-single-family-zoning-in-california-susan-shelley/>

Brandy McMahon

From: Donarae Reynolds <donarae.reynolds@gmail.com>
Sent: Monday, October 21, 2019 6:29 PM
To: Joanne Marchetta; John Marshall; Marja Ambler; Brandy McMahon
Subject: Fwd: Neighborhood Compatibility "Best Practices."

I am sorry that I did not include you in the original email letter that I sent.
Donarae

----- Forwarded message -----

From: Donarae Reynolds <donarae.reynolds@gmail.com>
Date: Mon, Oct 21, 2019 at 6:26 PM
Subject: Neighborhood Compatibility "Best Practices."
To: <jwytrpa@gmail.com>, <mbrucetrpa@gmail.com>, <lawrence@dcnr.nv.gov>, <shellyaldean@gmail.com>, Brooke Laine <blaine@cityofslt.us>, <lpsevison@sbcglobal.net>, <shutetrpa@gmail.com>, <mlberkbigler@charter.net>, <caseybeyer01@yahoo.com>, <ajhicks@mcdonaldcarano.com>, <belindafaustinos@gmail.com>, <tc@thecashmancompanies.com>, <wrice@douglasnv.us>, <bkecevavske@sos.nv.gov>, The BOSFIVE <bosfive@edcgov.us>

October 21, 2019

Regional Plan Implementation Committee Members
Governing Board Members

Re: Neighborhood Compatibility "Best Practices."

Dear Ladies and Gentlemen:

I am writing to you about the Neighborhood Compatibility "Best Practices" that you are considering.

First, thank you to the Committee for the time and work that you have put into the "Best Practices" for our neighborhoods. I believe that this is a first step toward helping to preserve our neighborhoods, our community, and to preserve our beautiful Lake Tahoe. But something more needs to be done NOW. We can't just continue to string this critical situation along.

We live in the county, and since Measure T passed, the county is now being marketed by Real Estate Agencies in Sacramento, the Bay Areas, as the place to buy an investment property.

We all know that Tahoe is a vacation destination, and that it is important for our local businesses to prosper, but the residents are important too. We are not going to profit financially, but we are asking the TRPA to do the right thing by limiting the number of VHR permits issued here in the county. The tenant occupancy taxes should not be the most important issue here.

We have heard the arguments by Real Estate and builders who say that limiting VHRs would cut into their businesses. I disagree. We, as citizens and taxpayers, deserve to live in a neighborhood, not in a hotel/motel zone.

It is foolish to think that the over tourism is not affecting our beautiful Lake and the natural resources, and protecting the Lake is the main focus of the TRPA. VHRs should be located near the tourist corridor and NOT in residential neighborhoods. This is the TRPA's responsibility to fix these problems. Please do something now. The future of the Lake and our neighborhoods are in your hands—let's get real, and get it done.

Respectfully submitted,

Donarae Reynolds
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(530) 304-3262
Donarae.Reynolds@gmail.com

Brandy McMahon

From: cbwillb@charter.net
Sent: Monday, October 21, 2019 2:48 PM
To: Bill Yeates; Mark Bruce
Cc: Joanne Marchetta; John Hester; John Marshall; Marja Ambler; Brandy McMahon; 'dbheirshberg@gmail.com'
Subject: Specific Agenda Item Request - TRPA Governing Board 10/23/2019

Dear Mr Yeates and Mr Bruce
Cc: Ms Marchetta, Mr Hester, Ms Ambler, Ms McMahon

As you know, I have just sent a comprehensive feedback document related to the VR/STR topic and the proposed Neighborhood Compatibility Program Revision Ordinance with substantive programmatic recommendations and an abundance of supporting documentation - these broader considerations are obviously the over-arching priority.

I also have a more detail-oriented request: there are two items in the proposed Best Practices list which worry me because as worded I believe they will potentially significantly adversely impact a few neighborhoods while not materially advancing TRPA's goals. Minor wording changes would substantially mitigate these adverse implications without materially impacting either TRPA's objectives or outcomes. So, I am writing to ask if you would consider proposing minor wording changes in two of the Neighborhood Compatibility Best Practices items prior to what I suspect may be final action on the proposed ordinance. If this idea is better addressed at RPIC, please forward to Mr. Shute as well.

I have made this request previously directly to Ms Marchetta and Mr Hester and was told to bring to a meeting - hence this email. I believe the current language represents intent to follow themes in the TRPA Regional Plan without a full understanding of adverse potential and that the suggested minor wording changes will be as practically effective while avoiding unintended adverse impacts.

The requested wording changes are:

I. Land Use Best Practices #3:

Current Wording: The STR neighborhood compatibility program includes requirements, and can include incentives, for location of STRs within major non-auto dependent transportation corridors (e.g., bus routes, shared-use paths, and bike lanes/routes) that can be used to access non-residential uses without using an automobile

Proposed added phrase: ... *when there is available public transit from/to Town Center(s).*

Rationale: The added phrase is identical to wording already added to another LU item and recognizes the practical reality that actual access to alternative transit is needed for implementation particularly during the many times when trail use if available is not safely feasible (snow/ice, poor visibility).

II. Transportation Best Practices #1:

Current Wording: The STR neighborhood compatibility program only allows STRs within ¼ mile of public transit and/or shared-use paths, bike lanes, or bike routes.

Alternatives proposed:

A: The STR neighborhood compatibility program only allows STRs within ¼ mile of public transit and/or shared-use paths, bike lanes, or bike routes *within Town Centers and designated Tourist Zones when there is available public transit from/to Town Center(s).*

or

B: The STR neighborhood compatibility program *encourages, and can include incentives for,* STRs within ¼ mile of public transit and/or shared-use paths, bike lanes, or bike routes *when there is available public transit from/to Town Center(s).*

or

C: The STR neighborhood compatibility program only allows STRs within ¼ mile of public transit and/or shared-use paths, bike lanes, or bike routes *when there is available public transit from/to Town Center(s) and in accordance with residential compatibility and density recommendations.*

Rationale: The distance standard is not a recognized STR Best Practice or industry standard and while generally supportive of certain TRPA objectives fails to balance other TRPA Regional Plan (and Compact) priority objectives of protecting Neighborhoods/Residential Compatibility. TRPA data shows that some of these neighborhoods are already heavily impacted with STR densities exceeding STR Best Practices. Presented options provide balance and add an element of practical implementation as noted above. Option A best parallels wording in the only place in TRPA Regional Plan or associated documents where I could find the 1/4 mile distance referenced.

Thank you for your consideration - I am available to discuss (617-312-8834) if you need additional information. Kindly add this email to the Public Record for the meeting on 10-23-19.

Sincerely,
Carole Black, Resident - 144 Village Blvd. #33, Incline Village, NV 89451

Attachment: Additional Rationale/Data

A. These items are not established as “STR Best Practice”: These concepts are not included in any STR Ordinance or Program that we identified. The 1/4 mile distance is referenced in only one spot that I could find in TRPA documents and appears to reference distance from access to public transit within town centers/tourist zones.

B. STR Density/Neighborhood Implications were not considered: In Incline Village, based on TRPA staff estimates, currently 46% of STRs are near town center and 35% are near alternate transit options. These numbers already exceed “best practice” STR densities in residential areas. In addition, impacts on vehicle trips were estimated based on older data and growth assumptions and there was no acknowledgement of added arrival/departures vehicle trips associated with increased STR occupancy days or that visitors often take local extended day trips in the area which would not be addressed by these items. (Documentation for these statements is provided in the attachments submitted with my previous email.)

C. Proximity to Existing Transit/Trails in Incline Village will not mitigate STR impact on Vehicle Trips – Alternative Transit Options are either not available or often not practically usable: Trails are covered with ice and snow ½ or more of the year and poorly/not lighted at night, practically eliminating their use as “vehicle substitutes” a large percentage of the time. Transit use is similarly not available - service is minimal, infrequent, and does not stop or service the town center shops or restaurants from local residential areas. Further I understand that the county has indicated that there will be no further investment in transit.

D. Distance listed may not be industry standard: Review of the CA Department of Transportation website identified references which link incentives to proximity to transit to town centers but use very different distance threshold – specifically listed was a target of 20 min travel time which translated to 2 miles for available bicycle travel and 1/2 mile for available pedestrian trail either to town center or to transit which travels to town center. The proposed ¼ mile radius listed thus seems unduly restrictive even for those limited times of the day/months of the year when these modalities could potentially be safely used.