

TRPA,

Latitude 39- 230k sq, 95' tall, 8 story luxury "PALATIAL" condo project (2 step process) should be pulled from the consent calendar.

Latitude 39 is the poster child for what is wrong with the TRPA large development approval process:

1. By it's very size:230k sf 39 degrees latitude is contentious. it will have environmental impacts and should be pulled from the consent calendar. 56' height was allowed, but this is 95' a large scenic difference.
2. The "2 step" process, where multi-family density is used and then immediately converted to condominiums(really single family) is a blatant misuse of multi-family density. The 2 step process is why multi-family isn't built; but large condominiums are. Which type of unit can make a developer more \$? Easy answer neglected by the agency.
3. 1298 VMT trips/day defies logic. 2800-3100 sf palatial condos will have a population of at least 5 people per unit X 40 units =200 population plus restaurant and staff. What is the onsite population? Will STR's be allowed? Where did these TAU's come from? It's an important disclosure which affects Tahoe carrying capacity. Were the TAU's originally motel rooms?
4. An environmental checklist is inadequate to analyze environmental impacts. The site was an SEZ.
5. There is no discussion of workforce or deed restricted housing. This continuing failure by TRPA to mitigate housing impacts is one of the reasons Tahoe has the current crisis.

TRPA is getting more discouraging by the day. This consent item is reminiscent of Incline's 941 project (another Lew Feldman representation) which was also on the consent calendar and outraged the community. It wasn't zoned correctly, so Lew Feldman et al changed the zoning for Incline's Town Center. Is this the way TRPA plans?

Ann Nichols

**North Tahoe Preservation Alliance**

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Ann Nichols  
Latitude 39

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"Helping preserve the natural beauty and rural character of North Lake Tahoe"

TikTok Video: <https://www.tiktok.com/@northtahoepreservation? t=8XCELbNFbSt& r=1>

Instagram Video: <https://www.instagram.com/northtahoepreservation/>

## Marja Ambler

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**From:** Doug Flaherty <tahoesierracleanair@gmail.com>  
**Sent:** Tuesday, December 13, 2022 6:43 AM  
**To:** Julie Regan; John Hester; Alexis Hill; TRPA; Cindy.Gustafson; Marja Ambler; Jim Lawrence; Bill Yeates; Shelly Aldean; John Friedrich; Vince Hoenigman  
**Subject:** TRPA Governing Board MTG 12-13-22 Public Comment Consent Item V.5

Dear TRPA Governing Board:

Please consider this written comment as part of the record in connection with Consent Item V. 5 of today's TRPA Governing Board Meeting i.e..

Latitude 39 Mixed-Use Residential and Commercial Project, 110 Approval Page 331  
Lake Parkway, Douglas County, Nevada, Assessor's Parcel Number  
(APN) 1318-27-001-010, TRPA File Number ERSP2022-0119

Tahoe Sierra Clean Air Coalition **opposes** listing this item on the consent calendar due to its potential far reaching local and cumulative environmental impacts on the South Shore community and waters of Lake Tahoe and feels that **the project should be scheduled for a future public hearing** for the reasons listed below.

This, since as we understand it, Julie Regan **may have requested pulling this item** from the consent calendar, **however** due to the potential far reaching local and cumulative environmental impacts connected with this project, on the local community and the waters of Lake Tahoe, an EIS must be prepared for this project. Additionally, due to the controversy regarding listing this item on the consent calendar, this project should be scheduled for a future public hearing to give the community more time to provide substantive comments. This based on the following:

1. TRPA has failed to analyze the cumulative impact of this project on the Lake Tahoe Basin measured against the cumulative impacts of all TRPA and government approved and current planned projects within the Lake Tahoe Basin since the 2012 Regional Plan EIS to present.
2. The TRPA has failed to adequately monitor and consider the cumulative impacts of all TRPA and government approved and planned projects within the Lake Tahoe Basin since the 2012 Regional Plan EIS.
3. Any reasonable person would conclude that the TRPA must perform an updated EIS to assess the cumulative impact from this and all approved and planned projects within the Lake Tahoe Basin since the 2012 Regional Plan.
4. Per its design, the TRPA Environmental Checklist is a sham checklist, often created by desktop/armchair staff findings, and lacking substantial evidence, often in support of arbitrary and capricious growth agenda findings, thereby allowing individual projects a TRPA "glidepath" to avoid the determination of cumulative impacts on the Lake Tahoe Basin.
5. TRPA continues to ignore the fact that **Lake Tahoe Waters is listed under the Clean Water Act Section 303(d) as "impaired" waters** and clearly represents a unique and "unusual circumstance" and that a special finding requiring an EIS to analyze the impact on the water of the Lake Tahoe Basin, from this project individually and cumulatively is warranted. Any reasonable person would agree that the possibility exists that the proposed project will have a significant cumulative effect on the environment when measured against all other past and present TRPA and Government approved projects since the 2012 Regional Plan update.
6. The TRPA continues to ignore the recent UC Davis State of the Lake Report in its entirety when discussing environmental impacts of a given individual project. Any reasonable person would clearly be of the opinion that Lake Tahoe waters **of which represent a primary drinking water source**, are significantly threatened by alarming sediment,

algae growth, plastic deposits, and swirling trash heaps, and that these issues present a significant impact on the “particularly sensitive environment” of Lake Tahoe waters.

7. The PROJECT REVIEW CONFORMANCE CHECKLIST & V (g) FINDINGS (RESIDENTIAL) located on Page 366 of the Staff report fails to provide substantial evidence that the project will not significantly impact the environment and is arbitrary, capricious and subjective.

Sincerely,  
Doug Flaherty, President  
Tahoe Sierra Clean Air Coalition (DBA TahoeCleanAir.org)  
A Nevada 501(c)(3) Non-Profit Corporation  
774 Mays Blvd 10-124  
Incline Village, NV 89451

#### **TahoeCleanAir.org Organizational Purpose**

Tahoe Sierra Clean Air Coalition (DBA TahoeCleanAir.Org) is a Nevada 501 (c) (3) non-profit corporation registered to do business in the State of California. Our organizational purpose extends beyond protecting clean air. For complete information regarding our organizational purpose please refer to “TahoeCleanAir.org Organizational Purpose at the end of this written public comment. and includes, among other purposes, protecting and preserving natural resources, including but not limited to clean air, clean water, including lake and stream clarity, soils, plants and vegetation, wildlife and wildlife habitat including wildlife corridors, fish and fish habitat, birds and bird migration, insects, forest and wilderness from adverse environmental impacts and the threat and potential of adverse environmental impacts, including cumulative adverse impacts, within the Nevada and California Sierra Range, and its foothill communities, with corporation/organization geographical purpose priority being that of the Lake Tahoe Basin. Our purpose further extends to all things incidental to supporting environmental impact assessments and studies, including the gathering of data necessary to analyze the cumulative adverse environmental, health and safety impacts from public and private projects inside and outside the Lake Tahoe Basin, and addressing and supporting safe and effective evacuation during wildfire. Our purpose further extends to supporting transparency in government to ensure that our purpose and all things incidental to our specific and primary purposes are achieved.

## Marja Ambler

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**From:** Jacob Stock  
**Sent:** Tuesday, December 13, 2022 8:51 AM  
**To:** Marja Ambler  
**Subject:** FW: Regional Plan Implementation

Re. Placer AP.

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**From:** Mark Spohr <mhspohr@gmail.com>  
**Sent:** Tuesday, December 13, 2022 8:39 AM  
**To:** Jacob Stock <jstock@trpa.gov>  
**Subject:** Regional Plan Implementation

I must object to your new regional plan.

This plan will encourage damaging development to Lake Tahoe which is already overburdened by tourists and inadequate infrastructure. A popular travel authority (Fodors) has placed Lake Tahoe on its "do not visit" list because of the toxic effects of too many visitors.

Your changes will primarily benefit the "1%" developers and business owners while placing further burdens on residents and visitors dealing with inadequate housing and recreational opportunities.

Your best course of action now is to place a moratorium on further development until you can come up with a credible plan to address overburdened roads, pollution, trash, and lack of affordable housing.

Kind regards,  
Mark

Mark Spohr, MD

[mhspohr@gmail.com](mailto:mhspohr@gmail.com)

*"Health is a state of complete physical, mental, and social well-being and not merely the absence of disease or infirmity". (WHO)*



Tahoe Regional Planning Agency  
Regional Plan Implementation Committee  
128 Market St.  
Stateline, NV 89449

December 13, 2022

Dear Members of the Regional Plan Implementation Committee and staff:

The Friends of the West Shore (FOWS) appreciates the opportunity to provide comments on the Proposed Tahoe Basin Area Plan (TBAP) amendments. FOWS mission is to work toward the preservation, protection, and conservation of the West Shore, our watersheds, wildlife, and rural quality of life, for today and future generations. FOWS represents community interests from Emerald Bay to south of Tahoe City.

The following list outlines FOWS concerns and recommendations regarding the proposed TBAP amendments.

- **EMERGENCY EVACUATION** FOWS does not support the proposed amendments at this time because they aim to increase the residential and visitor populations on the north and west shore **without first addressing the existing conditions, recent population and visitation increases, and dangerous traffic jams that pose serious public health and safety concerns, especially with wildfire danger increasing every year.** With only a two-lane highway on the North and West Shores of Lake Tahoe, *any* increase in traffic and people will exacerbate a congested exodus in the event of a wildfire evacuation or other emergency need.

***RECOMMENDATION:***

***FOWS recommends a comprehensive analysis of existing conditions, wildfire danger, and all factors that would affect emergency evacuation and access. In addition, an adequate environmental analysis based on the California Attorney General's "Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act" Guidance is needed to ensure public health and safety are protected. Such parameters were not analyzed for the TBAP or 2012 RPU adoptions and wildfire danger has significantly increased in the past ten years.***

- **ENVIRONMENTAL & TRAFFIC ANALYSIS** FOWS believes that there needs to be an updated environmental analysis based on **existing** conditions and populations specific to the north and west shore communities that will be affected by the TBAP and not basin-wide data. Placer County is proposing to do a Categorical Exemption and TRPA will do an environmental checklist, both of which will tier from the EIR/S's done for the 2016 Tahoe Basin Area Plan (TBAP) and 2012 TRPA Regional Plan Update (RPU). Since the TBAP relied heavily on the analysis from the 2012 RPU, which was based primarily on 2010 data, this means that the 'evaluation' of these amendments is relying in large part on analyses that are almost 13 years old. Peak traffic, visitor and residential populations, and wildfire danger are among several parameters that have **significantly** changed since 2010. Further, the VMT numbers provided by John Hester to the Placer County Planning Commission reflect all VMT on the California side of the lake, including

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<sup>1</sup> Information presented by John Hester to the Placer County Planning Commission on 12/8 shows basin-wide population data only.

South Shore areas where vehicle counts have in the past trended down while north shore saw increases (which is not reflected when the data are combined), and exclude data from 2020 to present.<sup>2</sup> Yet 2020-2022 has seen a significant growth in both the local population (in large part from remote-workers moving to the area) and vehicle traffic and congestion. The impacts of the last three years need to be accounted for.

**RECOMMENDATION:**

***FOWS recommends an updated traffic analysis be performed based on existing conditions. This should include existing traffic counts, congestion times, current population and appropriate assumptions (e.g. the increased number of full time residents within the TBAP boundaries, as well as the larger North Tahoe-Truckee Region, that has occurred within the last three years), increases in day visitors, impacts of larger Metro-Regional population increases (e.g. Sacramento Valley/Bay Area, Reno/Carson), and other changes.***

- CUMULATIVE IMPACTS There are many large traffic-generating projects along the West and North shores in various stages of the permitting and/or development pipeline, including but not limited to the Tahoe City Lodge, the Boatworks redevelopment, Palisades Tahoe, Homewood Mountain Resort, and Boulder Bay. The cumulative impact of all these projects added to *existing* traffic conditions should be evaluated prior to adopting these Area Plan amendments, especially considering the impacts of the additional traffic on emergency evacuation and access.

**RECOMMENDATION:**

***The current traffic problems are occurring prior to the development of numerous additional large projects that have been approved but not yet constructed (e.g. Homewood Mountain Resort, Boulder Bay, and other projects [as listed in comments from NTPAC]). The traffic analysis needs to incorporate the anticipated transportation and population impacts of these projects. Previous analyses using data and assumptions from over ten years ago are no longer valid due to the significant changes the region has experienced in that time.***

AFFORDABLE HOUSING FOWS recognizes and supports the need for affordable and low income housing, but believes that Placer should find housing solutions that are consistent with the zoning under the current Area Plans approved in 2017. FOWS also want to preserve the rural atmosphere of West Shore communities. The proposal assumes that simply making it easier to permit more units will solve the affordable housing problem. What is the anticipated low-income housing cost and what is the evidence to support that it would be affordable? What about the impacts of Short-term Vacation Rentals on affordable housing? What other trends in the economy/society have contributed to the affordable housing shortage? For example, how many workforce rentals have been lost due to remote workers who can now live here full time? Are there other programs or actions that could further incentivize second homeowners to rent out their units full time and/or the development of inactive or vacant properties? How will the increased cost of building materials/inflation affect such housing? How could tax incentives and government subsidies incentivize additional affordable housing without changing the existing design standards (e.g. building height and width, parking provisions, etc.).

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<sup>2</sup> Footnote 2 states: “2 Highway Performance Monitoring System figures are for the California part of the Basin. The figure for 2019 is 1,014,920 which is a decrease of 5.4%. The 2019 figure and percentage are provided as the 2020 figure may reflect the impact of the COVID-19 pandemic for March and later months in that year.”

**RECOMMENDATION:**

***FOWS supports policies and programs that will increase affordable housing, including the proposal to allow “Tiny Houses” and otherwise support Accessory Dwelling Units (ADUs). However, there are many remaining questions about other approaches to help provide more affordable housing, such as requiring new hotel projects to include workforce housing near the project. Further, we agree with comments and concerns expressed by the League to Save Lake Tahoe (LTSLT) regarding “Affordable Housing and Mixed-Use Development” and “Developing a Guide for allocation and conversion of commodities.” (12/7/2022 LTSLT Comments to Placer County Planning Commission). We recommend these questions and comments be addressed to truly encourage more affordable housing.***

- PUBLIC INVOLVEMENT FOWS is also concerned that these amendments were prepared without engagement with the broader public, including the Planning Teams who spent years reviewing and compromising on the original Tahoe Basin Area Plan regulations. Now these amendments are being fast-tracked toward approvals while the general public is still just finding out about the changes.

**RECOMMENDATION:**

***The Tahoe Basin Area Plan teams that worked for years to develop the original TBAP should be re-engaged to review the proposed amendments and alternative options.***

- MULTI-USE PERMITS On the West Shore, the proposal to change multi-unit uses from requiring a Minor Use Permit to being Allowed 'by right' means adjacent/nearby properties would not have to be notified of such developments. This takes the public out of the equation both at the permit-level stage and now at the planning stage (due to the lack of adequate engagement and review done with the public on the amendments).

**RECOMMENDATION:**

***This amendment should be removed from the proposed amendments and existing zoning retained.***

- PARKING The amendments also reduce, or in some cases, eliminate the requirement for parking for new units. FOWS is concerned that this may result in more vehicles parking along public roadways and in residential areas, creating traffic concerns and other impacts. We believe it is unrealistic to assume the new residents or visitors staying in the new units will not have vehicles that need to be parked somewhere.

**RECOMMENDATION:**

***A comprehensive analysis of parking based on existing conditions and impacts from the anticipated vehicle use/numbers by new residents and visitors needs to be performed. While FOWS supports the concept of reducing vehicle use, no evidence has been presented showing that the new residents and visitors resulting from the amendments will not have vehicles that require parking. In fact, TRPA, Placer County and others often tout the “park once” approach in the Basin. While this would presumably reduce driving once within the Basin, those vehicles still need to park somewhere. In addition, another part of discouraging vehicle use and ownership is to provide adequate means to travel in the area without a personal vehicle. The local transit system continues to fall far short of providing such service. Until and unless sufficient, secured funding is available and a convenient, consistent, and more desirable***

***transit system is in place and shown to mitigate trips as assumed thus far in planning review documents, plans should not assume or rely on the availability of or mere distance from transit routes as a means to mitigate additional residential and visitor vehicle use.***

- SCENIC IMPACTS Extensive efforts went into the scenic protections in Town Centers in the original adoption of the TBAP. The amendments would allow for taller/wider buildings that may further block views of the mountains and lake. Suggestions that TRPA's scenic requirements will prevent scenic impacts makes little sense; the amendments themselves show the plan would allow for more height and massing than is currently allowed and there is no mitigation that can physically prevent taller and wider buildings from blocking views. In other words, there is no way to mitigate a lost view.

***RECOMMENDATION:***

***Increased heights and allowances for wider buildings should be removed from the proposed amendments and the current height and width maximums retained. At minimum, the TBAP planning teams should be re-engaged and these proposed amendments carefully scrutinized by those teams. In addition, visual demonstrations of maximum building sizes (e.g. heights, widths) under the existing TBAP and under the proposed amendments (and any alternatives) should be provided so the public can be adequately informed of what the changes mean.***

FOWS herein incorporates comments submitted by the North Tahoe Preservation Alliance, League to Save Lake Tahoe, and Ellie Waller. We request that the amendments be postponed unless and until a comprehensive environmental analysis based on existing conditions (and current TRPA environmental thresholds, e.g. the revised VMT standard) and adequate public engagement is performed. Thank you for considering these comments.

Sincerely,



Judith Tornese,  
President

Cc: TRPA, Jacob Stock  
TRPA, John Hester  
Placer County, Stacy Wydra  
Placer County, Emily Setzer



State of California  
Office of the Attorney General

**ROB BONTA**  
ATTORNEY GENERAL

**Best Practices for Analyzing and Mitigating Wildfire Impacts of  
Development Projects Under the California Environmental Quality Act**

**I. Introduction**

Wildfires are part of California's present, and with the effects of climate change, an increasing part of our future. Development in fire-prone areas increases the likelihood that more destructive fires will ignite, fire-fighting resources will be taxed, more habitat and people will be put in harm's way or displaced, and more structures will burn. It is therefore imperative that local jurisdictions making decisions to approve new developments carefully consider wildfire impacts as part of the environmental review process, plan where best to place new development, and mitigate wildfire impacts to the extent feasible.

This guidance is designed to help lead agencies<sup>1</sup> comply with the California Environmental Quality Act, Public Resources Code, section 21000 et seq. (CEQA), when considering whether to approve projects in wildfire-prone areas. These areas are often in the wildland-urban interface, generally defined as the area where the built environment meets or intermingles with the natural environment.<sup>2</sup> The California Department of Forestry and Fire Protection (CAL FIRE) has classified lands based on fire hazard, the highest being those classified as high or very high fire hazard severity zones. It has also identified areas where the State (as opposed to a local agency) has responsibility for fire-fighting.<sup>3</sup> Particularly in these high-risk areas, but also throughout the

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<sup>1</sup> Lead agencies are any public agencies with "principal responsibility for carrying out or approving a project which may have a significant effect upon the environment." (Pub. Resources Code, § 21067.)

<sup>2</sup> CAL FIRE has published an instructive map on the wildland-urban interface in California: [https://frap.fire.ca.gov/media/10300/wui\\_19\\_ada.pdf](https://frap.fire.ca.gov/media/10300/wui_19_ada.pdf). The wildland-urban interface is defined differently by different agencies for different purposes, but the most widely used definition for wildfire purposes include the intermix and interface areas mapped by Radeloff et al. 2005, 2018. See Volker C. Radeloff, et al., *Rapid Growth of the US Wildland-Urban Interface Raises Wildfire Risk*. PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES USA, 115(13):3314-3319 (2018), available at <https://www.pnas.org/doi/10.1073/pnas.1718850115>.

<sup>3</sup> See <https://osfm.fire.ca.gov/divisions/community-wildfire-preparedness-and-mitigation/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/>. Note that areas mapped by CAL FIRE as high or very high fire hazard are not always coextensive with the wildland-urban interface. In addition, CAL FIRE's maps are currently in the process of being updated and lead agencies should consult with CAL

wildland-urban interface, wildfire risks must be considered during the environmental review process for individual development projects.

This guidance provides suggestions for how best to comply with CEQA when analyzing and mitigating a proposed project's impacts on wildfire ignition risk, emergency access, and evacuation.<sup>4</sup> This guidance is aimed at proposed development projects, such as residential, recreational, or commercial developments.<sup>5</sup> The extent to which it applies will inherently vary by project, based on project design and location. This document does not impose additional requirements on local governments or alter any applicable laws or regulations. Rather, it is intended to provide guidance on some of the issues, alternatives, and mitigation measures that should be considered during the environmental review process. This guidance is based on the Office of the Attorney General's experience reviewing, commenting on, and litigating CEQA documents for projects in high wildfire prone areas, and is intended to assist lead agencies with their planning and approval of future projects. The guidance reflects current requirements and conditions and may need to be updated as changes occur.

## II. Background

Although wildfires are and have been an important natural process throughout California's history, recent changes in fire frequency, intensity, and location are posing increasing threats to the residents and environment of California. More acres of California have burned in the past decade than in the previous 90 years<sup>6</sup> and eight of the State's ten largest fires since 1932 have occurred in the last decade.<sup>7</sup> While lightning is a common cause of some of the State's largest

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FIRE before relying on the classifications listed on this map. CAL FIRE's list of state responsibility areas (defined as areas where the State of California, as opposed to a local agency, is financially responsible for prevention and suppression of wildfires) can be found at: <https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=468717e399fa4238ad86861638765ce1>. Each county should have a map of the very high or high fire hazard severity zones in its jurisdiction, and they are also included on the CAL FIRE zone map: <https://egis.fire.ca.gov/FHSZ/>.

<sup>4</sup> Readers who want to determine their legal obligations under CEQA should consult their own attorney for legal advice.

<sup>5</sup> This guidance is not intended to apply to state and local agency fire management activities, such as prescribed burns, approval of vegetation management plans to reduce wildfire risk, and review of timber harvesting plans.

<sup>6</sup> CAL FIRE, Top 20 Largest California Wildfires (Jan. 13, 2022), available at [https://www.fire.ca.gov/media/4jandlhh/top20\\_acres.pdf](https://www.fire.ca.gov/media/4jandlhh/top20_acres.pdf). See also Hugh D. Safford et al., *The 2020 California Fire Season: A Year Like No Other, a Return to the Past or a Harbinger of the Future?* (Apr. 17, 2022) GLOBAL ECOLOGY AND BIOGEOGRAPHY, available at <https://onlinelibrary.wiley.com/doi/10.1111/geb.13498?af=R>.

<sup>7</sup> Paul Rogers, *Map: 1 of Every 8 acres in California has Burned in the Last 10 Years. Here's Where the Biggest Fires Spread—and are Burning Now*, Mercury News (Sept. 29, 2021), available at <https://www.mercurynews.com/2021/09/29/top-10-california-wildfires-megafires-map/>. Notably, the large fires of late are not unprecedented in the State's history with similarly large fires occurring specifically during the 1920s. See Jon E. Keeley & Alexandra D. Syphard, *Large California Wildfires: 2020*

fires, in recent years, many of the State's most destructive fires have been caused by human activity, such as downed powerlines or electrical sources associated with residential development or industrial facilities.<sup>8</sup>

Wildfires can have dramatic, adverse ecological impacts. Frequent wildfires can result in habitat loss and fragmentation, shifts in vegetative compositions, reductions in small mammal populations, and accelerated loss of predatory species.<sup>9</sup> Wildfire can also have adverse impacts on erosion and water quality. During active burning, ash and associated contaminants can enter water supplies. Later, after large burns, rainstorms can flush vast amounts of sediment from exposed soils into those same water supplies.<sup>10</sup>

Wildfires also have tragic consequences for California's residents. Since 2010, wildfires have killed nearly 150 people in California<sup>11</sup> and, since 2005, wildfires have destroyed over 97,000 structures,<sup>12</sup> requiring mass evacuations and exacerbating the State's already-pressing need for more housing. In addition, wildfire smoke is unhealthy to breathe and is a public health concern.<sup>13</sup> Further, wildfire losses are not experienced equally. Lower-income households are more likely to lose all of their assets and less likely to have adequate insurance to cover their losses.<sup>14</sup> Meanwhile, the costs of wildfire suppression and resiliency have become significant. In

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*Fires in Historical Context* (Aug. 25, 2021) FIRE ECOLOGY, available at <https://fireecology.springeropen.com/articles/10.1186/s42408-021-00110-7>.

<sup>8</sup> See CAL FIRE, Top 20 Largest California Wildfires (Jan. 13, 2022), available at [https://www.fire.ca.gov/media/4jandlhh/top20\\_acres.pdf](https://www.fire.ca.gov/media/4jandlhh/top20_acres.pdf); CalFire, Top 20 Most Destructive California Wildfires (Jan. 13, 2022), available at [https://www.fire.ca.gov/media/t1rdhizr/top20\\_destruction.pdf](https://www.fire.ca.gov/media/t1rdhizr/top20_destruction.pdf).

<sup>9</sup> See Alexandra D. Syphard, et al., *Human Influence on California Fire Regimes*. ECOLOGICAL APPLICATION 17:1388-1402 (2007).

<sup>10</sup> United States Environmental Protection Agency, Wildfires: How do They Affect Our Water Supplies? (Aug. 13, 2019), available at <https://www.epa.gov/sciencematters/wildfires-how-do-they-affect-our-water-supplies#:~:text=Vegetation%20that%20holds%20soil%20in,%2C%20rivers%2C%20and%20downstream%20reservoirs>.

<sup>11</sup> CAL FIRE, Top Deadliest California Wildfires (Oct. 22, 2021), available at [https://www.fire.ca.gov/media/lbfd0m2f/top20\\_deadliest.pdf](https://www.fire.ca.gov/media/lbfd0m2f/top20_deadliest.pdf).

<sup>12</sup> Headwaters Economics, Wildfires Destroy thousands of structures each year (Nov. 2020, updated Aug. 2022), available at <https://headwaterseconomics.org/natural-hazards/structures-destroyed-by-wildfire/>.

<sup>13</sup> See Kurtis Alexander, *California Ranks Worst in Nation for Air Pollution Because of Wildfire Smoke*, S.F. Chronicle (June 23, 2022), available at <https://www.sfchronicle.com/bayarea/article/california-air-quality-17259687.php>. See also Lora Kolodny, *The West Coast Is Suffering from Some of the Worst Air in the World — These Apps Show How Bad it Is*, CNBC (Sept. 13, 2020), available at <https://www.cnbc.com/2020/09/12/air-quality-apps-purpleair-airnow-iqair-essential-in-western-us.html>; and California Air Resources Board, *Protecting Yourself from Wildfire Smoke*, available at <https://ww2.arb.ca.gov/protecting-yourself-wildfire-smoke>.

<sup>14</sup> California Council on Science and Technology, *The Costs of Wildfire in California* (Oct. 2020), at p. 69, available at <https://ccst.us/reports/the-costs-of-wildfire-in-california/>.

2021, the State invested \$1.5 billion in wildfire resiliency efforts, and the 2022-2023 budget includes an additional \$1.2 billion to support wildfire and forest resilience.<sup>15</sup> The changing nature of wildfires, under various metrics—frequency, area burned, adverse ecological impacts, the number of Californians displaced—is a worsening crisis that will unfortunately be part of California’s future.<sup>16</sup>

As of 2010, about one-third of California’s housing units were located within the wildland-urban interface.<sup>17</sup> Residential developments in the wildland-urban interface and other wildfire prone areas can significantly increase the risks of wildfires and the risk to public safety for several reasons. First, introducing more people—via additional development—into a flammable landscape increases the likelihood of: (1) a wildfire igniting due to the increased presence of people; and (2) the ignition becoming a wildfire because of the placement of homes amongst the flammable vegetation.<sup>18</sup> Second, building housing units in the wildland-urban interface puts more people in harm’s way.<sup>19</sup> Wildfires, particularly those that impact developments in relatively remote locations, may impede the evacuation of communities and emergency access, making it more difficult to ensure public safety and to limit, control, or extinguish wildfires. Finally, fires in remote locations require significant fire-fighting resources and mobilization of fire-fighters from all over the State—putting a major strain on the State’s fire-fighters and the State’s budget. Put simply, bringing more people into or near flammable wildlands leads to more frequent, intense, destructive, costly, and dangerous wildfires.<sup>20</sup>

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<sup>15</sup> Gavin Newsom, California State Budget (2022-2023), at p. 61, available at <https://www.ebudget.ca.gov/FullBudgetSummary.pdf>; California State Budget, Budget Addendum (2021-2022), at p. 3, available at <https://www.ebudget.ca.gov/BudgetAddendum.pdf>.

<sup>16</sup> See California Council on Science and Technology, *The Costs of Wildfire in California* (Oct. 2020), at p. 17, available at <https://ccst.us/reports/the-costs-of-wildfire-in-california/>.

<sup>17</sup> Community Wildfire Planning Center, Land Use Planning Approaches in the Wildland-Urban Interface (Feb. 2021), at p. 7, available at [https://www.communitywildfire.org/wp-content/uploads/2021/02/CWPC\\_Land-Use-WUI-Report\\_Final\\_2021.pdf](https://www.communitywildfire.org/wp-content/uploads/2021/02/CWPC_Land-Use-WUI-Report_Final_2021.pdf); see also Heather Anu Kramer, et al., *High Wildfire Damage in Interface Communities in California* (2019) INTERNATIONAL JOURNAL OF WILDLAND FIRE, available at [https://www.fs.usda.gov/nrs/pubs/jrnl/2019/nrs\\_2019\\_kramer\\_001.pdf](https://www.fs.usda.gov/nrs/pubs/jrnl/2019/nrs_2019_kramer_001.pdf). At the current rate of growth and under current growth patterns, it is anticipated that an additional 645,000 housing units will be developed in areas designated by CAL FIRE as very high fire hazard severity zones by 2050. Next 10, Rebuilding for a Resilient Recovery: Planning in California’s Wildland Urban Interface (June 2021), at p. 9, available at <https://www.next10.org/publications/rebuilding-resilient>.

<sup>18</sup> See Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) *Fremontia*, 47(2), at p. 29; Volker C. Radeloff, et al., *Rapid Growth of the US Wildland-Urban Interface Raises Wildfire Risk*. PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES USA, 115(13):3314-3319 (2018).

<sup>19</sup> See Heather Anu Kramer, et al., *High Wildfire Damage in Interface Communities in California* (2019) International Journal of Wildland Fire, available at [https://www.fs.usda.gov/nrs/pubs/jrnl/2019/nrs\\_2019\\_kramer\\_001.pdf](https://www.fs.usda.gov/nrs/pubs/jrnl/2019/nrs_2019_kramer_001.pdf); Volker C. Radeloff, et al., *Rapid growth of the US wildland-Urban interface raises wildfire risk*. PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES USA, 115(13):3314-3319 (2018).

<sup>20</sup> See Michael L. Mann, et al., *Incorporating Anthropogenic Influences into Fire Probability Models: Effects of Human Activity and Climate Change on Fire Activity in California* (Apr. 28, 2016) PLOS ONE

### III. Wildfire and Land Use Planning

While this guidance is focused on best practices to disclose, analyze, and mitigate wildfire impacts in compliance with CEQA, it is important to note that general planning also provides a critical opportunity for local jurisdictions to think proactively about how to accommodate their housing and development needs while reducing the risks of wildfire.<sup>21</sup> In the last ten years, new legislation has passed requiring local jurisdictions to consider wildfire risks in their general planning processes.<sup>22</sup> The Governor’s Office of Planning and Research (OPR) recently published comprehensive guidance to help local agencies comply with these requirements.<sup>23</sup> We encourage local jurisdictions to consult this guidance and to thoughtfully plan for new development given the increasing risk of wildfires throughout the state.<sup>24</sup>

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11(4), available at <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0153589>; Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) *FREMONTIA*, 47(2), at pp. 28-35, available at <https://pubs.er.usgs.gov/publication/70215982>; Alexandra D. Syphard, et al., *Land Use Planning and Wildfire: Development Policies Influence Future Probability of Housing Loss* (2013) *PLOS ONE*, available at <https://journals.plos.org/plosone/article/file?id=10.1371/journal.pone.0071708&type=printable>; see also Final Statement of Reasons for Regulatory Action re Amendments to the State CEQA Guidelines OAL Notice File No. Z-2018-0116-12 (“Statement of Reasons”), at p. 87, available at [https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/2018\\_CEQA\\_Final\\_Statement\\_of%20Reasons\\_111218.pdf](https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/2018_CEQA_Final_Statement_of%20Reasons_111218.pdf).

<sup>21</sup> See Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) *FREMONTIA*, 47(2), at p. 33, available at <https://pubs.er.usgs.gov/publication/70215982> [concluding that “the most effective strategy at reducing future structure loss would focus on reducing the extent of low-density housing via careful land planning decisions”].

<sup>22</sup> See Sen Bill No. 1241 (2011-2012 Reg. Sess.), amending and/or adding Gov. Code, §§ 65302, subd. (g)(3), 65302.5, subd. (b), and 66474.02) [requiring local jurisdictions within state responsibility areas or very high fire hazard severity zones to address wildfire risk when updating their safety elements and to submit their draft updates to the State Board of Forestry and Fire Protection for review]; Sen. Bill No. 99 (2019-2020 Reg. Sess.), amending Gov. Code, § 65302, subd. (g)(5) [requiring updated safety elements to identify residential developments within hazard areas that do not have at least two evacuation routes]; Assem. Bill No. 747 (2019-2020 Reg. Sess.), adding Gov. Code, § 65302.15 [requiring local jurisdictions to update their safety element to address the capacity of evacuation routes under a range of various emergency scenarios]; Assem. Bill No. 1409 (2020-2021 Reg. Sess.), amending Gov. Code, § 65302.15 [requiring that safety elements identify locations where people can evacuate to].

<sup>23</sup> Governor’s Office of Planning and Research, *Fire Hazard Planning Technical Advisory, 2022 Update* (Aug. 2022), available at [https://opr.ca.gov/docs/20220817-Fire\\_Hazard\\_Planning\\_TA.pdf](https://opr.ca.gov/docs/20220817-Fire_Hazard_Planning_TA.pdf); and *Wildland-Urban Interface Planning Guide: Examples and Best Practices for California Communities* (Aug. 2022), available at [https://opr.ca.gov/docs/20220817-Complete\\_WUI\\_Planning\\_Guide.pdf](https://opr.ca.gov/docs/20220817-Complete_WUI_Planning_Guide.pdf).

<sup>24</sup> Local jurisdictions that have complied with their general planning obligations, including incorporating wildfire and evacuation planning considerations into their general plans, may benefit from streamlined CEQA requirements at the project approval level. If a development project is consistent with an updated general plan and an environmental impact report (EIR) was prepared for that plan, the CEQA review for the project may be limited to the parcel-specific impacts of the project or impacts that new information,

## IV. Analyzing and Mitigating Wildfire Risk Impacts Under CEQA

### A. CEQA's requirements for analyzing wildfire risks

CEQA requires local jurisdictions considering development projects to prepare an environmental impact report (EIR) or a mitigated negative declaration<sup>25</sup> if the project may potentially have a significant impact on the environment and is not otherwise exempt from CEQA.<sup>26</sup> Under CEQA, local jurisdictions may act as lead agencies with responsibility for preparing the EIR (or other CEQA document), or as responsible agencies relying on an EIR prepared by a lead agency. CEQA provides a critical process for local jurisdictions to understand how new developments will exacerbate existing wildfire risks, allowing them to consider project design features, alternatives, and mitigation measures that provide for smarter development and the protection of existing communities.

The CEQA Guidelines<sup>27</sup> require that an EIR include a description of the physical environmental conditions in the vicinity of the project, at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced.<sup>28</sup> This “baseline” of existing environmental conditions is generally used to determine the significance of project-related impacts. In the EIR’s discussion of the existing environmental conditions, lead agencies should include information about open space areas and habitats within the project area that may be fire prone, as well as a discussion of fire history and fuels on the project site. Including a discussion of existing available water supplies for fire-fighting is also critical. Providing detail about existing environmental conditions at the project site that may exacerbate or minimize wildfire impacts will help ensure that the EIR fully considers the project’s impacts on wildfire risk.

The CEQA Guidelines require an analysis of “any significant environmental effects the project might cause or risk exacerbating by bringing development and people into the area affected,” including by locating development in wildfire risk areas.<sup>29</sup> The “environmental checklist form” in Appendix G of the CEQA Guidelines, Section XX, directs lead agencies to assess whether

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arising since adoption of the general plan, shows will be more significant than described in the prior EIR. (Pub. Resources Code, § 21083.3; CEQA Guidelines, § 15193).

<sup>25</sup> Where “EIR” is used in this guidance it should also be considered to refer to a mitigated negative declaration.

<sup>26</sup> Pub. Resources Code, § 21067; CEQA Guidelines, §§ 15050 and 15367.

<sup>27</sup> The CEQA Guidelines are found at California Code of Regulations, title 14, section 15000, et seq.

<sup>28</sup> CEQA Guidelines, § 15125.

<sup>29</sup> CEQA Guidelines, § 15126.2.

projects located *in or near* state responsibility areas or lands classified as very high fire hazard severity zones,<sup>30</sup> would:

- a) Substantially impair an adopted emergency response plan or emergency evacuation plan;
- b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire;
- c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or
- d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.<sup>31</sup>

In addition to the four questions above, Section IX(g) of the checklist broadly directs lead agencies to consider whether a project will “expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.”<sup>32</sup> In answering these questions, lead agencies must consider both on- and off-site impacts.<sup>33</sup>

## **B. Analyzing a project’s impact on wildfire risks**

Several variables should be considered in analyzing a project’s impact on wildfire risk, including:

- **Project Density:** Project density influences how likely a fire is to start or spread, and how likely it is that the development and its occupants will be in danger when a fire starts. Fire spread and structure loss is more likely to occur in low- to intermediate-density developments.<sup>34</sup> This is because there are more people present to ignite a fire (as compared to undeveloped land), and the development is not concentrated enough

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<sup>30</sup> See footnote 1 for more information on state responsibility areas and very high fire hazard severity zones.

<sup>31</sup> CEQA Guidelines, Appendix G, XX.

<sup>32</sup> CEQA Guidelines, Appendix G, IX(g). This Guidance focuses on these key wildfire-related questions in Sections IX(g) and XX of the checklist, but in conducting environmental review, lead agencies must continue to thoroughly address the other questions identified in Section XX and the checklist more generally.

<sup>33</sup> CEQA Guidelines, § 15360 [defining the environment to be considered as “the area in which significant effects would occur either directly or indirectly as a result of the project”].

<sup>34</sup> Alexandra D. Syphard, *The Relative Influence of Climate and Housing Development on Current and Projected Future Fire Patterns and Structure Loss Across Three California Landscapes* (2019) GLOBAL ENVIRONMENTAL CHANGE; Alexandra D. Syphard, et al., *Housing Arrangement and Location Determine the Likelihood of Housing Loss Due to Wildfire* (Mar. 28, 2012) PLOS ONE, available at <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0033954>.

(as compared to high-density developments) to disrupt fire spread by removing or substantially fragmenting wildland vegetation.<sup>35</sup> “Isolated clusters of development and low housing density mean that homes are embedded within, and more exposed to, a matrix of wildland vegetation.”<sup>36</sup> Moreover, fire-fighters may have difficulty accessing more remote and disconnected developments.<sup>37</sup>

- **Project Location in the Landscape:** Project placement in the landscape relative to fire history, topography and wind patterns also influences wildfire risk. Although wildfire ignitions are primarily human-caused in California, wildfire behavior is largely driven by topography, fuel, climatic conditions, and fire weather (such as low humidity and high winds). How a development project is planned within the landscape determines to what extent it will influence fire risk.<sup>38</sup> For example, if a project site is located in a wind corridor, above-ground power lines may become a source of ignition. Similarly, siting residential structures in rugged terrain or on the top of steep hills may increase the wildfire risk. By contrast, if a project site includes landscape features that could prevent or slow the spread of fire, such as a lake or an irrigated golf course, the development may be strategically located so as to capitalize on that feature as a natural fuel break.<sup>39</sup>

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<sup>35</sup> See generally Alexandra D. Syphard, et. al., *Multiple-Scale Relationships between Vegetation, the Wildland-Urban Interface, and Structure Loss to Wildfire in California* (Mar. 12, 2021) MDPI FIRE 2021.

<sup>36</sup> Max A. Moritz, et al., *Learning to Coexist with Wildfire* (2014) NATURE 515(7525), at p. 64; see also Alexandra D. Syphard, et. Al., *Multiple-Scale Relationships between Vegetation, the Wildland-Urban Interface, and Structure Loss to Wildfire in California* (March 12, 2021) MDPI FIRE 2021.

<sup>37</sup> See Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) FREMONTIA, 47(2), at p. 31.

<sup>38</sup> See generally Max Moritz, et al., *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Apr. 2020) University of California Agriculture and Natural Resources, Publication 8680, available at <https://escholarship.org/uc/item/6n12m6pn>; Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) FREMONTIA, 47(2), at pp. 28-35, available at <https://pubs.er.usgs.gov/publication/70215982>.

<sup>39</sup> See Max Moritz, et al., *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Apr. 2020) University of California Agriculture and Natural Resources, Publication 8680, at p. 10, available at <https://escholarship.org/uc/item/6n12m6pn>; see also Conservation Biology Institute, *Paradise Nature-Based Fire Resilience Project Final Report* (June 2020), available at [https://d2k78bk4kdhbpr.cloudfront.net/media/reports/files/CBI\\_Paradise\\_Final\\_Report\\_for\\_Posting\\_Online.pdf](https://d2k78bk4kdhbpr.cloudfront.net/media/reports/files/CBI_Paradise_Final_Report_for_Posting_Online.pdf) [An examination of how siting and greenbelts may have protected homes during the Paradise fire]. Siting of a new fire-resistant development between wildlands and existing development may even serve as a protective barrier for the existing development. But there can still be some risk of ember spread if the new development succumbs to fire. See Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) FREMONTIA, 47(2), at pp. 28-35, available at <https://pubs.er.usgs.gov/publication/70215982>; California Council on Science and Technology, *The Costs of Wildfire in California* (Oct. 2020), at p. 67, available at <https://ccst.us/reports/the-costs-of-wildfire-in-california/>.

- **Water Supply and Infrastructure:** As part of evaluating a project’s wildfire risk impacts, an EIR should analyze the adequacy of water supplies and infrastructure to address fire-fighting within the project site.<sup>40</sup> This analysis should consider the potential loss of water pressure during a fire, which may decrease available water supply<sup>41</sup> and the potential loss of power, which may eliminate the supply.<sup>42</sup>

To understand how a project may exacerbate the risk of wildfire, an EIR should qualitatively assess these variables and also use fire modeling and other spatial and statistical analyses to quantify the risks to the extent feasible. Experts should utilize fire models to account for various siting and design elements, as well as a variety of different fire scenarios. The modeling should include scenarios for fires that start in, near, and far from the project site, as well as extreme weather conditions that exacerbate fire spread.

Lead agencies are encouraged to develop thresholds of significance that either identify an increase in wildfire risk as a significant impact or determine, based on substantial evidence, that some increase in the risk of wildfires is not considered a significant impact. Relevant factors should include the project’s impact on ignition risk, the likelihood of fire spread, and the extent of exposure for existing and new residents based on various fire scenarios. Modeling the various scenarios enables local agencies to quantify increased wildfire risks resulting from a project adding more people to wildfire prone areas and to assess the risks according to the threshold of significance.

Some EIRs have concluded that the conversion of some wildland vegetation into paved development reduces or does not increase wildfire risk. This conclusion is contrary to existing evidence and the well-accepted understanding that the fundamental driver of increased wildfire risk is the introduction of people into a flammable landscape.<sup>43</sup> Accordingly, the conversion of vegetation into developed land does not obviate the need for lead agencies to carefully consider and model how the addition of development into wildfire prone areas contributes to the risk of wildfire.

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<sup>40</sup> See Max Moritz, et al., *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Apr. 2020) University of California Agriculture and Natural Resources, Publication 8680, at p. 19 and Appendix B, available at <https://escholarship.org/uc/item/6n12m6pn>.

<sup>41</sup> See Max Moritz, et al., *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Apr. 2020), at p. 19, University of California Agriculture and Natural Resources, Publication 8680, available at <https://escholarship.org/uc/item/6n12m6pn>.

<sup>42</sup> See Alexandra D. Syphard, *Nexus Between Wildfire, Climate Change and Population Growth in California* (2020) *FREMONTIA*, 47(2), at p. 26.

<sup>43</sup> See Heather Anu Kramer, et al., *High Wildfire Damage in Interface Communities in California* (2019) *INTERNATIONAL JOURNAL OF WILDLAND FIRE*, available at [https://www.fs.usda.gov/nrs/pubs/jrnl/2019/nrs\\_2019\\_kramer\\_001.pdf](https://www.fs.usda.gov/nrs/pubs/jrnl/2019/nrs_2019_kramer_001.pdf); see also Exhibit A to the Final Statement of Reasons for Regulatory Action re Amendments to the State CEQA Guidelines, OAL Notice File No. Z-2018-0116-12, at p. 212, available at [https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/2018\\_CEQA\\_ExA\\_FSOR.pdf](https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/2018_CEQA_ExA_FSOR.pdf).

### C. Analyzing the project's impact on evacuation and emergency access

The addition of new development into high wildfire risk or adjacent areas may impact the evacuation of project residents, as well as the existing population (e.g., residents, workers, students, visitors, and possibly livestock) in the area and the ability of emergency responders to simultaneously access the area to fight wildfire. This can, in turn, impact the risk and extent of large-scale fire spread and community safety within and around the new development. The EIR should evaluate these impacts both during construction and over the life of the project. The required analysis is relative to a project's impacts and risks; e.g., a higher density infill project within an already developed area would likely not require the same level of analysis as a new low-density development within the wildland-urban interface and surrounded largely by open space.<sup>44</sup>

For projects located in high wildfire risk areas that present an increased risk of ignition and/or evacuation impacts, evacuation modeling and planning should be considered and developed at the time of project review and approval—when there is greater flexibility to modify a project's design, density, siting, and configuration to address wildfire considerations—rather than deferred to a later stage of the development process. Lead agencies will be best-positioned to ensure proposed development projects facilitate emergency access and ease constraints on evacuation with this information in hand prior to project approval. The ultimate objective is to allow for informed decision-making that minimizes the environmental and public safety hazards associated with new developments that increase the risk of ignition and impede evacuation in high wildfire prone areas.

Evacuation modeling and analysis should include the following:

- Evaluation of the capacity of roadways to accommodate project and community evacuation and simultaneous emergency access.
- Assessment of the timing for evacuation.
- Identification of alternative plans for evacuation depending upon the location and dynamics of the emergency.
- Evaluation of the project's impacts on existing evacuation plans.
- Consideration of the adequacy of emergency access, including the project's proximity to existing fire services and the capacity of existing services.
- Traffic modeling to quantify travel times under various likely scenarios.

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<sup>44</sup> See Max Moritz, et al., *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Apr. 2020), University of California Agriculture and Natural Resources, Publication 8680, at p. 5, available at <https://escholarship.org/uc/item/6n12m6pn> [describing the benefits of infill development].

In considering these evacuation and emergency access impacts, lead agencies may use existing resources and analyses, but such resources and analyses should be augmented when necessary. For example, agencies should:

- Utilize information from the EIR’s analysis of traffic/transportation impacts, but they should not limit themselves to that information, which may not reflect the impact of emergency conditions on travel times.
- Consult with local fire officials and ensure that assumptions and conclusions regarding evacuation risk are substantiated with sound facts. Emergency conditions may not allow for ideal evacuation scenarios—staggered, staged, or targeted evacuation in response to a wildfire may sometimes be possible, but human behavior is difficult to predict and wildfires can be erratic, unpredictable, and fast-moving.<sup>45</sup>
- Consider impacts to existing evacuation plans, but recognize that, depending on the scope of an existing evacuation plan, additional analyses or project-specific plans may be needed. Community evacuation plans often identify roles and responsibilities for emergency personnel and evacuation routes, but do not necessarily consider the capacity of roadways, assess the timing for community evacuation, or identify alternative plans for evacuation depending upon the location and dynamics of the emergency.
- Avoid overreliance on community evacuation plans identifying shelter-in-place locations. Sheltering in place, particularly when considered at the community planning stage,<sup>46</sup> can serve as a valuable contingency, but it should not be relied upon in lieu of analyzing and mitigating a project’s evacuation impacts.<sup>47</sup>

Local jurisdictions are encouraged to develop thresholds of significance for evacuation times. These thresholds should reflect any existing planning objectives for evacuation, as well as

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<sup>45</sup> See FEMA and U.S. Fire Administration, *Wildland Urban Interface: A Look at Issues and Resolutions* (June 2022), available at <https://www.usfa.fema.gov/downloads/pdf/publications/wui-issues-resolutions-report.pdf>.

<sup>46</sup> FEMA, *Planning Considerations: Evacuation and Shelter-in-Place* (July 2019), available at <https://www.fema.gov/sites/default/files/2020-07/planning-considerations-evacuation-and-shelter-in-place.pdf>. The distinction between temporary shelter-in-place locations and buildings designed or retrofitted for longer term shelter-in-place should also be considered. See Max Moritz, et al., *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Apr. 2020) University of California Agriculture and Natural Resources, Publication 8680, at p. 17, available at <https://escholarship.org/uc/item/6n12m6pn> [discussing the difference between “safety zones”—areas with little flammable vegetations, such as golf courses—versus buildings that are designed to provide protection from heat and embers while the front of a fire passes, typically for a duration of at least 30-60 minutes].

<sup>47</sup> See Mejia, *Pepperdine University Defends ‘Shelter in Place’ Decision During Woolsey Fire*, Los Angeles Times (Nov. 13, 2018), available at <https://www.latimes.com/local/lanow/la-me-ln-pepperdine-shelter-20181113-story.html>; Chandler, *Am I Going to Stay in the Parking Lot . . . While the Fires Burn Around Me?*, Record Searchlight (Dec. 12, 2019), available at <https://www.redding.com/in-depth/news/2019/04/25/california-wildfire-shelter-place-plans-questioned-evacuation-preparation/3427075002/>.

informed expert analysis of safe and reasonable evacuation times given the existing and proposed development. Local jurisdictions should consider whether any increase in evacuation times for the local community would be a significant impact. A conclusion that an increase in evacuation times is a less than significant impact should be based on a threshold of significance that reflects community-wide goals and standards.

In establishing thresholds, local jurisdictions should consider referring to successful evacuations from prior emergencies within their community or similarly situated communities. The thresholds should include, but not be limited to, whether the project creates an inconsistency with: (1) an adopted emergency operations or evacuation plan; (2) a safety element that has been updated per the requirements in Government Code sections 65302(g)(5) and 65302.15 to integrate wildfire and evacuation concerns; or (3) recommendations developed by the California Board of Forestry and Fire Protection regarding the safety of subdivisions pursuant to Public Resources Code section 4290.5.

#### **D. Mitigating wildfire risk, evacuation, and emergency access impacts**

If a project presents significant increased wildfire risks and/or evacuation and access impacts, CEQA requires the lead agency to consider and adopt feasible alternatives and mitigation measures to avoid or reduce the project's impacts (or make a finding of overriding consideration).<sup>48</sup> Not all project design features or mitigation measures will achieve the same reduction in impacts for every project—the effects and effectiveness of measures will vary geographically and by project. An EIR that baldly concludes that certain project design features or mitigation measures will reduce or eliminate all potential wildfire risks, without first describing those risks, fails to fully analyze the project's impacts. Compressing the analysis of impacts and mitigation deprives decision makers of a full description of the project's adverse impacts and, therefore, fails to equip the decision makers with the necessary information to properly address the impacts by adopting project design features, mitigation measures, or alternatives. To avoid this error and provide for better project design, the project EIR should first analyze the increased wildfire risks and evacuation impacts, and then consider feasible mitigation and alternatives to avoid or reduce those impacts.

Set forth below are some examples of potential mitigation measures and design alternatives that may reduce wildfire risk impacts. This list is not exclusive and a lead agency's adoption of some or all of these mitigation measures for a particular project may not be sufficient to comply with CEQA's requirement to adopt all feasible mitigation measures.

- Increasing housing density and consolidated design, relying on higher density infill developments as much as possible.
- Avoidance and minimization of low-density exurban development patterns or leapfrog-type developments (i.e., those with undeveloped wildland between developed areas).

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<sup>48</sup> Pub. Resources Code, § 21081.

- Decreasing the extent and amount of “edge,” or interface area, where development is adjacent to undeveloped wildlands.
- Creation of buffer zones and defensible space within and adjacent to the development, with particular attention to ensuring that vegetation will not touch structures or overhang roofs.<sup>49</sup> It is also important that legal obligations are structured so that defensible space measures are retained over time.<sup>50</sup>
- Siting projects to maximize the role of low-flammability landscape features that may buffer the development from fire spread.
- Undergrounding power lines.
- Limiting development along steep slopes and amidst rugged terrain, so as to decrease exposure to rapid fire spread and increase accessibility for fire-fighting.
- Placement of development close to existing or planned ingress/egress and designated evacuation routes to efficiently evacuate the project population and the existing community population, consistent with evacuation plans, while simultaneously allowing emergency access.
- Placement of projects close to adequate emergency services.
- Construction of additional points of ingress and egress and modification of evacuation routes to minimize or avoid increasing evacuation times or emergency access response times.
- Fire hardening structures and homes—upgrading the building materials and installation techniques to increase the structure’s resistance to heat, flames, and embers—beyond what is required in applicable building codes, both for new structures and existing structures in proximity to the new development.
- Requiring fire-hardened communication to the project site including high-speed internet service.
- Enhanced communication to the project population about emergency evacuation plans and evacuation zones.
- Parking limitations to ensure access roads are not clogged with parked vehicles.
- On-site water supply/storage to augment ordinary supplies that may be lost during a wildfire.

In all situations, mitigation measures should be combined and tailored to the specifics of the project, the surrounding landscape, and nearby existing uses. In some contexts, the mitigation measure itself may have an adverse impact that should be evaluated in an EIR. In addition,

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<sup>49</sup> Note, however, that defensible space around homes does not alone tend to account for structural survival. See Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) *FREEMONTIA*, 47(2), at p. 32, available at <https://pubs.er.usgs.gov/publication/70215982>; Alexandra D. Syphard et al., *The Role of Defensible Space for Residential Structure Protection During Wildfires* (Oct. 14, 2014) *INTERNATIONAL JOURNAL OF WILDLAND FIRE*, available at <http://dx.doi.org/10.1071/WF13158>.

<sup>50</sup> See Max Moritz, et al., *Building to Coexist with Fire: Community Risk Reduction Measures for New Development in California* (Apr. 2020), at p. 12, University of California Agriculture and Natural Resources, Publication 8680, available at <https://escholarship.org/uc/item/6n12m6pn>.

mitigation measures may not provide the same level of protection or mitigation in all scenarios.<sup>51</sup> For example, home hardening has been shown to be an extremely effective measure for preventing structure loss during a wildfire. The California Building Code was updated in 2008 to require more advanced fire hardening and homes built to the revised standards were shown to be 40 percent less likely to be destroyed by a wildfire than similarly situated homes built prior to the update.<sup>52</sup> However, home hardening by itself may not be an adequate mitigation measure in all situations. During the Camp Fire, which swept through Paradise in 2018, homes built before and after the 2008 Building Code update were destroyed at roughly equal rates.<sup>53</sup> Home hardening in conformance with the 2008 Building Code alone did not meaningfully effect survivability; rather, proximity to other destroyed structures, the extent of vegetative overstory, and defensive space around homes was more relevant to whether or not a home survived.<sup>54</sup> While home hardening may be a worthy measure, this highlights the importance of combining measures, with an awareness to overall landscape conditions, to maximize public safety and minimize wildfire-related losses. It also demonstrates that defensive measures can improve but do not guarantee survivability, which highlights the continued importance of planning for evacuation and emergency access.

## VII. Conclusion

As climate change and housing pressure continue to impact the State's landscape, wildfire risks, and development needs, local agencies need to thoroughly evaluate where and how new development is planned and constructed. With careful forethought during the various planning processes and thoughtful environmental review at the individual project development stage, new development can be designed and positioned to minimize future wildfire risks, enhance fire resiliency of our communities, and protect the health and safety of California's residents and natural resources. While the applicable rules, requirements, and analytical tools to reduce wildfire risk are evolving, this guidance is intended to provide suggestions for how best to comply with CEQA when analyzing and mitigating the wildfire risks of development projects in the wildland-urban interface and other fire prone areas.

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<sup>51</sup> See Alexandra D. Syphard, et al., *Multiple-Scale Relationships between Vegetation, the Wildland-Urban Interface, and Structure Loss to Wildfire in California* (Mar. 12, 2021), at p. 13, MDPI FIRE 2021 [noting that “the most effective fire risk reduction approach will account for multiple factors at multiple scales and will incorporate simultaneous strategies”].

<sup>52</sup> Patrick W Baylis, et al., *Mandated vs. Voluntary Adaptation to Natural Disasters: the Case of U.S. Wildfires* (Dec. 2021), National Bureau of Economic Research, available at <https://www.nber.org/papers/w29621>.

<sup>53</sup> Eric E. Knapp, et al., *Housing Arrangement and Vegetation Factors Associated with Single-Family Home Survival in the 2018 Camp Fire, California* (2021) FIRE ECOLOGY 17:25, available at <https://fireecology.springeropen.com/track/pdf/10.1186/s42408-021-00117-0.pdf> [37 percent of homes built between 1997 and 2008 survived, while 44 percent of homes built between 2008 and 2018 survived].

<sup>54</sup> Eric E. Knapp, et al., *Housing Arrangement and Vegetation Factors Associated with Single-Family Home Survival in the 2018 Camp Fire, California* (2021) FIRE ECOLOGY 17:25, available at <https://fireecology.springeropen.com/track/pdf/10.1186/s42408-021-00117-0.pdf>.

## Marja Ambler

---

**From:** Ann Nichols <preserve@ntpac.org>  
**Sent:** Tuesday, December 13, 2022 9:43 AM  
**To:** John Hester; 'Ann Nichols'; Julie Regan; Jacob Stock; Marja Ambler  
**Cc:** Cindy.Gustafson; 'Hill, Alexis'; 'Rinnn'; 'C Munch'; Gavin Feiger; 'Alexis Ollar'; 'leah kaufman'; Kristina Hill; 'Doug Flaherty'; 'Tobi Tyler'; 'Carolyn Willete'; jmtornese@aol.com; 'Pamela Tsigdinos'; 'Ron Grassi'; 'Ellie'; jesse@keptahoebblue.org  
**Subject:** RE: 12/8 Placer Planning Hearing

John, (Marja-Please distribute this to RPIC and GB and APC)

Thank you for this confirmation for Placer. I saw a Tahoe Basin average number in the 100's of amendment docs. Do you know that number and if it applies to "deed restricted" housing?

At 6% financing considering 28% of the yearly income is applicable to financing---Placer County would allow:

Sf Achievable could borrow	\$1.245m	sales price w/20% downpayment	sales price	\$1.55m	
MF Achievable could borrow					
\$944,000	"	"	"	\$1.18m	
Moderate income could borrow	\$515,000	"	"	"	\$643,700
Affordable income could borrow	\$343,000	"	"	"	\$427,000

As we've said many times, if you are a developer that has to build "deed restricted" for extra entitlements. If you are not restricted to moderate or affordable...which would you build? MORE LUXURY CONDOS.

This is really unbelievably poor planning. You stated TRPA approves of the Placer County amendments. This is not helping the lack of affordable housing.

Ann Nichols



**North Tahoe Preservation Alliance**

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TikTok Video: <https://www.tiktok.com/@northtahoepreservation? t=8XCELbNFbSt& r=1>

Instagram Video: <https://www.instagram.com/northtahoepreservation/>

**From:** John Hester <jhester@trpa.gov>

**Sent:** Monday, December 12, 2022 4:03 PM

**To:** Ann Nichols <preserve@ntpac.org>; Julie Regan <jregan@trpa.gov>; Jacob Stock <jstock@trpa.gov>

**Cc:** Cindy.Gustafson <cindygustafson@placer.ca.gov>; 'Hill, Alexis' <AHill@washoecounty.gov>; 'Rinnn' <rinnn@aol.com>; 'C Munch' <cmunch4@gmail.com>; Gavin Feiger <gavin@keptahoeblue.org>; 'Alexis Ollar' <alexis@mapf.org>; 'leah kaufman' <leah.lkplanning@sbcglobal.net>; Kristina Hill <tahoehills@att.net>; 'Doug Flaherty' <tahoebblue365@gmail.com>; 'Tobi Tyler' <tylertahoe1@gmail.com>; 'Carolyn Willete' <carolyntahoe@sbcglobal.net>; jmtornese@aol.com; 'Pamela Tsigdinos' <ptsigdinos@yahoo.com>; 'Ron Grassi' <ronsallygrassi@mac.com>; 'Ellie' <tahoellie@yahoo.com>; ann@annnichols.com

**Subject:** RE: 12/8 Placer Planning Hearing

Ann:

Here are the Placer County affordable, moderate, and achievable numbers. These numbers, along with the achievable methodology, are listed in the document here: [https://www.trpa.gov/wp-content/uploads/documents/2021-Income-Limits\\_Rent\\_Sale-Guidance.pdf](https://www.trpa.gov/wp-content/uploads/documents/2021-Income-Limits_Rent_Sale-Guidance.pdf)

Affordable and moderate income levels are based on State and US HUD requirements.

**Placer County**

2022 Area Median Income (3-person household): \$92,000

2019 - 2021 Median Multi-Family Sale Price: \$668,635

2019 - 2021 Median Single-Family Sale Price: \$897,037

Income Level	Annual Income	Bonus Unit Incentive L
80% of Area Median Income	\$73,600	AFFORDABLE
120% of Area Median Income	\$110,400	MODERATE
220% of Area Median Income	\$202,400	MF ACHIEVABLE
290% of Area Median Income	\$266,800	SF ACHIEVABLE

Source: California Department of Housing and Community Development (HCD), South Tahoe Association of Realtors Multiple Listing Service

We don't set the sale and/or rent price of these units if they receive a bonus unit and are deed restricted. By limiting the income of the occupant, the price that can be charged to sell the unit or rent the unit is effectively limited.

John

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**Subject:** RE: 12/8 Placer Planning Hearing

John, I have also asked Placer County and they didn't know either. How can the counties and TRPA determine what deed restricted housing is being targeted or if it is the appropriate lever to "solve the housing crisis" if you don't know what sales and rental prices you are hitting? You are changing code blind. Obviously, the developers will build the most expensive deed restricted housing they can to make the most profit. That would be achievable. Which I calculate at 7% is over \$1m.

These numbers will change, but not by that much.

This needs to be determined at least in a range before any other amendments are considered.

Thanks,

Ann Nichols



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Instagram Video: <https://www.instagram.com/northtahoepreservation/>

**From:** John Hester <[jhester@trpa.gov](mailto:jhester@trpa.gov)>  
**Sent:** Monday, December 12, 2022 9:03 AM  
**To:** Ann Nichols <[preserve@ntpac.org](mailto:preserve@ntpac.org)>; Julie Regan <[jregan@trpa.gov](mailto:jregan@trpa.gov)>; Jacob Stock <[jstock@trpa.gov](mailto:jstock@trpa.gov)>  
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**Subject:** RE: 12/8 Placer Planning Hearing

Ann:

The tables below show the information that will be provided to RPIC and are what I used for my comments to the Placer County Planning Commission.

	Population <sup>1</sup>	Employment <sup>1</sup>	Vehicle Miles Travelled <sup>2</sup>
2000	62,843	27,198	Not A
2001	Not Available	Not Available	1,
2020	55,667	24,011	8
Numeric Change	-7,176	-3,187	-
Percentage Change	-11.4%	-11.7%	

<sup>1</sup> US Census Bureau

<sup>2</sup> Highway Performance Monitoring System figures are for the California part of the Basin. The figure for 2019 is 1,014,920 which is a decrease of 5.4%. The 2019 figure and percentage are provided as the 2020 figure may reflect the impact of the COVID-19 pandemic for March and later months in that year.

	Residential Units	Commercial Square Feet	Tourist Accommoda Units
2012	46,962	6,403,893	

Change 2012-2022	943	-50,301	
Remaining	3,525	731,397	
Total	51,430	7,084,989	

The development rights figures that are shown are based on the best available information. A full cumulative accounting of the development rights and remaining development will be completed as part of the next 4-year threshold evaluation report and may result in slightly different final figures.

I will send you our latest calculations of achievable, moderate, and low income based on the most recent AMI when I receive them. We do not provide sales or rental prices. Perhaps the real estate association covering that area can provide that information to you.

John

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**Subject:** RE: 12/8 Placer Planning Hearing

John, the data you quoted at the Planning hearing would be great to have before rpac.



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**From:** John Hester <[jhester@trpa.gov](mailto:jhester@trpa.gov)>  
**Sent:** Friday, December 9, 2022 8:58 PM  
**To:** Ann Nichols <[preserve@ntpac.org](mailto:preserve@ntpac.org)>; Julie Regan <[jregan@trpa.gov](mailto:jregan@trpa.gov)>; Jacob Stock <[jstock@trpa.gov](mailto:jstock@trpa.gov)>  
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**Subject:** RE: 12/8 Placer Planning Hearing

Ann:

I will get you the information you requested as soon as possible. We generate figures on low, moderate, etc. by County based on the latest income data we have so I will need to work with the appropriate staff person early next week to get that updated information for Placer County. I will be presenting the same figures on population, etc. to the RPIC so they will have the same information I presented at the Placer County Planning Commission.

John

John B. Hester, AICP  
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**From:** Ann Nichols <[preserve@ntpac.org](mailto:preserve@ntpac.org)>

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**To:** John Hester <[jhester@trpa.gov](mailto:jhester@trpa.gov)>; Julie Regan <[jregan@trpa.gov](mailto:jregan@trpa.gov)>; Jacob Stock <[jstock@trpa.gov](mailto:jstock@trpa.gov)>

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**Subject:** 12/8 Placer Planning Hearing

Dear John, (please distribute to the rest of RPIC)

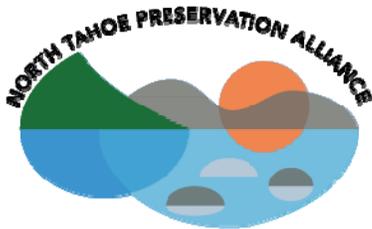
Can you send us your stats regarding population etc.(including date ranges) from the presentation? Also, can you provide a breakdown of sales prices and rental prices for low income, moderate or affordable income and achievable income units today?

We've asked Placer County, but they haven't provided a response.

Our concern is that the Placer County amendments, which you said TRPA supports, will only provide more market rate condominiums. If you are a developer and there is no cap on what you have to build re:"deed restricted", they will build the most expensive units allowed. That solution won't help Tahoe and the nation's housing crisis.

Thank you in advance,

Ann Nichols



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