

TAHOE REGIONAL PLANNING AGENCY  
LEGAL COMMITTEE

Tahoe Regional Planning Agency  
Zoom

April 24, 2024

**Meeting Minutes**

CALL TO ORDER AND DETERMINATION OF QUORUM

Vice Chair Aldean called the meeting to order at 8:32 a.m. on April 24, 2024.

Members present: Ms. Aldean, Ms. Faustinos, and Ms. Leumer.

Members absent: Mr. Rice and Ms. Williamson.

I. APPROVAL OF AGENDA

Mr. Marshall stated there were no changes proposed to the agenda.

Vice Chair Aldean deemed the agenda approved as posted.

II. APPROVAL OF MINUTES

Ms. Leumer made a motion to approve the March 27, 2024 Legal Committee meeting minutes as presented.

**Motion carried** by voice vote.

III. [RESOLUTION OF ENFORCEMENT ACTION: JONATHAN GALLEGOS, AND KINGDOM TREE SERVICES; UNAUTHORIZED TREE REMOVAL, 2675 ELWOOD AVE., SOUTH LAKE TAHOE, CA, ASSESSOR'S PARCEL NUMBER \(APN\) 031-132-013, TRPA FILE NO. CODE2024-0004](#)

Steve Sweet, TRPA Code Compliance Program Manager, presented on behalf of the agency on the resolution of an enforcement action involving Jonathan Gallegos and Kingdom Tree Service. The violation pertained to the unauthorized removal of four trees larger than 14 inches DBH (Diameter Breast Height) on the RJ Reality property at 2675 Elwood Avenue, South Lake Tahoe.

The presentation highlighted that TRP (Tahoe Regional Planning Agency) staff discovered the unauthorized tree cutting during an inspection in February 2024. Further investigation revealed that the trees, ranging from 19 to 28 inches DBH, were removed without approval from TRPA or the city of South Lake Tahoe. Kingdom Tree Service, a Sacramento-based company hired by Gallegos, conducted the removal.

While Mr. Gallegos claimed the trees posed safety concerns to the structure, TRP staff determined the trees weren't an immediate threat and should have undergone review before removal. The removal violated TRP Code Section 61.1.5, requiring permits for cutting trees over 14 inches.

Both Mr. Gallegos and Kingdom Tree Service accepted responsibility and agreed to a settlement,

## LEGAL COMMITTEE

April 24, 2024

including a \$20,000 penalty to TRPA and attendance at a future tree removal seminar. TRPA staff deemed the settlement appropriate and recommended approval by the Governing Board.

### Committee Member Comments and Questions

Ms. Faustinos asked why there isn't a requirement to replace the trees included in the Settlement Agreement.

Mr. Sweet responded that the TRPA Forester determined that the area where the unauthorized tree removal occurred is a denser neighborhood of trees. While acknowledging that some of the removed trees may not have been permitted, he noted that it's not currently a location where new trees would be required to be planted. Additionally, there is a forthcoming project for the area, and it's uncertain what will be built on the property. Therefore, planting trees at this time was deemed unnecessary by the forester.

Vice Chair Aldean raised a question regarding the potential redevelopment of the property, considering its history as an old church. She inquired about the agency's ability to require the property owner to replant trees as part of any redevelopment project in the future.

Mr. Sweet responded by explaining that the agency's forester did not see the need for replanting trees in the neighborhood where the unauthorized removal occurred. He mentioned that replanting trees is typically prioritized in areas with bigger open spaces or for view enhancement purposes, and not necessarily in denser, heavily forested neighborhoods like the one in question. Steve clarified that while the exact trees removed may not have been permitted, replanting them was deemed unnecessary for the overall health of the area. He also specified that the removed trees were Jeffrey Pines.

### Public Comments

None.

Ms. Leumer moved to recommend Governing Board approval the Settlement Agreement, as presented in Attachment A.

Ayes: Ms. Aldean, Ms. Faustinos, and Ms. Leumer

Nays: None

**Motion carried.**

- IV. [RESOLUTION OF ENFORCEMENT ACTION: NADER AND BRIGITTE PANAH-IZADI; UNAUTHORIZED TREE REMOVAL, FAILURE TO IMPLEMENT AND MAINTAIN TEMPORARY BMPS RESULTING IN DIRECT DISCHARGE TO THE WATERS OF LAKE TAHOE, AND UNAUTHORIZED CONSTRUCTION IN THE SHOREZONE, 255 DRUM ROAD, EL DORADO COUNTY, CA, ASSESSOR'S PARCEL NUMBER \(APN\) 016-300-062, TRPA PROJECT FILE NO. ERSP2021-0568-01 AND TRPA ENFORCEMENT FILE NO. CODE2023-0090](#)

Steve Sweet, TRPA Code Compliance Program Manager, presented on behalf of the agency on

## LEGAL COMMITTEE

April 24, 2024

the Resolution of an Enforcement Action involving Nader and Brigitte Panah-Izadi. The violations included unauthorized tree removal, failure to implement and maintain temporary Best Management Practices (BMPs) resulting in direct discharge to Lake Tahoe waters, and unauthorized construction in the shore zone. These violations occurred on the Panama property located at 255 Drum Road, El Dorado County.

During a routine inspection in December 2023, TRPA staff discovered multiple violations, including the removal of large trees without approval, discharges from different areas of the property, unauthorized construction of new stairs in the shore zone, and material damage to trees. Further investigations revealed over 14 violations of permits and ordinances, including the removal of trees over 30 inches in the conservation area.

Mr. Sweet provided visual evidence of the violations, including photos showing the graded and disturbed conservation area, material damage to trees, erosion leading to discharge into the lake, and unauthorized construction of stairs in the shore zone. He also showed a site plan illustrating the approved and unauthorized construction.

Mr. Panah-Izadi claimed the trees were removed for safety reasons due to their proximity to the house overlooking the lake, although their danger wasn't imminent and their health wasn't assessed.

Despite disputes over responsibility for the violations, TRPA staff maintained that the settling parties, as owner and general contractor, were ultimately responsible. The parties agreed to resolve the violations through a settlement agreement, which includes paying a penalty of over \$55,000 to TRPA, obtaining permits for all revisions, and restoring disturbed areas on the property. Additionally, they will plant native conifers in the conservation and shore zone areas where the tree was removed.

While disagreements may persist between TRPA staff and the settling parties, the settlement agreement remains legally binding. TRPA staff view the agreement as an appropriate response to the violations and recommend approval by the governing board to deter future violations of a similar nature.

### Committee Member Comments and Questions

Vice Chair Aldean inquired as to the health of the 30inch cedar that was topped in the conservation area.

Mr. Sweet confirmed that that tree was dead as a result of being topped, but it will be left as is per the agreement. Additionally, a cedar tree over 30 inches in DBH that was topped will also be left with the remaining trunk not to be further removed.

Mr. Sweet explained the importance of reviewing even dead trees over 30 inches, as they can serve as wildlife trees. Despite being topped, leaving the tree in place can still provide habitat for wildlife. He noted that while it won't be as effective as a standing tree, it can still contribute to wildlife habitat in the conservation area. The decision to leave the tree as is aligns with the forester's recommendation.

Ms. Aldean asked about the timeframe for planting additional trees. She inquired whether there is a deadline for this planting process, specifically whether it needs to be completed before the

## LEGAL COMMITTEE

April 24, 2024

final inspection or finalization of the permit.

Mr. Sweet confirmed that it will be part of the required restoration plan. There will be a new scenic analysis and a Scenic Restoration plan, which includes planning for two 15 to 20-foot native conifers to replace the unauthorized removal, need to be prepared and submitted. While there is language regarding survival and replacement, he expressed curiosity about the timeframe for submitting the Restoration form. However, he noted that it doesn't appear there's a specific timeframe mentioned, but ensuring it's included in the plan would be helpful for all parties involved.

Ms. Aldean asked if Mr. Panah was a licensed contractor and, if so, should he also be required to attend the tree removal seminar? Mr. Sweet confirmed that he's the owner/builder of this property only.

Representing the Panah-Izadis, Mr. Muse-Fisher expressed full support and a desire to collaborate with TRPA. He noted that for the three 15-20 foot trees that need to be planted, there is a six-month timeframe after the plan is approved. He believed that this timeframe would be consistent for any other trees that need to be planted. He expressed appreciation for the assistance provided by TRPA's legal department in facilitating the process. He emphasized Nader's commitment to addressing the issues so that the project can move forward in alignment with TRPA policies, reiterating their willingness to work with TRPA.

### Public Comments

None.

Ms. Leumer moved to recommend Governing Board approval the Settlement Agreement, as presented in Attachment A.

Ayes: Ms. Aldean, Ms. Faustinos, and Ms. Leumer

Nays: None

**Motion carried.**

## V. CLOSED SESSION WITH COUNSEL TO DISCUSS EXISTING AND POTENTIAL LITIGATION

Ms. Leumer made a motion to move to closed session.

**Motion carried** by voice vote.

The Legal Committee was in closed session for approximately 25 minutes.

Ms. Leumer made a motion to move to open session.

**Motion carried** by voice vote.

LEGAL COMMITTEE

April 24, 2024

VI. POTENTIAL DIRECTION REGARDING AGENDA ITEM NO. 5

No direction.

VII. COMMITTEE MEMBER COMMENTS

None.

VIII. PUBLIC INTEREST COMMENTS

None.

IX. ADJOURNMENT

Ms. Leumer moved to adjourn.

Meeting adjourned at 9:27 a.m.

Respectfully Submitted,



Katherine Huston  
Paralegal

*The above meeting was recorded in its entirety. Anyone wishing to listen to the recording may find it at <https://www.trpa.gov/meeting-materials/>. In addition, written documents submitted at the meeting are available for review. If you require assistance locating this information, please contact the TRPA at (775) 588-4547 or [virtualmeetinghelp@trpa.gov](mailto:virtualmeetinghelp@trpa.gov).*