

From: [Niobe Burden Austere](#)
To: [Tahoe Regional Planning Agency and the Marlette Lake Water System](#)
Subject: Public Comment NV Legislative Committee oversight - Requirements for EIR with AREA PLANS and REZONE for RHNA with less density proposed but NOT for Amendments increasing density that SUPERCEDE the AREA PLAN?
Date: Tuesday, January 16, 2024 9:12:11 PM

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Please accept the following Public Comment for the NV Legislative Committee meeting on January 23 2024 for the record and distribute as necessary

No response or even acknowledgement of the following public comment was considered by TRPA or staff with regard to TRPA Housing Amendments.

Amendments were passed despite public outcry over increased density and lack of an EIR or ANY cumulative Environmental Review for these Housing Amendments since the last EIR in 2012

Thank you,
Niobe Burden Austere
Concerned North Shore resident
Tahoe Conservation Photographer

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

From: Niobe Burden Austere [REDACTED]
Date: Tue, Dec 5, 2023 at 11:55 AM
Subject: Public Comment - Requirements for EIR with AREA PLANS and REZONE for RHNA with less density proposed but NOT for Amendments increasing density that SUPERCEDE the AREA PLAN?
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Please accept this as Public Comment for TRPA APC 12-6-23 and 12-13-23 TRPA Governing Board on TRPA Housing Amendments

From Leah Kaufman's public comment - **These questions asked previously have not been answered.**

An environmental checklist has been used for Phase 1 housing amendments (conversions), transfer of land coverage between hydrologic areas, and transfer of entitlements around the basin. None of these code amendments were analyzed in the original 2012 EIS document.

- An EIR was required for the Area Plans tiering off of the 2012 Regional Plan. TBAP was approved in 2016 setting the standards for height, density, zoning, setbacks, parking, and Town Center Boundaries in Placer County.
- An EIR is required for the REZONE process as part of the California States Regional Housing Needs Assessment (RHNA) for 74 properties identified for a MAXIMUM density increase to 30 units per acre to accommodate a mix of affordable housing. The Placer County rezoning as described above, requires an EIR analysis for a maximum 30 units per acre density proposed on 74 parcels.

Please explain why rezoning of 74 parcels with a maximum density of 30 units per acre requires a full EIR under CEQA, but the TRPA proposed code changes affecting areas outside of Town Centers, changing zoning on thousands of potential parcels basin with unlimited density, and up to 100% land coverage allowances, and reduced or no parking minimums is evaluated with only a checklist?

Please explain why the **2016 Area Plan required an EIR analysis** as it was also based off of the 2012 EIS and was the document that regulates density, height, setbacks, and parking. The **TRPA amendments are proposed to supersede the Area Plans with substantial proposed changes to height, density, parking and land coverage with only a simple checklist. ??** TBAP crafted height, density, parking, setbacks, and Town Center boundaries with a full EIR.

The “findings” discussion at RPIC was incredibly confusing, but I think if I understand it right, the TRPA staff said if amendments are allowed without being considered a “special use” there would be a lessened amount of environmental review resulting in possible loss of protections to the community? **Please clarify.**

What triggers environmental review for proposed projects? Please note that many projects previously requiring TRPA and or County review are now exempt under TBAP.

These questions asked previously have not been answered.

**APC and GOVERNING BOARD MEMBERS, I WOULD SERIOUSLY BE
QUESTIONING AND WANTING LEGAL LANGUAGE REFERENCES TO
SUBSTANTIATE THIS REQUIREMENT OF AN ENVIRONMENTAL CHECKLIST
ONLY.**

ULTIMATELY IT IS YOUR DECISION AND LEGAL RESPONSIBILITY

Thanks for your due diligence.

Niobe Burden Austere

Advocate for Sustainable Development in Lake Tahoe

Property Owner in Tahoe since 1998

