

January 26, 2026

Tahoe Regional Planning Agency
Governing Board
Submitted via email

Re: Comments on agenda item VII.A Notice of Preparation for an Environmental Impact Statement for the Cultivating Community, Conserving the Basin Policy Recommendations

Dear TRPA Governing Board Members,

Thank you for the opportunity to provide comments on the Notice of Preparation (NOP) for the Environmental Impact Statement (EIS) analyzing the Cultivating Community, Conserving the Basin policy recommendations. The League to Save Lake Tahoe (Keep Tahoe Blue) has been deeply engaged in the Tahoe Living Strategic Priority since its inception, serving as the sole environmental stakeholder on the Tahoe Living Working Group through Phases 1 and 2. We remain committed to ensuring that housing solutions in the Basin are environmentally sound, equitable, and aligned with long-standing protections for Lake Tahoe. Staff and consultants have been professional, collaborative, and active listeners throughout this phase as well as the previous two.

Keep Tahoe Blue urges TRPA to maintain its commitment to environmental protection and housing equity. Incentives must be reserved for deed-restricted housing, and any potential changes to coverage, development rights, or zoning must be accompanied by implementable and enforceable environmental safeguards.

We appreciate the thoughtful changes made to the Policy Recommendations (Attachment A) creating tiers of incentives aligned with housing type need and clearly identifying the need for funding sources to support monitoring and enforcement of Best Management Practice (BMP) maintenance. These comments focus on water quality, soil conservation, coverage management, housing affordability, development rights, and the need for strong monitoring and enforcement mechanisms.

1. Coverage, Water Quality, and Soil Conservation – Total Maximum Daily Load and Threshold Attainment

The Policy Recommendations Report (Attachment A) proposes substantial reforms to parcel-level coverage without demonstrating threshold attainment. It is critical that any changes maintain open space on each parcel and remain consistent with the soil conservation threshold and regional coverage limits (Attachment A, pg. 19).

The important environmental setting statement on page 19 of Attachment A that “[s]ince key stormwater treatment regulations were last approved with the 2012 Regional Plan, significant progress has been made in implementing the TMDL” is not based on current science. Though load reduction targets have been met under the TMDL, lake clarity has not responded.

The EPA, through the Tahoe Total Maximum Daily Load (TMDL) program notes that Lake Tahoe's water quality improvements rely on continued stormwater treatment and reductions in fine and very fine sediment particles.¹ Further, The 2025 State of the Lake Report from UC Davis reiterates that clarity improvements remain fragile and dependent on limiting impervious surfaces and improving stormwater Best Management Practice (BMP) performance. More bluntly stated, "The annual average clarity for calendar year 2024 was among the lowest on record." Soil conservation thresholds also remain in non-attainment in several land capability districts, and progress is generally stagnant.²

If the Tahoe region is not meeting its clarity objectives, how can TRPA justify relaxing coverage rules designed to meet those objectives?

2. Stormwater BMPs and Monitoring

The proposal for a parcel-level administrative fee to support monitoring and enforcement of BMP maintenance is strongly supported (Attachment A, pg. 22). However, ***this mechanism must be mandatory, funded adequately, and implemented through third-party or local-agency contracts.***

3. Coverage Transfers and Fee Structures

Exempting Tier 1 projects from coverage transfer requirements (pg. 21) could reduce environmental protections if fees are not replaced with proper mechanisms ensuring equal or improved stormwater treatment. Fee offsets must be structured to ensure sufficient funding for BMP monitoring, maintenance, and enforcement, especially considering already overburdened jurisdictions.

Related to conversions and fees, we request clarification on the proposed treatment of the TAU-to-RUU conversion fee, which appears to be missing from the current draft. TRPA's change-in-use fees exist because the entire development-rights system is designed to cap total development, manage environmental impacts, and ensure conversions don't undermine TRPA's environmental thresholds. ***This missing policy proposal would generate fees to support planning and mitigation.***

4. Housing Affordability and Development Rights

Bonus Units

Bonus units should be reserved exclusively for deed-restricted housing, as well as accessory dwelling units under 1,000 square feet (instead of the 1,200 SF proposed).

Additionally, bonus units must not be eligible for condominium conversion for at least 15 years, and ideally 25 years. The originally proposed 15-year restriction aligns with the Low-Income Housing Tax Credit compliance period and ensures stability for tenants, maintains the intended affordability period, and protects the public investment in creating workforce housing (Attachment A, pg. 5 citation). A 10-year minimum is too short and risks units transitioning to market-rate, STR, or for-sale use after only a brief period of community benefit.

¹ <https://www.epa.gov/tmdl/lake-tahoe-total-maximum-daily-load-tmdl>

² <https://thresholds.laketahoeinfo.org/ThresholdReportingCategory/Detail/ImperviousCover>

Conversions of Development Rights (TAUs, CFA, and Bonus Units)

To avoid further erosion of the region's limited housing capacity, all conversions of TAUs and CFA – not only the bonus unit pools – should be restricted from moving into unrestricted or short-term rental uses. Without this safeguard, the region will continue to lose existing workforce housing and development potential.

When considering scaled development fees, TRPA should review all conversion ratios to ensure the fee structure aligns with actual impacts and policy goals.

5. STR Enforcement

Prohibition of STR conversions must apply basin-wide, not just to publicly held pools. Strong enforcement mechanisms, including recorded deed restrictions, must accompany STR limitations.

How will the no-str restrictions be made binding and enforced?

6. Development Standards

Increased height and density should be limited to town centers unless tied directly to missing-middle housing reforms that maintain neighborhood compatibility (Attachment A, pg. 29).

Thank you for considering these comments. Keep Tahoe Blue looks forward to continued engagement as the EIS progresses.

Sincerely,

A handwritten signature in black ink, appearing to read "Gavin Feiger", with a long horizontal line extending to the right.

Gavin Feiger
Policy Director