

From: Linda Sheldon <rlsheldon50@gmail.com>
Sent: 11/15/2023 8:49:05 AM
To: Public Comment <PublicComment@trpa.gov>
Subject: distribute to trap governing board

I have bee lucky enough to live in Tahoe since 1976 . I came here from LA to enjoy a better quality of life and that has truly been the case. I raised my children here and my husband had a small business here. Living here was once affordable!

Tahoe City needs some improvement. I agree with that, but not with high rises and buildings that don't enhance the integrity of this beautiful community! Tourists come here to soak up this charm and enjoy the small town atmosphere. They want to get away from the hustle and bustle .

Having worked in the hospitality industry for all my years here I can tell you that it has never been harder to get employees as there is not much affordable housing . We need it desperately!

So many issues to take into account! The TRPA used to be a different entity but now seems to be driven only by the almighty buck without concern for our community.

Do the right thing and keep our beautiful lake the very unique and amazing place that it is meant to be while making smart and forward thinking decisions.

Thank You,

Linda Sheldon

Sent from my iPad

From: Jennifer Vadenais <jenn.vadenais@gmail.com>
Sent: 11/15/2023 7:27:53 AM
To: Public Comment <PublicComment@trpa.gov>
Subject: Public comment re: Housing Amendments

My name is Jennifer Vadenais. I am 37 years old. I was raised in North Lake Tahoe and lived here until I went to college. My husband grew up locally in Gardnerville and is an engineer in Truckee, CA. We would have given anything to remain here, purchase a home, and raise our family of two young children, but there wasn't anything affordable that we could buy with a yard. We ended up purchasing a house near Portola in the Sierra Valley. The commute is hard on both of us between juggling the children and work. Providing workforce or affordable housing is a worthy goal, but from what I read about the "achievable housing," it is not going to be affordable even for two professionals. Our mortgage is under \$2,000 a month. It is not going to be desirable as we don't want to live in a high rise in a small apartment with children in the middle of town. We would have rented longer but all the houses are now for short-term rentals or sit vacant. We hope that the County and TRPA are doing something about that for others in our situation.

We love Lake Tahoe as our roots are here, but we are very concerned about its future. Please do not allow the character and more rural nature of the North Shore to be changed with dense, and tall buildings and the areas outside the town to have unlimited density. These changes will never service the needs of my family yet could change the look and feel of our beautiful area forever.

Sincerely

Jennifer Vadenais

From: Craig Lemons <craiglemons79@gmail.com>
Sent: 11/15/2023 8:35:19 AM
To: Allan <allan.renwick@yahoo.com>; Ann Nichols <preserve@ntpac.org>; Jim Pace <jlpace10@yahoo.com>; JoAnn Cassas <jcassas@yahoo.com>; Linda Valle <lindasvalle@gmail.com>; Shane Kraus <smkraus2105@gmail.com>; Suzan Lemons <suzanlemons3@gmail.com>
Subject: Proposed building amendments

Good morning

My name is Craig Lemons, I live in Reno, but I am a property owner in Kings Beach

I have participated in many of the public information meetings over the last year. I don't feel like my concerns or other citizens concerns are being heard or listened to.

I believe and so do many of my friends who are homeowners in Kings Beach that these proposals are being fast tracked and are not getting the proper scrutiny that they need.

I believe that a new environmental analysis needs to be done now, not later, after amendments are passed

I do not feel that public safety, nor traffic congestion nor visual impact have been addressed in these new proposals. Public input has been minimal.

As a sidenote, when a development is proposed in Reno, mailers are sent out to everyone involved, the proposed building amendments will have a huge impact on not just people in Placer County, but all throughout the Tahoe basin

I am requesting that these proposals be stepped back and further analysis be done on their potential impacts

Thank you
Suzan and Craig Lemons

From: Lori Campusano <campgirls@sbcglobal.net>
Sent: 11/15/2023 5:34:07 AM
To: Public Comment <PublicComment@trpa.gov>
Subject: Comments Re: Phase 2 Housing Amendments - 11/15 RPIC Meeting

To Whom It May Concern;

Please do not approve your plan to **increasing building heights, lot coverage, and density** in Tahoe's Town Centers and adjacent zones. While certain specific parcels may be able to accommodate these incentives, **a one-size-fits-all approach sprawling** for Town Centers **will have negative impacts on natural resources, community character, and public safety.**

Help save Lake Tahoe!

Sincerely,

Lori Campusano

Sent from my iPhone

From: Tobi Tyler <tylertahoe1@gmail.com>
Sent: 11/14/2023 9:27:51 PM
To: Public Comment <PublicComment@trpa.gov>
Subject: TRPA's RPIC Meeting November 15, 2023
Attachments: [SC comments for RPIC 11.15.23.pdf](#)

Please see the Sierra Club's comments attached for the TRPA's RPIC meeting tomorrow and distribute these comments to the RPIC and Governing Board members before the meeting.

Thank you,
Tobi Tyler



Date: November 15, 2023

Sierra Club Tahoe Group Comments to TRPA's RPIC

The Sierra Club Tahoe Group objects to TRPA's Phase 3 Housing Amendments to their Code of Ordinances and requests the Regional Planning Implementation Committee members vote it down. The Sierra Club fully supports true affordable housing in the Tahoe Basin (see Sierra Club California Policy [here](#)), which these amendments will not accomplish. What the Sierra Club would wholeheartedly support are more projects like the Sugar Pine Village, not this developer-guided plan to provide for the "missing middle" or "achievable housing," a category that the California Housing Code does not even recognize and has nothing to do with providing affordable housing for the workers of the tourist economy in the Basin. The proposal is designed to only encourage/incentivize rather than mandate affordable housing. What is being proposed will provide no assurances or enforcement mechanisms that what is built will be truly affordable, therefore it won't be built as such. Consequently, these amendments are a ruse and a give-away to developers who, through the TRPA-sanctioned Tahoe Prosperity Center, have devised this charade to increase high-end development in the Basin. These Tahoe amendments came in as an "Economic Sustainability and Housing" Trojan horse, and, if approved, would only serve to incentivize developers and those eager to further exploit Tahoe's scenic beauty for profit.

Allowing heights up to 65 feet is not necessary to increase truly affordable housing in Tahoe. What TRPA needs to develop is some backbone and political will. TRPA was formed in part because of the high-rise casinos at Stateline. This current plan to build high-rise housing is unnecessary and reckless. TRPA should do the following to create more affordable housing in the Basin:

- 1) Remove the "achievable" category, or mandate that that all the deed-restricted housing is truly affordable.
- 2) Require new developments (hotels, retail, etc.) AND large existing resort employers to provide workforce housing on site.
- 3) Severely cap STRs throughout the Tahoe Basin and increase fines and enforcement measures to ensure compliance.
- 4) Fund programs such as [Lease to Locals](#).
- 5) Provide incentives toward repurposing abandoned buildings and converting existing structures from empty commercial spaces to housing instead of focusing only on new building units.

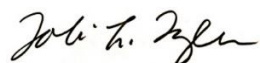
In addition, NPDES stormwater requirements are being allowed to be violated by these code amendment changes by not requiring stormwater collection and treatment on site. TRPA needs to slow down the approval of these massive changes to their code. Why are these changes being so thoroughly rushed and crammed down the public's throat when the public is certainly outraged and want TRPA to get back to the basics of protecting the lake.

The Sierra Club also opposes the use of the initial environmental checklist (IEC) for these proposed changes as they do not come close to adequately evaluating the environmental impacts of these changes and it will severely impact public safety during an evacuation caused by climate-change induced wildfire risks in the Basin. Traffic is already at gridlock levels around the lake much of the year. If a full EIS is required for Phase 3 of this "Economic Sustainability and Housing" Trojan horse, then a full EIS is required for Phase 2.

Cumulative impacts of these proposed changes have not been evaluated which is in violation of CEQA and NEPA. The human carrying capacity in the Tahoe Basin is already beyond strained and is at a breaking level with the Lake's nearshore water quality severely impaired with algae and cyanobacteria blooms, microplastic levels in the lake higher than even in the ocean gyres, lead levels in the lake's waters surpassing the EPA-approved limit by more than 2,500 times, and a trash problem that is now infamous around the world such that travel guides are warning the public to stay away. This developer give-away is unjustified, lacks adequate environmental analysis and increase the already rapid trajectory of lake degradation. In addition, Tahoe Living Working Group is not complying with CEQA in terms of its phases because the phases are being piecemealed under the IEC process.

The TRPA needs to develop and provide to the public a new or supplemental EIS/EIR to the 2012 Regional Plan because the proposed amendments will have significant adverse effects that were not considered in the 2012 EIS/EIR. For instance, the proposal does not provide enough evaluation of the capacity in the existing storm water facilities to allow these changes in the code and ensure that all stormwater is collected and treated. Leaving the stormwater requirements and snow removal on walkways up to the developer and local jurisdiction is abdicating TRPA's responsibility. Additionally, due to the vast number of changes that have occurred during the last 11 years since the Regional Plan was updated, the proposal to adopt these amendments with the inadequately-justified IEC is a dereliction of TRPA's duty under the Tahoe Compact.

Thank you for your considering these comments.

A handwritten signature in cursive script, appearing to read "Tobi Tyler".

Tobi Tyler, Sierra Club's Tahoe Area Group

From: preserve@ntpac.org <preserve@ntpac.org>
Sent: 11/14/2023 8:31:45 PM
To: Public Comment <PublicComment@trpa.gov>
Cc: 'Ron Grassi' <ronsallygrassi@mac.com>; jmtornese@aol.com <jmtornese@aol.com>; 'Doug Flaherty' <tahoebblue365@gmail.com>; 'Tobi Tyler' <tylertahoe1@gmail.com>; 'carolyn willette' <carolynthoe@sbcglobal.net>; 'ellie Waller' <tahoellie@yahoo.com>; Kristina Hill <tahoehills@att.net>; 'leah kaufman' <leah.lkplanning@sbcglobal.net>; 'Alexis Ollar' <alexis@mapf.org>; Gavin Feiger <gavin@keeptahoebblue.org>; DarcieGoodman-Collins <Darcie@keeptahoebblue.org>; rinnn@aol.com <rinnn@aol.com>;
Subject: RPIC 11/15/23 Meeting
Attachments: [image001.png](#), [MAP Comments_ RPIC 11.15.23_TRPA Housing Amendments.pdf](#)

TRPA,

Please distribute the attached comments from Mountain Area Preservation to RPIC and Governing Board. Also, for the record please incorporate the attached comments from Mountain Area Preservation comments as part of North Tahoe Preservation Alliance Comments.

Thank you,

Ann Nichols



North Tahoe Preservation Alliance

P.O. Box 4

Crystal Bay, Nv. 89402

preserve@ntpac.org

775-831-0625

www.ntpac.org

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

Preserve Lake Tahoe (Video): <https://youtu.be/WKzPL-EwEUw>

TikTok Video: https://www.tiktok.com/@northtahoepreservation?_t=8XCELbNFbSt&_r=1

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





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November 14, 2023

Regional Plan Implementation Committee
Tahoe Regional Planning Agency
128 Market Street, Stateline, NV
Submitted via Email

Re: Phase 2 Housing Amendments, RPIC Meeting (11.15.23)

Dear TRPA Regional Plan Implementation Committee Members,

Thank you for the opportunity to provide public comments on the Phase 2 Housing Amendments. Mountain Area Preservation (MAP) is a grassroots environmental non-profit organization that has been engaging the community and advocating for sound land-use planning, protecting open space and natural resources, and preserving mountain character in Truckee Tahoe since 1987.

We are ardent advocates of workforce housing with a proven track record of working collaboratively with our non-profit partners, local jurisdictions, and developers to get workforce housing units built. We understand the challenges facing the greater region and the extreme importance of providing housing to the workforce and residents. Over the last thirty-six years, our advocacy has fostered the development of over 700 workforce housing units in Truckee, so we know what it takes to get these projects on the ground. We also know what it doesn't take. It doesn't take providing more height, density, and coverage. It doesn't take trading in our environment, natural resources, public safety, or community character. And it certainly doesn't take incentivizing sprawl. MAP urges you to vote no on the housing amendments before you today because we can do better for the workforce, and Tahoe.

Last week, we submitted comments to the Advisory Planning Commission (APC). Several of the questions we included in that letter were answered during the APC



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meeting, but our primary comments and suggestions remain and are included herein. During last week's meeting, the APC posed a number of excellent questions and comments. We'd like to reiterate a few of those points and ask that you consider those sentiments along with the comments we previously drafted.

Excellent Questions and Comments Made by the APC and Supported by MAP:

Environmental Review:

- During the APC meeting, staff stated they have funding to do a full Environmental Impact Statement (EIS) for Phase 3. Phase 3 includes a growth management system, equity and community engagement, fees, and permit streamlining. Why would that require an EIS while changes to land use (allowable height, density, and coverage) wouldn't?
- The Phase 2 Housing Amendments and Phase 3 Growth Management both require environmental review to be a complete and holistic process to envision land use changes and mitigation plans for workforce development, revitalization and redevelopment.
- It's deeply concerning that we're dependent on 2012 data to make decisions that will affect us for years to come.
- It makes no sense to NOT conduct an analytical environmental review for Phase 2 with a new EIS/EIR since new land use changes, including height, coverage, and density will in fact create an impact on the environment and future public safety. This was not analyzed in the 2012 RPU, and it requires disclosure under CEQA as well as a plan for mitigation.

Parking:

- People are going to park where they want to (probably where it's easiest to reach their intended destination), not necessarily where a parking plan says they should. This could push people to park in locations without BMPs in place, leading to adverse impacts on water quality. Has this potential impact been evaluated? How can this situation be proactively managed?



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- Most of the Basin does not have reliable transportation. One car per unit seems to be a reasonable amount.

Enforcement:

- There is no income cap on achievable housing, so enforcement of deed restrictions is critical.
- Staff stated that the TRPA is starting a more robust enforcement system. This system needs to be vetted and audited in the near future to ensure it's functioning as intended.

Scope:

- One member asked how many vacant properties these amendments could potentially apply to. Staff responded that there are 180 vacant and developable parcels in Town Centers and about 4 times that in adjacent transition and multi-family zones.
 - This is a broad approach. These amendments may make sense in certain places, but we need to be more thoughtful about where this would work. The TRPA should conduct a site analysis to identify specific parcels that could qualify for these incentives.
- We need to limit the amendments to Town Centers only for now and see if/how they work before expanding. Do not incentivize sprawl.

General Comments/Questions:

- Staff stated that subsidies will still be needed to make these projects pencil out. If that's the case, then what is the point of these amendments?
- Local jurisdictions should have the ability to opt in rather than opt-out. This would give local jurisdictions time to go to the community and devise a different plan if their constituents don't support these amendments.
- During the community planning process, some bonus units were allocated to the various jurisdictions. How were they allocated? How can we ensure that the remaining units are equitably distributed?



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- What can we do to reduce barriers for smaller projects (4, 6, 10 units) rather than incentivizing large-scale housing projects? The FlashVote Survey results indicate that there is more support for small multi-family buildings in areas that already allow for multi-family housing than any other housing type.

Mountain Area Preservation's Concerns

Mountain Area Preservation supports smart growth principles and the redevelopment of dilapidated infrastructure in Town Centers, but we do not support mountain sprawl. The TRPA has stated that these amendments intend to concentrate the Tahoe Basin's remaining development capacity and growth in Town Centers, yet the amendments incentivize growth outside of Town Centers in "Transition Zones" and multi-family zones. The Town Center boundaries were thoughtfully designed through a public input process with community buy-in and should be respected. Providing incentives in Transition Zones and multi-family zones essentially extends the Town Center boundary lines into areas that are not close to services. TRPA staff argue that these multi-family zones are near transit, but transit headways are long and unreliable.

Instead of developing creative solutions specific to Tahoe's unique mountain environment, these amendments rely solely on market-based proposals drafted by those who stand to profit and designed to incentivize massive housing projects with minimal parking that are out of character with most of the region's small communities. The proposed increases in allowable height, density, and lot coverage are concerning for many reasons. These amendments not only have the capacity to degrade community character and destroy scenic vistas, but they could also negatively impact water quality and clarity, wildfire evacuation risks, and public safety.

Establishing parking requirements of 0 in Town Centers and 0.75 in adjacent zones does not make sense in an area that already struggles with parking management. In a recent meeting, TRPA staff stated that 4% of the Basin's population does not have cars, but what about the other 96%? The unfortunate reality is that Tahoe's transit system is severely lacking and cannot currently accommodate the needs of the workforce, who



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frequently hold two or three jobs in different locations and need reliable transportation. Leaving it up to project applicants to develop successful parking management strategies is highly concerning. We've seen developers make too many promises that are not followed up on, especially without adequate enforcement mechanisms in place.

These ideas haven't been tested, and they haven't been analyzed through a meaningful environmental review process. There has been no new environmental analysis since 2012, when the Regional Plan was updated. Since then, neighboring communities, including Carson City, Reno, and Truckee, and land use patterns within the Basin have drastically changed. While a significant portion of the housing stock still serves as second homes, those homes are now used much more frequently as remote work has skyrocketed. Yet, that increase in use has not been captured nor analyzed; in fact residents have been told things have returned to post-pandemic conditions, which is far from the truth. TRPA and jurisdictions such as Placer County need to conduct new analyses and stop avoiding the necessary leadership needed for sound community planning. Where are the surveys to better understand these use patterns and their impacts?

The Initial Environmental Checklist (IEC) and Finding of No Significant Impact (FONSI) are incomplete, with no new analysis. The findings are based on the 2012 Environmental Impact Statement (EIS), but that analysis didn't consider high-density developments outside of Town Centers and the associated impacts related to this changed land-use pattern, with additional lot coverage and massing. The IEC admits that 100% coverage does have the potential to impact runoff and increase pollutants in surface waters, but it argues that because a relatively small amount of land would be impacted and because there is a new stormwater treatment requirement, the impacts would be less than significant. This sets a bad precedent for potential future amendments. Other projects may use this finding to argue that additional coverage does not lead to adverse environmental impacts when the project builds or connects to an areawide stormwater system.



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The current documents rely on the fact that there would be no overall increase in density in the plan area, so many impacts would more or less be transferred from one location to another. This perspective is flawed because the amendments do not guarantee any protection of undeveloped areas or open space. Additionally, there has been no analysis related to the status of the 2012 EIS's mitigation measures or Regional Plan performance standards. We do not know to what extent the mitigation measures have been implemented, whether they are functioning as expected, or if new mitigation measures should be established.

The amendments target affordable, moderate, and achievable housing and use these terms interchangeably, but they are unequal. The achievable housing definition is riddled with loopholes allowing folks to qualify who do not physically work within the region. What is to stop these new units from becoming ski leases and second homes? That has already happened in Truckee, where stakeholders such as MAP have had to force audits to illustrate how the enforcement of deed restrictions is severely lacking. We've seen firsthand how units intended for the local workforce have been misused. Without enforcement of deed restrictions and regular audits, these requirements are meaningless.

Suggestions/Solutions

As workforce housing advocates, we believe other solutions should be considered before creating a negative precedent for the future of workforce housing in the Lake Tahoe basin. One of the best ways to plan for the remaining 946 bonus units is to conduct a site-specific analysis to identify areas in the basin appropriate to accommodate large multi-family residential (MFR) projects, one of the targeted land uses for the Phase 2 Housing Amendments. TRPA knows there is a limited amount of parcels in Town Centers that can accommodate MFR, and placing these projects outside of Town Centers, in new Transition Zones, creates a land use pattern that is not appropriate for mountain communities, incentivizing sprawl, which is counter to the intention of the 2012 Regional Plan Update (RPU).



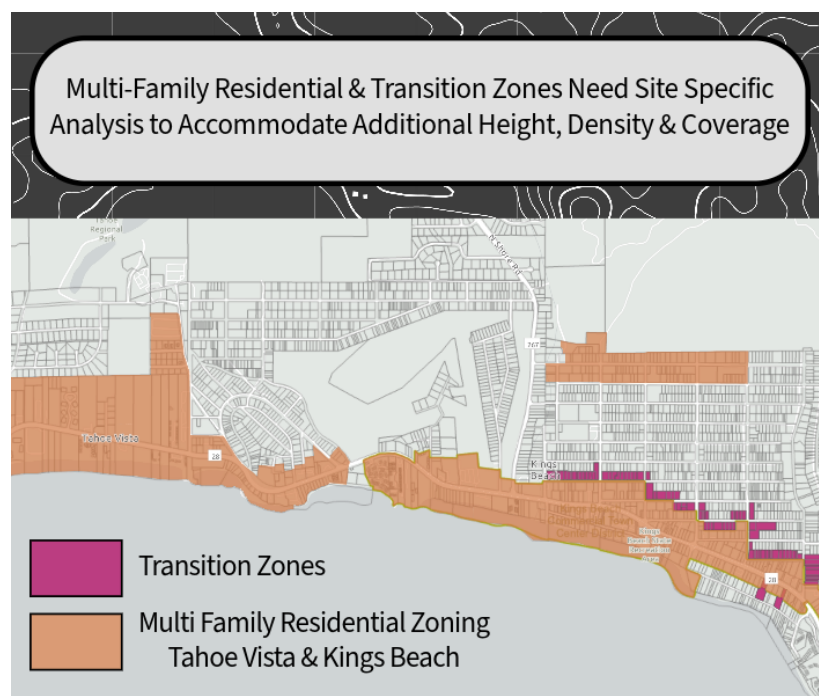
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Just by visualizing the MFR zoning and Transition areas for Tahoe Vista and Kings Beach, you can visually see that site specific analysis with existing conditions and land use compatibility needs to be analyzed in order to move forward significant code changes for coverage, density, and height (parcel map and data from TRPA Housing Resources map, <https://gis.trpa.org/housing/>).

TRPA should add to the Phase 2 Housing Amendments process and identify appropriate sites that can accommodate heights, mass, scale, and density without compromising Tahoe's irreplaceable scenic vistas, ridgelines, and public safety with evacuation and building shadows due to heights and tightly packed streets and buildings. These sites and property owners can be

identified as opportunity sites rather than creating "one-size fits all" housing code amendments that create uncertainty and trust issues with TRPA, as well as Placer County for North Lake Tahoe residents. Additionally, special district agencies around the basin, such as the North Tahoe PUD, Tahoe City PUD, United States Forest Service (USFS), and California Tahoe Conservancy (CTC), have parcels that are under-utilized and could accommodate future workforce housing or seasonal workforce housing campgrounds. This has yet to be explored or considered.

In reviewing the code amendments, we are left to wonder where the equity is within these "Market" solutions, knowing that only 946 bonus units are left. The accounting of





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those and how they are allocated to the different Basin communities is still a bit of a mystery. The [TRPA's Cumulative Accounting Dashboard](#) is woefully outdated and does not outline any criteria or methodology for distributing these bonus units. The chart below was obtained by TRPA staff and shows the number of remaining bonus units by jurisdiction/pool.

Jurisdiction/Pool	Number
City of SLT	89
Douglas County	67
Placer County	41
Washoe County	120
TRPA Pool – Centers	377
TRPA Pool – Other	104
TRPA Pool - reserved for permitted projects	148
Total	946

The number of remaining bonus units is a moving target, with the TRPA deciding what projects are the winners and losers. These bonus units should be equitably distributed through a clear process to the various Tahoe jurisdictions based on their particular needs rather than doled out without considering or understanding how the bonus units can be reallocated.

In terms of the environmental review, the TRPA should complete an updated environmental analysis for the proposed amendments, one that fully considers regional cumulative impacts and the potential implications on wildfire evacuation, water quality, community character, public safety, and scenic resources. This process should also consider the efficacy of the existing mitigation measures and whether additional mitigation should be required in order to minimize impacts. The last EIR/EIS for the 2012 RPU is no longer valid, and should not be relied upon, as the conditions in Tahoe have drastically changed.



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Other ideas that the TRPA should consider are the exploration of Vacancy Tax measures, additional support of local programs, such as the Lease to Locals Program, and requiring STRs to obtain tourist accommodation units, giving the TRPA the ability to cap STRs throughout the Basin. These potential mechanisms could help address the housing crisis without putting community character, safety, and natural resources at risk.

The proposed Phase 2 Housing Amendments are deeply concerning. This fast-tracked process has not afforded many opportunities for public input, participation, or any meaningful change based on public comments or concerns. If those opportunities were provided, we think you would find the majority of the Tahoe community is not supportive of additional building heights, density or coverage, especially outside of Town Centers, and would rather the TRPA look to other, truly innovative housing solutions before resorting to these market-based experiments. Thank you for your consideration.

Sincerely,

Alexis Ollar, Executive Director

Sophia Heidrich, Advocacy Director

From: jmtornese@aol.com <jmtornese@aol.com>
Sent: 11/14/2023 10:11:22 PM
To: Public Comment <PublicComment@trpa.gov>
Subject: TRPA: Housing Amendments - comments for RPIC 11/15 hearing and GB hearing
Attachments: [TRPA housing amendments.Kaufman letter.11-10-23.docx](#) , [TBAP amendments.FOWS comments for 10.16.2023 Placer BOS hearing.pdf](#)

Dear members of the RPIC and Governing Board,

Friends of the West Shore (FOWS) is very concerned about the proposed housing amendments, which will have far-reaching impacts on the Lake Tahoe Basin. These amendments would eliminate a maximum limit on density and coverage (no limits would apply), increase building height to 65 ft. and reduce or eliminate parking requirements for almost 1,000 new units.

In addition to these impacts, we are specifically questioning the application of these proposed amendments. Staff's presentation to the APC last week stated that the amendments supersede local area plans, yet in the case of Placer County's currently proposed amendments to the Tahoe Basin Area Plan (TBAP), we have been told that the most restrictive rules/amendments apply. However, there have been a lot of inconsistencies on this issue from TRPA & Placer in the public meetings, which are noted as follows:

TRPA vs Placer housing amendments -

1. TRPA - at the 9/27/23 RPIC meeting, a TRPA representative stated that the TRPA amendments supersede standards in local area plans. Local jurisdictions can opt out. No county area plan amendments are necessary. During public comment, TRPA was asked how their proposed amendments would interact with the Placer amendments. TRPA advised that the most restrictive rules apply, either TRPA or the County. But the full answer was confusing. It was stated, that in the case of density, TRPA is more restrictive and preempts local law. However, TRPA is proposing no maximum limit on density for the 946 units & Placer has a limit, so how would TRPA be more restrictive? The same question applies to maximum heights - TRPA's amendments call for 65' height allowances, which are less restrictive than Placer's. The public needs more information on how TRPA & Placer's amendments interact and specifically, which rules are more restrictive and how do they apply. Examples should be provided for clarification.

2. Placer - at the 10/31/23 BOS meeting, Cindy Gustafson stated that it was her understanding that the most restrictive amendments would apply. No-one at Placer disagreed with that statement and the Placer County legal counsel confirmed that more restrictive amendments apply.

According to Placer County, (see: <https://www.moonshineink.com/tahoe-news/briefs-oct-27-nov-2-2023/>) the TBAP amendments do not increase height or density. If TRPA amendments supersede the Placer amendments, then there actually would be an increase in height & density in Placer County.

This issue is confusing to the public and needs to be further clarified for the public to understand the ramifications of these amendments.

Review of other alternatives for affordable housing

1. Placer - 10/16 BOS meeting. During the public comment period, it was mentioned that there are other alternatives for affordable/workforce housing that should be analyzed to determine the most efficient way to provide such housing, such as better regulation of and a reduction of short term rentals to provide more workforce & local housing, providing subsidized housing (only for affordable housing, not to include luxury condos), utilizing land trusts, providing incentives to encourage home rentals to locals, etc. Other deed restricted housing solutions should be explored that are consistent with current zoning and these should be presented to the public, since their communities will be affected.

Were these other alternatives considered & analyzed and if so, what were the conclusions? Will new buildings be developed only for workforce/affordable housing units and not as a small portion of total units in a building? Will the other/majority of the units be built for tourist accommodation (TAUs) or luxury units as justification for a small amount of affordable housing? Developers will build more luxury housing because that is what will make them the most profit. We do not need more high-end housing and these amendments seem to do nothing to stop it. If TAUs and luxury units are combined with workforce/affordable housing, how will this impact the town centers and other communities?

Recommendation:

In conclusion, many things have changed over the last few years, so there are many impacts that haven't been analyzed, including emergency evacuation for residents & visitors, traffic and other environmental impacts. Plus the types of development that are trending are packing in more people than 10+ years ago. Additionally, the two issues noted above need to be clarified. For addition comments, please refer to the attached FOWS comments to the Placer BOS on 10/11. All the same concerns regarding the lack of adequate analysis apply to TRPA's proposed amendments as well. CEQA requires additional comprehensive analysis when new relevant information and data are available. Therefore, rather than rely on old 2012 information, we urge you to issue a new updated EIR to identify, analyze and mitigate new and changing impacts based on existing conditions.

Please incorporate the attached comments from Leah Kaufman to the these FOWS comments.and distribute this email and FOWS comments to the RPIC and the Governing Board.

Thank you,
Judith Tornese, President
Friends of the West Shore

KAUFMAN PLANNING AND CONSULTING
PO BOX 253
CARNELIAN BAY, CA 96140

November 10, 2023

Dear TRPA Governing Board members and staff,

I am providing the following comments based on my experience as a 40-year+ land use planner in the Tahoe Basin, an ex-TRPA employee (where I first started my career), feedback I have received from talking with tourists, business owners, and community members from the North and West shores of Lake Tahoe, reading through reports, environmental documents, staff summaries, TBAP redlines, TRPA proposed Housing Amendments, attending the November 8th APC meeting and research of other communities with similar issues.

Please Note: I presented this letter to the APC with positive feedback. Suggestions were made at the meeting that the public's concerns should be addressed in a written format like what Placer County did for the TBAP in "Attachment M." (This might be more clarifying, but I have received any responses from TRPA or Placer County for any of my questions or requests for clarification).

TRPA staff and board members are currently soliciting public feedback based on a desire to amend TRPA codes to allow:

"Achievable" housing basin wide along with changes to height, density, land coverage, setbacks, and parking. The environmental analysis for the proposed changes is based on a checklist with tiering from the 2012 EIS and several other reports.

The two concurrent fast track planning processes (TRPA Housing amendments and Placer County TBAP amendments) are adding to the public's confusion.

Please be advised that the community members are not "Nimbys", we are not "selfish", we are not "uncaring." We want to see progress towards "workforce housing," in balance with environmental concerns.

1. TRPA Housing Plan to supersede Area Plans- Code change Clarification:

Proposed code changes for housing amendments states in Section *"HS-3.1: TRPA shall adopt development standards to promote 100% deed-restricted affordable, moderate and achievable housing that **supersede** local jurisdiction's standards, including in approved area plans."*

Clarification:

At the October 31st Placer County Board of Supervisors meeting our supervisor Cindy Gustafson specifically asked Placer County legal counsel what takes precedence when reviewing projects if TRPA has greater height, and density allowances than local area plans. Placer County Legal counsel stated the most restrictive regulations would take precedence, but this does not appear to be the case as TRPA at APC stated that the TRPA amendments would take affect within 60 days and if the Counties wanted to change them, they had to provide alternative development standards as discussed below.

or B. Local jurisdictions may propose within an area plan, alternative development standards for deed restricted affordable, moderate or achievable housing that adjust TRPA's standards if the jurisdiction demonstrates that the alternative standards are at least as effective as TRPA standards in facilitating the construction of deed-restricted affordable, moderate, and achievable housing in the applicable jurisdiction.

"Alternative standards shall take effect only through adoption of a new area plan or an amendment to an existing area plan with the appropriate level of environmental review."

Clarification: Placer County recently amended their Area Plan for housing (October 31st, 2023), and publicly stated (Moonshine Ink November 2023 Tahoe Basin Amendments) that their amendments do not affect density or height. This is confusing to the public as there is a conflict between what was stated at both the TRPA APC and the Placer County BOS meetings and what is written in the TRPA Housing Amendment codes.

TBAP implementing ordinances state the following:

"Conformity Review for Amendments Made by TRPA to the Regional Plan that Affect an Area Plan. If TRPA approves an amendment to the Regional Plan that would also require amendment of the Placer County Tahoe Basin Area Plan to maintain conformity, Placer County shall amend the Area Plan within one year to demonstrate conformity with the TRPA amendment in accordance with Section 13.6.7, Conformity Review for Amendments Made by TRPA to the Regional Plan that Affect an Area Plan, of the TRPA Code of Ordinances."

Clarification:

- a. Do the recently approved TBAP amendments approved (October 31st, 2023) qualify as alternative standards to the TRPA Housing Amendments?
- b. Do TRPA proposed code modifications come with the same expectations for both the Nevada and California sides of the lake? In other words, does Nevada have to implement a certain number of "achievable/affordable" housing units that would be like what is planned on the California side? In the past, Nevada has not proposed affordable housing with their development proposals because they did not have to. (Latitude 39 in Stateline has no affordable component and 947 Lakeshore Blvd- offers five \$1,000,000 hardly "affordable" units).

2. **Concentration of development:** TRPA and Placer County both state they want to concentrate the remaining basin capacity growth for housing in Town Centers. However, with the proposed inclusion of multiple family zoned properties outside of Town Centers, this is not the case. TRPA staff does not have the exact parcel count but stated at the APC meeting that there may be almost five hundred vacant parcels that are multiple family zoned. This does not include the hundreds of parcels that contain existing developments that could be redeveloped.
- The areas outside Town Centers consist of the Kings Beach Grid, two miles of Tahoe Vista, Carnelian Bay Gateway, Lake Forest, Dollar Hill, Tahoe City Golf Course, River Road, Sunnyside, Homewood, Tahoma residential, and Tahoma).
- (Source: GIS.TRPA.org/housing/Placer County TBAP).

The Tahoe Basin Area Plan (TBAP) 2016 EIR states that “*TBAP’s effects on land use are less than significant as there would be transfer of land coverage and development rights from areas outside of Town Centers into Town Centers resulting in environmental gains and that it would not adversely affect the development patterns or land uses within the plan area and would preserve open space and accelerate the pace of SEZ restoration.*”

Additionally,” the TBAP amendments would encourage more concentrated development within the Town Centers with less development outside of the Town Centers. This land use pattern would result in residences in close proximity to commercial uses which would be expected to reduce the number and length of vehicle trips and corresponding VMT”.

The TRPA proposals to add density, height, and land coverage into areas outside the Town Centers zoned for multiple family and in “transition areas” are in direct conflict to the TBAP EIR statements as described above and 2012 Regional Plan principles. Development patterns will encourage sprawl into areas that are not close to major services, the transit headway is not at 15-minute intervals, there are no parking plans in place, and there has been no evidence to show development rights have been reduced outside the centers, and that preservation of open space has occurred.

Suggestion: (Proposed Section 31.4.8 allowing the rezoning of hundreds of parcels outside of Town Centers is too broad based.

- a. The boundaries of Town Centers were carefully crafted during the Tahoe Basin Area Plan Process and analyzed in a 2016 EIR and should not be changed. The TRPA 2012 EIS envisioned concentrated growth in Town Centers with transfers of development, and land coverage, SEZ restoration and open space coming from parcels located away from the centers. To change the boundaries and include rezoning for “Transition Areas” with incentives for 11 more feet of height (up to 53 feet+/-), unlimited density, and 70 percent land coverage (where 30% is currently allowed), additional height to 42 feet, reduced setbacks, 70 percent land coverage, and minimal parking in areas currently allowing “multiple family dwelling” use is NOT concentrating development.

- b. The League, in a letter to the Placer County BOS has suggested adaptive zoning/trigger zoning. "This principle is basically built-in adaptive management that changes zoning and allowances for height/length/density, lot sizes and setbacks based on achieving goals and offsetting impacts, as well as ensuring that proper mitigation truly meets the intended threshold requirements. The idea is to start small and increase the amount and extent of zoning changes and allowances if the Agency is meeting performance standards". This idea is excellent and would be based on a more go-slow cautious approach.
- c. Concentrating density and massing where it currently does not exist is a change in land use development patterns and must be analyzed in relationship to community character and environmental thresholds. TRPA must start addressing a policy for community character as the continued McMansions, and luxury condos were not envisioned in the 2012 EIS and is a change.
- D. TRPA should provide an inventory of the number of affected parcels, the size of the parcels, development status (vacant or developed), and a description of adjoining land uses.
- E. Additionally, TRPA should inform the property owners affected by the proposed amendments of their intentions.

3. **Environmental Analysis:** The environmental checklist accompanying the proposed amendments states NO significant effect and NO impact for any of the proposed amendments for all the resource topics based on reference to the 2012 EIS. John Hester stated at APC that the checklist would be modified. The TRPA should NEVER have allowed a meeting to progress with an inadequate environmental analysis which would not be allowed for any of us submitting a project application. Does the TRPA have a lesser standard?

The 2012 EIS never analyzed concentrated development outside of Town Centers with resultant changes to land use patterns, increased massing, and land coverage over bailey coefficients outside of the centers. The 2012 EIS never analyzed the Manhattan level unlimited density that is proposed for hundreds of proposed parcels. (946 residential bonus units plus) Unknown is if RUU's allocations could be intermixed with bonus units to achieve the heights and densities ?

The checklist is missing any type of analysis regarding regional mitigation measures that have not been fully implemented and RPU benchmarks and performance standards. Threshold level review also is not updated.

The 2012 EIS had policies to concentrate development in Town Centers, stating that it would result in open space, sear restoration and concentration of development rights. The transition areas, and areas zoned multiple family dwellings that encompass acres of land were never analyzed for potential impacts but in fact were the areas that TRPA stated that development would be reduced.

In fact, every policy change since 2012 has been done with a watered-down checklist stating no significant impact and no mitigation. (These include transfers of coverage between hydrologic areas, conversions from CFA to multiple family only looking at traffic, not massing or changes to land use patterns, Transfer of development rights basin wide and now Housing Amendments potentially affecting hundreds of parcels).

Environmental impacts may result in removal of vegetation and specimen trees that could affect wildlife and scenic, potential neighborhood compatibility issues because of reduced setbacks and parking, and impacts to noise and air quality, and other resources that were previously evaluated in the EIS based on density, land coverage, and height allowances per the existing Code of Ordinances.

Code Section 36.13 The checklist tiers off of the 2012 EIS but it is unknown the status of the mitigation that was required to allow the basin carrying capacity as part of the EIS and if thresholds are truly being met? Placer County admits that not a lot of progress has been made since 2016 on implementing mitigation as part of TBAP – Are the other jurisdictions in the same position?

Thus, if mitigation measures are not being tracked, enforced, or identified how can one make a finding of no significant effect? Not all the thresholds comply so how can TRPA propose more development without evaluating what the impacts have been so far with the existing growth?

Additionally, the EIS in 2012 did not analyze the impacts of current development changes such as McMansions, conversions of entitlements, and cumulative impacts of growth outside of the basin, rezoning, or new projects not previously contemplated.

Please Note” Land Use: County-initiated rezone proposals that are required as part of the Placer County Housing Element and is needed for the County to meet the State’s Regional Housing Needs Assessment (RHNA) allocation for Placer County will require an EIR. The CA rezone proposal is to rezone 74 properties, including some parcels in the Tahoe area from their current zoning designation to Residential Multifamily 30, which would allow up to 30 dwelling units per acre”.

In other words, 74 parcels proposed to be rezoned for 30 units per acre density in Placer County requires an EIR analysis (NOP process is underway) so I question why is only a scaled down checklist stating No Significant Effect for any of the resource topics proposed for the rezoning of hundreds of parcels basin wide for more concentrated development exempt?

Simply saying that overall growth potential won't be expanded due to a limit on Basin Carrying Capacity, or that there is enough land coverage in the basin for 500,000 sf of transfers, or that the **ground floor** of an adjacent building can't be shaded, is not mitigation, it is not findings, it is not benchmarks, it is not an environmental analysis. There has been no analysis of changes since 2016 proposals to allow coverage transfers across hydrologic areas. While some SEZ may have been restored how much open space has been preserved?

4. **TRPA Housing Consultant Report:** The examples TRPA used for the housing proposals before you to approve are based on 12,000 sf lots yet this is not the case for all affected parcels. Tahoe Vista alone has 1-2-, 3-, 4-, and 5-acre parcels as does Dollar Hill, Tahoma, and other areas. The impacts of the amendments on these larger parcels were not even considered in TRPA's proposed broad-based rezoning or in the Housing consultants' presentations.

Suggestion: Duplex or triplex development, ADUs, JADUs, tiny homes on small half acre or ¼ acre parcels have very different impacts on land use patterns, character, and other resources than projects that are on larger parcels that have the same "one size fits all" rules regarding coverage, height, setback, and density changes. 100% land coverage, and unlimited density proposals on large parcels could result in changes to land use development patterns, community character and growth, loss of open space, impacts to wildlife, increase in noise, potential visual impacts, and unknown VMT, and parking concerns, etc.

More specific details, mitigation measures and thought-out scenarios are warranted before the amendments are finalized to include mitigation measures to preserve large specimen trees, include setbacks from roadways and neighbors, address shading impacts of more than just the ground floor of buildings, and have parking management plans in place.

5. **"Achievable housing** *"Achievable Housing"* should not be confused with *"affordable housing,"* as *"achievable units"* are expected to rent at \$2,450/month for a 650-sf space located in supersized buildings to be profitable. (Source: *TRPA Living Housing and Community Revitalization Initiative Phase 2 Updates May 1, 2023*). This type of housing appears decidedly *not "affordable"* for those in the seasonal J-1 workforce, (who can afford to pay \$200 per week for rent and live with 10 other employees), and moreover to the workforce that power our retail, hospitality, and service industries average pay \$30/hour who should not pay more than 30% of their monthly salary for housing. A \$35 an hour employee would have to pay 50% of their wages to afford to live in the *"achievable housing."* These small apartments may not serve the needs of our local families either, who wish to have a house with a yard and a place to live with a friendlier vibe. (Source: *"Shit hit the fan- Tahoe's young people may not come back" SF Gate*).

TRPA says that so far bonus units have been used for “low and moderate affordable housing” and that other types of housing should be considered. However, developers will choose to build the “achievable housing” which is more profitable.

Clarification: The IEC environmental document prepared for conversions states that 50% of the bonus units should be reserved for “affordable housing” and 50% for “achievable housing”. Is this still the case? A reservation of entitlements will ensure that not just “achievable” housing is built for the remaining bonus units. (Source: 2018 Development Rights Strategic Initiative)

6. The “achievable” definition of working in the basin 30 hours a week for someone with a business license will come with loopholes. How do you ensure/enforce that someone truly works 30 hours per week, and is the primary occupant, or what happens if the company goes out of business, or a worker quits or is fired? Since there is no income qualification what is to prevent employees who are on the internet instead of a brick-and-mortar business and potentially earn hundreds of thousands of dollars in salaries and own a second home from renting/owning these units? \$2,450/month rent was just an example- Is there a maximum rent or purchase price that can be charged for these units? Is pricing left completely up to the developer?

Suggestion: A better definition of “achievable” can be found in guidelines for Summit County, Colorado and Teton workforce housing regulations including:

Summit County regulations: The occupancy of for sale or rental units (when authorized) is restricted to persons who, at all times during ownership or occupancy of the unit, reside and are employed within the County year-round, an average of at least 30 hours per week on an annual basis. “Employed within the County” shall mean that the person earns his or her living from a business or organization operating in and serving the County, which requires his or her **physical presence** within the boundaries of County to complete the task or furnish the service, by working in the County at such business or organization an average of at least 30 hours per week on an annual basis. 1. Self-employment and residents that work from home: For individuals claiming self-employment or work from home status, the employment must be for an average of at least 30 hours per week on an annual basis for a business that is located within and serves the county.

Teton regulations: Require that the occupant must occupy the unit for at least 80% of the lease term. (rental only). No ownership of a second home is allowed within a geographical distance of the project.

Some type of maximum rent or maximum purchase price should be part of the package that allows the extra incentives, or the fear is that these will turn into luxury condos under the auspice of “achievable housing.”

7. **Disbursement of bonus units:** We have been told “by TRPA Governing Board members that no more than 200 units” would be spread out in each community basin-wide, but where is that written?

Note: Dollar Hill Crossing is a proposal for 118 affordable and market rate units in Dollar Hill. Chalet Blanc Tahoe is proposed for 18 “achievable” units in a four-story building with mixed use in Tahoe City. Other projects are in the planning stages in Kings Beach and a conversion is under construction for dorm style living in Tahoe City.

Would these projects be considered as part of the 200 units planned for the northshore and are they counted in the 946 remaining bonus unit allocations, or have they already been accounted for? This was not clear in the APC presentation of how many bonus units are unspoken for and the tracing of the original 1,440 units.

Suggestion: TRPA/Counties need to divvy up the remaining 946 entitlements so that housing is spread evenly throughout the north and south shores and between California and Nevada. Please provide a accurate accounting of the bonus unit allocations that are reserved, and available.

8. **Mixed Use: Clarification:** Can TRPA give examples of how mixed uses work with bonus units and if mixed uses include market rate developments as is the case for TBAP? If there is a discrepancy which plan takes precedence?

Mixed Use Commercial- What percentage of the project would have to be commercial in a deed restricted housing development to be considered mixed- use and eligible for the amendments? Additionally, would all proposed housing located on top of the commercial use have to be 100 % deed restricted?

Mixed use Residential- What is mixed use residential? Are market rate units allowed to mix with the “achievable housing” units and if so at what percentage?” If only half of the projects are deed restricted how does this effect land coverage, height standards and density allowances, setbacks, and parking? Does only the deed restricted part of the project qualify for the additional height?

ADU with Single Family Dwelling: Please provide a site plan example. I am perplexed as how do you figure out land coverage if a portion of the property is at 20% land coverage but the ADU is allowed 70% land coverage but not for parking? Does the ADU come with a parking requirement? If not, that is simpler but if parking is required and the lot has maxed coverage, but you need parking then the ADU won’t be allowed because there is no room to park- just room for the structure of 1,200 sf?

Suggestion: Please clarify exactly what is allowed under mixed uses? Provide examples of mixed use commercial and mixed-use residential projects utilizing both bonus units and RUU’s in conjunction with the incentive program. Need site plan example for the ADU’s land coverage breakdown.

9. **Storm Water Treatment:** Proposed code Section 30.4.4 B.6 is confusing. The language states that projects wishing to utilize the land coverage overrides must associate with area wide storm water system managed by a public entity for eligibility, but the code language states:

*“30.4.2.B.6 Stormwater Collection and Treatment Systems for Affordable, Moderate, and Achievable Housing Multi-residential developments, mixed-use developments with a residential component, as described in subsection 36.13, or accessory dwelling units, provided the units are 100 percent deed-restricted affordable, moderate, and achievable, utilize bonus units and are located in Land Capability Districts 4 through 7 and within an approved area plan, may increase maximum lands in centers. **The project must show that stormwater will be treated either onsite through BMPs or offsite through area-wide stormwater treatment and is managed and maintained by a public entity**”.*

Clarification: Which is it? Are on site BMP’s adequate or considered equivalent to area wide storm drainage systems and eligible to receive the extra land coverage?

According to the TRPA GIS map area wide storm drainage systems are sparsely located throughout the basin. (On-site BMP’s are generally not managed by a public entity nor part of an area wide drainage). Since all parcels in the basin were required under 2012 EIS mitigation measures to install BMP’s, this requirement is not beyond normal expectations. Are mixed use developments also eligible to provide onsite BMP’s and receive the same land coverage overrides?

10. **Retirement of vacant parcels clarification needed:** If one retires a parcel of vacant land and receives bonus unit(s) does that increase the bonus unit pool over the 946+ remaining allocations?
11. **Can you clarify if retiring sensitive parcels allows additional allocations? Would they be RUU’s or Bonus Units?**
12. **Conversions clarification needed:** How do conversions work with bonus units? For example, if CFA is converted to a residential unit of use (RUU) is this RUU subtracted from the Residential entitlement pool and conversely if CFA is converted for affordable housing do the converted units come out of the Bonus Unit allocations?
13. **Employee housing in hotels:** Proposed Section HS-3.1 states that TRPA should work with local jurisdictions on long term residency in motel units. Housing workers in hotels reduce the available TOT tax base and lessens the hotel inventory available for tourists resulting in loss of revenue and other impacts.

Clarification:

- a). Would long term residency in hotels require bonus unit allocations or RUU entitlements as it is a change of use from Tourist Accommodation (TAUs)?
- b). Does TRPA track the long term residency in motels ? Example: Tahoe Vistanna in Tahoe Vista ? Are bonus units required for long term residency?

14. **Renderings:** Renderings used by TRPA staff at the Summit and Farmer's Markets, and on the TRPA website to solicit feedback on "Height for Housing" are **disingenuous and misleading** and DO NOT represent the TRUE Height of what the TRPA proposals are.

Example). The TRPA triplex exhibit is only 36 feet high with screening trees. It is not the proposed 42 feet of height for mixed use area zoning or the (up to 53+/- foot) tall buildings allowed in "transition areas" (utilizing Table 37.4.1 in the TRPA Code of Ordinances) The TRPA also did not show the public what a 65-foot-tall building would look like especially in context with other buildings, and with no screening.

The single building exhibit is 44 feet high at its highest point not 65 feet that is proposed for **inside** Town Centers.

The renderings were changed at the zoom meeting held (September 20th), to include the Domus project in Kings Beach which is approximately 46-48 feet high but is not the rendering TRPA used to solicit community feedback for additional height or for comments for the Flash Survey. Flash survey results have not been accurately deciphered by staff and over 630 comments shared. I would suggest you read the comments yourself. Height is a big issue and preference is for the smaller triplex, 10 multiple family dwellings and tiny home or ADU developments. (66% of respondents).

Suggestion:. TRPA should be held accountable for showing the public accurate and to scale exhibits for the proposed 53 feet of height in transition areas, the 42 feet of height in multiple family dwelling zoned areas, and the 65 feet of height in Town Centers, with no screening trees, in context with other adjacent buildings before they solicit surveys or request feedback at public venues. This disingenuous behavior exacerbates the mistrust the public feels for the TRPA and questions motive?

Elevation drawings to scale should be available to reflect heights proposed for Town Centers, Transition Areas, and parcels zoned for multiple family. The exhibits should show adjacent properties which depict the relationship and height more truthfully than perspective drawings which can't be drawn to scale.

Flash survey results with the 630 public comments without biased commentary should be available for board/committee review. 66% of those who responded stated smaller 10-unit multi-family dwelling projects would be their preference.

Summary:

Our communities can certainly be enhanced by continued redevelopment and by providing workforce housing within the existing framework that was developed by the community in Area Plans and by growth controls as part of Basin Carrying Capacity. “Achievable” should not be confused with “Affordable” and the proposed rezoning outside of Town Centers is too broad based. The League ideas of a go-slow approach toward rezoning areas outside Town Centers should be considered a high priority and actually will measure benchmarks and conformance standards.

Extra height, land coverage, reduced setbacks, reductions, and potential elimination of parking for 960 +/- deed-restricted bonus units in the basin need specific environmental analysis, with consideration for placement, massing, neighboring impacts, noise, scenic viewsheds, habitat, natural resource preservation etc. Transit solutions such as parking plans should be in place, and increased transit headways, and Tart Connect expanded. Everyone would like to see less dependance on cars but even the developers of Sugar Pine Housing on South Shore realized each unit needed 1.1 spaces. Northstar and Palisade transport buses sit dormant all summer. Parking lots and the buses could be used to transport tourists to the local attractions as is done for the Thunderbird Lodge.

RPU mitigation measures that were required in 2012 to achieve basin carrying capacity should be reviewed to determine if the benchmarks are being met, timing and mitigation measures that have not or cannot be achieved and timing for placement of those that haven’t occurred.

Unclear language in the proposed code revisions regarding water quality treatment vs BMP’s must be resolved.

It’s important to make sure we are investing in programs, that INCENTIVIZE repurposing of abandoned buildings, such as the Garni Lodge, and conversions of unused commercial to residential such as what was done for Dollar Hill Apartments, and conversion of CFA to dorm style housing currently being constructed in Tahoe City. We must ensure that our workforce projects are affordable to the workforce and housing entitlements are reserved that would provide homes for families and our service workers.

TRPA was remiss in allowing STR’s without TAU allocations. TRPA stated at APC that 10% and I have found studies that say as high as 20% of STR’s would be used for workforce housing if not STR’s. The TRPA staff dismissed this as insignificant, yet 600 potential homes is almost the same housing as the remaining bonus units. (Approx. 6,000 STR’s basin wide). Additionally, TRPA is shirking responsibility to the local jurisdictions to manage. The STR’s exceed basin capacity for tourist accommodation units as thousands are allowed and they act as defacto hotels and have hurt restaurants and lessened workforce housing opportunities and should be regulated by the TRPA. There is no uniformity between jurisdictions as to caps, regulations, parking standards, etc.

(Local architects Don Fuda, Elise Fett, and designer Dale Munsterman), tell us that **no** additional height is necessary to craft good profitable designs, and that height comes with impacts to solar/shade of neighboring properties, (not just on the first floor), construction costs that

outweigh benefits of gained height, and other impacts such as snow removal, BMP's and parking yet TRPA is relying on ONE housing developer saying that excessive heights are necessary to create profitable designs and are the basis for the TRPA Housing amendments.

TRPA is removing the integrity of choice by a "one size fits all" proposal. The north and south shores are very different, and the voice of the people should have equal weight along with the developers, builders, realtors, resort associations, prosperity centers, etc. In fact, only one environmental voice is present in the Tahoe Living Working Group - that of the League and our community concerns do not feel addressed.

Distinguished environmental organizations such as the Mountain Air Preservation (MAP), Tahoe Area Sierra Club, Tahoe Sierra Clean Air, Friends of the West Shore, North Tahoe Preservation Alliance, League to Save Lake Tahoe, and the majority of the North Lake Tahoe community represent thousands of voices, yet the agencies have not heeded any of their suggestions and seem not to care what these thousands of people have to say. Three-minute speeches in front of boards is completely inadequate.

Respectfully submitted,

Leah Kaufman-

Principal Planner



Placer County Board of Supervisors
3091 County Center Drive
Auburn, CA 95603

October 11, 2023

Dear Supervisors:

The Friends of the West Shore (FOWS) appreciates the opportunity to provide comments on the Proposed Tahoe Basin Area Plan (TBAP) amendments and associated Addendum #1 to a previously-certified Environmental Impact Report (Addendum). We also appreciate the efforts of staff to continue to relay information and discuss the amendments with the public.

The California Environmental Quality Act (CEQA) requires that subsequent environmental review is required when circumstances have changed, there are new significant environmental effects or a substantial increase in severity of previously identified significant effects, there are additional significant effects not discussed in the EIR, significant effects previously examined will be substantially more severe, and/or when there are additional mitigation measures that could be adopted to mitigate impacts but were declined. However, the Addendum fails to analyze new and more severe impacts associated with the amendments, including:

- Impacts associated with existing conditions with regards to traffic, wildfire danger and current fire movement trends, current north and west shore population, and visitation, which have changed significantly from the baseline data years analyzed by previous environmental documentation (e.g. 2010-2011 [traffic] or 2020 [population]) from which the Area Plan reviews continue to tier. Basing solutions to new problems on old, un-representative data is not an effective way to plan.
- Emergency Evacuation and access for responders
- Current CEQA Guidance for Analyzing and Mitigating Wildfire Impacts of Development Projects
- Cumulative Impacts of other approved but not yet constructed projects in the area
- Increasing residential and visitor populations without addressing existing problems from - let alone adding to - traffic, congestion, and emergency access/evacuation
- Impact of the proposed reduction in parking requirements on congestion and spillover to residential streets; and
- The concern with the continued loss of scenic views for the residents and visitors to enjoy

Detailed comments are enclosed. FOWS requests that the amendments be postponed unless and until a comprehensive environmental impact report (EIR) based on existing conditions is performed. Thank you for considering these comments.

Sincerely,

Judith Tornese,
President

FOWS previously submitted comments to the Placer County Planning Commission (PCPC) [enclosed]. The following comments are in addition to the PCPC comments:

INCREASED NATURAL HAZARDS AND 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.

EIR Addendum fails to account for new information and conditions:

The Addendum repeats information from the outdated TBAP FEIR from 2016,¹ which notably tiered from the even more outdated TRPA 2012 Regional Plan Update (RPU) EIR/S.

The 2016 FEIR for the TBAP concluded no impacts to evacuation/wildfire danger based on a variety of assumptions and speculation that is not supported by the facts.

1. Claim: There are limited development commodities available.

Fact: The 2016 FEIR conclusion was based on a limited number of commodities remaining available at that time.² However, TRPA has since amended its code to allow conversions from all types of commodities to other types (Chapter 51.4). In addition, the popularity of vacation rentals has significantly increased, making the “limited TAUs” reference in the FEIR irrelevant since residences are being used as TAUs but not regulated as such. Vacation rentals area also trending larger and accommodating far more visitors than anticipated in 2012, plus visitors tend to contribute more heavily to peak traffic conditions than residents and would be less familiar with the area and protocols during an emergency evacuation. In addition, there is concern with how to notify visitors if an emergency evacuation should be necessary. Most residents and

¹ “Impact 18-3 addressed impacts related to interfering with implementation of an emergency response plan or emergency evacuation plan. The Area Plan EIR determined that operation of the TBAP would not increase existing congestion that occurs in the Basin such that emergency evacuation would be impeded. Therefore, it would not hamper emergency response or evacuation plans and would result in a less than significant impact (Area Plan EIR pg. 18-23).

Impact 18-4 addressed impacts from exposing people to wildland fire hazards. The Area Plan EIR emphasized that the TBAP could result in a modest increase in the number of visitors in the plan area, and thus the number of people exposed to wildland fire hazards. However, future development under the TBAP would be required to comply with Regional Plan policies, existing local and state regulations for fire protection, and Area Plan policies for fire fuels reduction and increases in defensible space. Thus, impacts from exposing people to wildfire hazards would be less than significant.”

² “As described on page 5-10 of the Draft EIR/EIS and shown in Table 5-2, the commodities remaining for new development of future residential, commercial, and tourist uses within the Plan area are very limited. The remaining commodities available to Placer County include 43 residential development rights (an increase of 0.4 percent over existing); 77,175 square feet of commercial floor area (CFA), including remaining, unused rights and banked CFA, an increase of 5.9 percent); and 61 tourist accommodation units (TAUs), including remaining rights and banked TAUs (an increase of 2.3 percent).” (p. 3.1-32/33)

homeowners are likely to have signed up with Placer's emergency notification system, but visitors would not receive those alerts.

2. Claim: Key intersections will be staffed by public safety officers manually directing traffic, and there will be no accidents or other factors limiting capacity.³

Fact: This assumption is mere speculation. For example, the 2016 FEIR did not analyze questions such as:

- Will adequate emergency personnel be able to take on this position immediately when a wildfire breaks out?
- What if the roads are already congested – how will the personnel travel to these strategic traffic-directing positions?
- Will emergency personnel also be located at every alternative/side street that people may attempt to use in their panic?
- How will people react in a panicked situation where they are fleeing a fast-moving fire?
- What happens if the smoke is so dense and/or spot fires are happening in these locations where officers will presumably be directing traffic? Will people be able to see them and follow directions?
- What happens if an accident or stalled vehicle blocks the only egress route?
- What about other possibilities such as error in evacuation-related technology. For example, fire officials mentioned during an 8/17/23⁴ Town Hall webinar that there was a glitch in their system that caused the plan to stagger evacuations to not work. Plans do not always work as intended, nor does technology. Also, there is spotty cell service in the Tahoe Basin, so that technology also may not be available for emergency evacuation.

3. Claim: Traffic will exceed roadway capacity under any scenario

Fact: This is correct, however there has been no analysis of the impacts to evacuation and roadway capacity based on existing (e.g. 2023) conditions or how long it takes for roadway capacity to be exceeded under existing conditions and with the proposed amendments.

Ironically, the FEIR also recognizes that traffic would exceed roadway capacities even outside of peak hours.⁵ This is based on traffic data from a period of time with less traffic than current conditions and without considering the impacts of approved/not-yet-built projects or current large projects undergoing agency approvals.

4. Claim: "[G]iven the extensive geography of the area (roughly 15 miles from end to end) it is unlikely that a condition requiring full evacuation of the entire area would occur."⁶

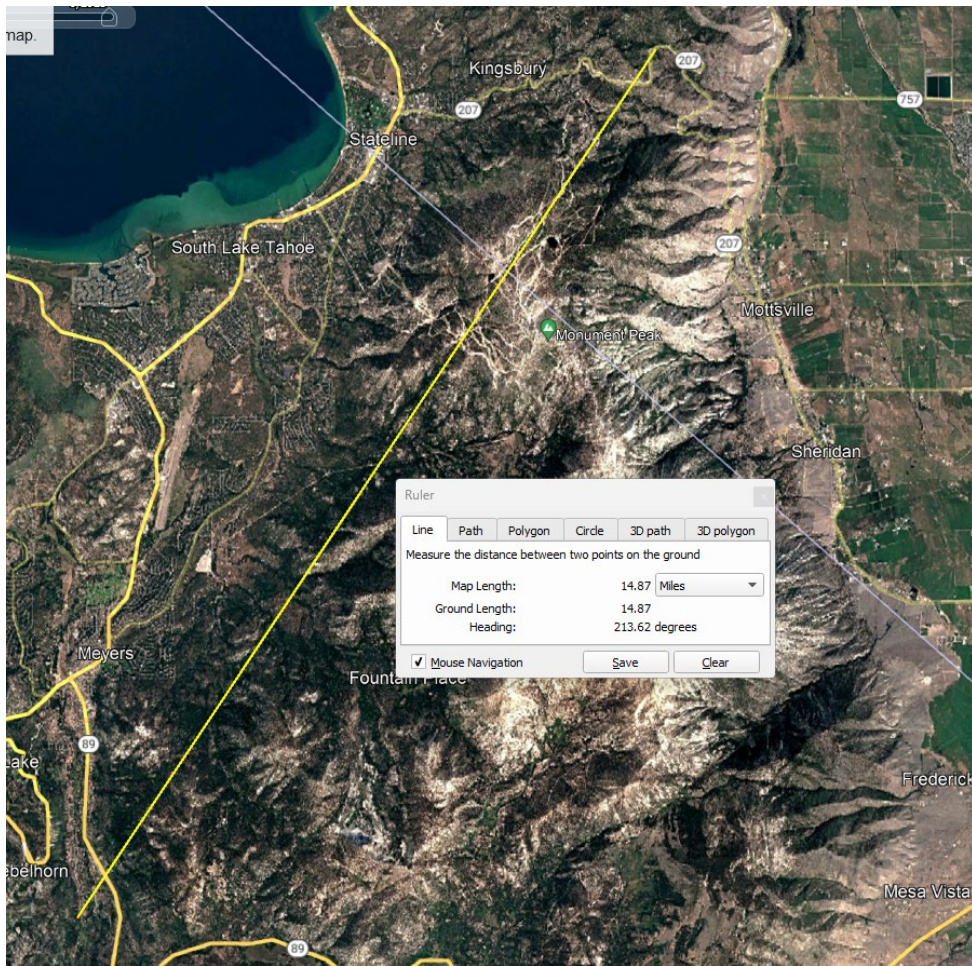
Fact: The entire South Shore area from Christmas Valley/Tahoe Paradise, including Meyers, South Lake Tahoe, Stateline, and Kingsbury Grade was evacuated for the Caldor Fire in 2021, and gridlock occurred even though people had advance warning, the highway was four lanes, and there were multiple routes to evacuate. This area spanned approximately **15 miles**.

³ 2016 FEIR, p. 3.3-34.

⁴ <https://www.placer.ca.gov/9252/Evac-and-Emergency-Prep-Town-Hall>

⁵ "Emergency evacuation conditions would likely result in traffic demand that exceeds roadway capacities under any scenario and at any hour, not just at normal peak traffic periods." (FEIR, P. 3.3-32)

⁶ FEIR, p. 3.1-32.



5. Claim: Reliance on the analysis in the 2016 FEIR (and the 2012 TRPA RPU it tiered from) are sufficient for 'analyzing' the impacts of the proposed TBAP amendments

Fact: New Wildfire Guidance for CEQA analysis ("Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act") was released by the CA Attorney General in October 2022 which was not available in 2016 (attached).

Fact: Wildfires do not behave the way they used to in 2012 or even 2016:

a) Rates of spread/size of wildfire:

The rates of spread, distance of spotting, and size of fires has grown significantly. For example:

- "[L]ong-time firefighters will tell you 'these days, wildland fires are far from ordinary.' Exacerbated by drought and climate change, they can spread over hundreds of thousands of acres and burn with an intensity that once was uncommon... On the night of Aug. 16, when the Caldor fire was only three days old. the wind picked up, bending the flames northeast toward Lake Tahoe Basin, about 30 miles away. Fanned by the wind and fueled by dense, overstocked forests, the fire grew

- at unprecedented rates ranging from 10,000 to 40,000 acres per day." (United States Forest Service, Lake Tahoe Basin Management Unit, 2021⁷). [Emphasis added]
- "Western wildfires have dramatically intensified over the last decade alone, he pointed out. Climate change is spurring the worsening blazes with rising temperatures and prolonged drought...[California] is now increasingly prone to catastrophic "megafires," capable of gobbling up hundreds of thousands of acres and destroying entire towns. According to the California Department of Forestry and Fire Protection, 12 of the state's top 20 largest blazes on record have all occurred within the last five years." (Scientific American, 2022⁸) [Emphasis added]
 - During the camp fire, embers traveled upwards of 7 miles away, starting new fires.⁹

There have been significant changes in wildfire behavior and forest conditions in the past seven years that have not been addressed by the analysis.

- b) ***Evacuation conditions:*** While the evacuations for the Caldor and Mosquito Fires were successful, circumstances were different. The Lake Tahoe Basin officials had weeks to anticipate the Caldor Fire and the time to employ a staggered evacuation of different areas so that the entire area was not evacuated on the same day or within the same time period. There were also numerous highways available for evacuation. There is just one two-lane highway for evacuating the West Shore (SR 89). The circumstances are simply not comparable. In addition to gridlock, all it would take is for one vehicle to stall or one accident to occur and block the roadway during an evacuation. While it has been stated that emergency officials would set it up for both lanes of the highway to be going in the direction of evacuees, there is still no guarantee that an accident wouldn't block both lanes, plus this would also get back to the issues raised previously about whether emergency personnel would be immediately available in all relevant locations to direct traffic in the first place. There would be no alternative, unlike existed during the Caldor Fire's staggered evacuations. In addition, most evacuees during the Caldor Fire were locals that would be expected to be more familiar with evacuation emergencies since smoke had driven tourism down in the days prior to the evacuation. During typical peak periods, it should be assumed that a large number of evacuees would not be locals and would therefore be even less prepared to deal with an evacuation situation. These are just more examples of the types of conditions, potential outcomes, and other options that should be evaluated in a full EIR.
- c) ***Rate of spread and evacuation time:*** The 2016 FEIR states: "*assuming that manual traffic controls within the Plan area provide the necessary capacity to the egress points, and there are no accidents or other factors limiting capacity), under current conditions the area could be evacuated in 3.77 hours. For the future alternatives (including no project), this figure increases to a low of 4.42 hours (Alternative 3) and a high of 4.44 hours (Alternative 1).*" Since these estimates were based on outdated traffic counts and other assumptions that are no longer representative of existing conditions, and they assume humans will behave calmly, public safety officials will immediately show up at all affected intersections to smoothly direct traffic, no accidents will occur or vehicles will stall, and so on, it is expected that these times would

⁷ <https://www.fs.usda.gov/features/caldor-fire-defending-lake-tahoe-basin>

⁸ <https://www.scientificamerican.com/article/what-megafires-can-teach-us-about-california-megaflods/>

⁹ NIST Technical Note 2135. A Case Study of the Camp Fire – Fire Progression Timeline (2021); <https://doi.org/10.6028/NIST.TN.2135>

be much longer. The 2018 Camp Fire in Paradise, CA, did most of its damage within just four hours.¹⁰

CEQA Triggers warranting additional analysis:

Circumstances have changed – Fire severity and behavior has become significantly more severe and dangerous, megafires are more common, and the old ways of fighting fires are no longer working to slow or stop such fires. Plus, there are significantly more full-time residents and visitors in the Basin, especially during the time of year when fire danger is highest.

There are new significant environmental effects or a substantial increase in severity of previously identified significant effects – With the increased fire danger, increased population and visitation, existing traffic congestion already experienced on our roadways, and changes in fire behavior, there are new effects related to public safety that warrant analysis and mitigation.

There are additional significant effects not discussed in the EIR – The EIR has not discussed the cumulative impacts of the amendments along with existing traffic conditions and the increased traffic associated with currently approved but not-yet-built projects on the north and west shores (and the Tahoe/Truckee region).

There are additional mitigation measures that could be adopted to mitigate impacts but were declined – The increased popularity of vacation rentals has resulted in an increase in visitor traffic and the placement of visitors in neighborhoods, rather than in the more “walkable” Town Centers where the 2012 RPU claimed tourist units would be focused. While the amendments include measures to affect the cap on VHRs based on the development of new tourist accommodation units, this still means more tourists are driving to the basin (whether to now existing VHRs or the future hotels/motels). There is no consideration of a reduction in VHRs and re-evaluation of the capacity of the area to handle *current* extensive visitation, let alone *increased* visitation. There are also no mitigation measures aiming to discourage day visitation or adequately establish a public transit system that visitors will actually use from outside of the Basin.

Recommendation:

FOWS recommends a full, new EIR providing a comprehensive analysis of existing 2023 conditions, the current state of knowledge regarding wildfire threats, trends, rates of spread, and forecasted impacts due to climate change and other factors, and all factors that would affect emergency evacuation and access. FOWS also recommends the use of current modeling tools that can assess the various ways fire could spread based on a variety of factors and that this information be utilized to evaluate the impacts of the project and plan accordingly.

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

¹⁰ “The Camp Fire caused at least 85 civilian fatalities, with one person still missing as of August 2, 2019,^[8] and injured 12 civilians and five firefighters. It covered an area of 153,336 acres (620.5 km²; 239.6 sq mi), and destroyed more than 18,000 structures, with most of the destruction occurring within the first four hours.”¹⁰ [Emphasis added].

Environmental Quality Act” Guidance is needed to ensure public health and safety are appropriate analyzed, disclosed, and mitigated.

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 previously provided by John Hester to the Placer County Planning Commission reflect all VMT on the California side of the lake, including 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/averaged), and exclude data from 2020 to present.¹¹ 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.

Comments on the Addendum:

The previous Area Plan analysis was based on traffic conditions that have significantly changed. The years being evaluated were questioned at the 8/1 Town Hall meeting and staff said that the amendments have been in the planning stages “for years”, the implication being that current conditions were not used because the process started several years ago. First, we believe an updated analysis is required by CEQA and would require impacts be analyzed based on existing conditions. Second, there is no question that there are currently more people and more traffic, along with worsening fire danger, compared to the 2016 Area Plan review and 2011 RPU review, so why would the county *knowingly* make a problem worse without first assessing how to reduce the already existing problem? It is imperative that land use planning ADAPTS to changing conditions. We should not be pursuing plans that will knowingly create public safety and environmental impacts simply because the planning has been ‘in the works’.

For example, if one examines the most recently available published traffic volumes from Caltrans (2021) for intersections within the Tahoe Basin, the average increase in average annual daily traffic (AADT) is 50%. In fact, six of the nine count locations from Bliss S. P. Road to the Tahoe City Maintenance Station experienced increases of over 50%, with the Ward Creek bridge along the West Shore increasing by 82%!

¹¹ 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.”

DISTRICT	RTE	RTE_SFX	CNTY	PM_PFX	PM	PM_SFX	DESCRIPTION	BACK_PEAK_HOUR	BACK_PEAK_MADT	BACK_AADT	AHEAD_PEAK_HOUR	AHEAD_PEAK_MADT	AHEAD_AADT	Change since 2020 (AHEAD_AADT)	
														Increase since 2020	%
2021 Annual															
03	089		ED		19.54		BLISS MEMORIAL STATE PARK ROAD	340	3450	2200	420	4000	2650	700	35.90%
03	089		ED		22.77		RUBICON GLEN DRIVE	420	4000	2650	380	3900	2450	650	36.11%
03	089		ED		27.406		EL DORADO/PLACER COUNTY LINE	680	7700	4150				1450	53.70%
03	089		PLA		0		EL DORADO/PLACER COUNTY LINE				680	7700	4150	1450	53.70%
03	089		PLA		.85		MC KINNEY CREEK ROAD	980	10000	5400	490	10400	5700	2000	54.05%
03	089		PLA		5.812		WARD CREEK BRIDGE	1000	8400	6900	1000	8400	6900	3100	81.58%
03	089		PLA		6.46		FIR AVENUE	950	7800	5900	950	7800	6000	2100	53.85%
03	089		PLA	T	8.569		TAHOE CITY, JCT. RTE. 28 EAST	1100	18100	12700	2000	27000	15700	5500	53.92%
03	089		PLA		8.9		TAHOE CITY STATE HIGHWAY MAINTENANCE	1450	16000	11900	1450	16000	11900	2200	22.68%
2020 Annual														AVERAGE:	49.50%
03	089		ED		19.540		BLISS MEMORIAL STATE PARK ROAD	250	2550	1800	310	2950	1950		
03	089		ED		22.770		RUBICON GLEN DR	310	2950	1950	280	2900	1800		
03	089		ED		27.406		EL DORADO/PLACER COUNTY LINE	430	3600	2700					
03	089		PLA		0.000		EL DORADO/PLACER COUNTY LINE				430	3600	2700		
03	089		PLA		0.850		MC KINNEY CREEK ROAD	620	5000	3500	310	5200	3700		
03	089		PLA		5.812		WARD CREEK BRIDGE	480	4000	3800	480	4000	3800		
03	089		PLA		6.460		FIR AVE	480	4000	3800	480	4000	3900		
03	089		PLA	T	8.569		TAHOE CITY, JCT. RTE. 28 EAST	1100	14700	10300	1000	13700	10200		
03	089		PLA		8.900		TAHOE CITY STATE HIGHWAY MAINTENANCE	1400	13000	9700	1400	13000	9700		

Change since 2020 (AHEAD_AADT)	
Increase since 2020	%
700	35.90%
650	36.11%
1450	53.70%
1450	53.70%
2000	54.05%
3100	81.58%
2100	53.85%
5500	53.92%
2200	22.68%
AVERAGE:	49.50%

CEQA Triggers warranting additional analysis:

Circumstances have changed – One need not look far to see a new article or report about how crowded the Basin currently is and warnings to avoid the traffic jams in Tahoe and recreate somewhere else. Since 2020, the residential population has increased as a result of remote work and the “COVID migration” of thousands of people who moved to the Basin full time. In the last few years, visitation to the basin has also significantly increased. Relying on population and traffic counts from 2000-2020 fails to capture these existing conditions and underrepresents the already congested and dangerous traffic levels in the Basin (as noted above, average AADT increase by 50% between 2020 and 2021). The Addendum includes no analysis of the impacts of the amendments, plus cumulative projects, in addition to the problems associated with current conditions. Circumstances have significantly changed and an updated traffic analysis is warranted.

There are new significant environmental effects or a substantial increase in severity of previously identified significant effects – With the increased fire danger, increased population and visitation, existing traffic congestion already experienced on our roadways, and changes in fire behavior, we believe the new effects related to public safety and emergency access/evacuation (if not also the impacts to lake clarity, which should be a priority as well), warrant an updated analysis and mitigation.

There are additional significant effects not discussed in the EIR – The EIR has not discussed the cumulative impacts of the amendments along with existing traffic conditions and the increased traffic associated with currently approved but not-yet-built projects on the north and west shores (and the Tahoe/Truckee region).

There are additional mitigation measures that could be adopted to mitigate impacts but were declined – The Addendum does not evaluate additional mitigation measures that could focus on addressing existing congested traffic.

Recommendation:

FOWS recommends an updated traffic analysis be performed in a comprehensive EIR 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.

ALTERNATIVES

As noted in our previous comments, alternative options for providing affordable housing need to be analyzed and should be done as part of a comprehensive EIR analysis. Such options include:

1. Better regulation of and a reduction in short term rentals to provide more workforce and local housing;
2. Providing realistic incentives to second homeowners to encourage renting to locals;
3. Develop subsidized housing by government agencies and/or non-profits to allow development of units that would only be used for workforce affordable housing, and not mixed with luxury

and tourist units which only allot a small portion of the development (i.e. 10%) to affordable housing.

4. Land Trusts, in which the government agency or non-profit owns the land and leases or sells the housing to low-income residents. It would be deed-restricted. The cost is lower since the resident buyer does not own the land. When they leave, it remains affordable housing.

ATTACHMENT - FOWS COMMENTS TO PLANNING COMMISSION



Placer County Planning Commission
3091 County Center Drive
Auburn, CA 95603

August 8, 2023

Dear Members of the Planning Commission:

The Friends of the West Shore (FOWS) appreciates the opportunity to provide comments on the Proposed Tahoe Basin Area Plan (TBAP) amendments and associated Addendum #1 to a previously-certified Environmental Impact Report (Addendum). We also appreciate the efforts of staff to continue to relay information and discuss the amendments with the public, such as through the recent 8/1 online Town Hall meeting.

CEQA requires that subsequent environmental review is required when circumstances have changed, there are new significant environmental effects or a substantial increase in severity of previously identified significant effects, there are additional significant effects not discussed in the EIR, significant effects previously examined will be substantially more severe, and/or when there are additional mitigation measures that could be adopted to mitigate impacts but were declined. However, the Addendum fails to analyze new and more severe impacts associated with the amendments, including:

- Impacts associated with existing conditions with regards to traffic, wildfire danger and current fire movement trends, current north and west shore population, and visitation, which have changed significantly from the baseline data years analyzed by previous environmental documentation (e.g. 2010-2011 [traffic] or 2020 [population]) from which the Area Plan reviews continue to tier. Basing solutions to new problems on old, un-representative data is not an effective way to plan.
- Emergency Evacuation and access for responders
- Current CEQA Guidance for Analyzing and Mitigating Wildfire Impacts of Development Projects
- Cumulative Impacts of other approved but not yet constructed projects in the area
- Increasing residential and visitor populations without addressing existing problems from - let alone adding to - traffic, congestion, and emergency access/evacuation
- Impact of the proposed reduction in parking requirements on congestion and spillover to residential streets; and
- The concern with the continued loss of scenic views for the residents and visitors to enjoy

Detailed comments are enclosed. FOWS requests that the amendments be postponed unless and until a comprehensive environmental analysis based on existing conditions is performed. Thank you for considering these comments.

Sincerely,

Judith Tornese,
President

The following list outlines FOWS concerns and recommendations regarding the proposed TBAP amendments. FOWS has submitted similar comments and recommendations in the past, however they have not been addressed in the Addendum. Additional information based on the new Addendum follows each topic in blue text.

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.

ADDENDUM:

The Addendum repeats information from the outdated Area Plan analysis,¹ which notably tiered from the TRPA 2012 Regional Plan Update (RPU) EIR/S, which used 2010 and 2011 data. Further, there is no consideration of the "Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act" released in October 2022 by the California Attorney General.

CEQA Triggers:

Circumstances have changed – Fire severity and behavior has become significantly more severe and dangerous, megafires are more common, and the old ways of fighting fires are no longer working to slow or stop such fires. Plus, there are significantly more full-time residents and visitors in the Basin, especially during the time of year when fire danger is highest.

There are new significant environmental effects or a substantial increase in severity of previously identified significant effects – With the increased fire danger, increased population and visitation,

¹ "Impact 18-3 addressed impacts related to interfering with implementation of an emergency response plan or emergency evacuation plan. The Area Plan EIR determined that operation of the TBAP would not increase existing congestion that occurs in the Basin such that emergency evacuation would be impeded. Therefore, it would not hamper emergency response or evacuation plans and would result in a less than significant impact (Area Plan EIR pg. 18-23).

Impact 18-4 addressed impacts from exposing people to wildland fire hazards. The Area Plan EIR emphasized that the TBAP could result in a modest increase in the number of visitors in the plan area, and thus the number of people exposed to wildland fire hazards. However, future development under the TBAP would be required to comply with Regional Plan policies, existing local and state regulations for fire protection, and Area Plan policies for fire fuels reduction and increases in defensible space. Thus, impacts from exposing people to wildfire hazards would be less than significant."

existing traffic congestion already experienced on our roadways, and changes in fire behavior, we believe there are new effects related to public safety that warrant analysis and mitigation.

There are additional significant effects not discussed in the EIR – The EIR has not discussed the cumulative impacts of the amendments along with existing traffic conditions and the increased traffic associated with currently approved but not-yet-built projects on the north and west shores (and the Tahoe/Truckee region).

There are additional mitigation measures that could be adopted to mitigate impacts but were declined – The increased popularity of vacation rentals has resulted in an increase in visitor traffic and the placement of visitors in neighborhoods, rather than in the more “walkable” Town Centers where the 2012 RPU claimed tourist units would be focused. While the amendments include measures to affect the cap on VHRs based on the development of new tourist accommodation units, this still means more tourists are driving to the basin (whether to now existing VHRs or the future hotels/motels). There is no consideration of a reduction in VHRs and re-evaluation of the capacity of the area to handle *current* extensive visitation, let alone *increased* visitation. There are also no mitigation measures aiming to discourage day visitation or adequately establish a public transit system that visitors will actually use from outside of the Basin.

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 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.² 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.

² 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.”

ADDENDUM:

The previous Area Plan analysis was based on traffic conditions that have significantly changed. The years being evaluated were questioned at the 8/1 Town Hall meeting and staff said that the amendments have been in the planning stages “for years”, the implication being that current conditions were not used because the process started several years ago. First, we believe an updated analysis is required by CEQA and would require impacts be analyzed based on existing conditions. Second, there is no question that there are currently more people and more traffic, along with worsening fire danger, compared to the 2016 Area Plan review and 2011 RPU review, so why would the county *knowingly* make a problem worse without first assessing how to reduce the already existing problem? It is imperative that land use planning ADAPTS to changing conditions. We should not be pursuing plans that will knowingly create public safety and environmental impacts simply because the planning has been ‘in the works’.

CEQA Triggers:

Circumstances have changed – One need not look far to see a new article or report about how crowded the Basin currently is and warnings to avoid the traffic jams in Tahoe and recreate somewhere else. Since 2020, the residential population has increased as a result of remote work and the “COVID migration” of thousands of people who moved to the Basin full time. In the last few years, visitation to the basin has also significantly increased. Relying on population and traffic counts from 2000-2020 fails to capture these existing conditions and underrepresents the already congested and dangerous traffic levels in the Basin. The Addendum includes no analysis of the impacts of the amendments, plus cumulative projects, in addition to the problems associated with current conditions. Circumstances have significantly changed and an updated traffic analysis is warranted.

There are new significant environmental effects or a substantial increase in severity of previously identified significant effects – With the increased fire danger, increased population and visitation, existing traffic congestion already experienced on our roadways, and changes in fire behavior, we believe the new effects related to public safety and emergency access/evacuation (if not also the impacts to lake clarity, which should be a priority as well), warrant an updated analysis and mitigation.

There are additional significant effects not discussed in the EIR – The EIR has not discussed the cumulative impacts of the amendments along with existing traffic conditions and the increased traffic associated with currently approved but not-yet-built projects on the north and west shores (and the Tahoe/Truckee region).

There are additional mitigation measures that could be adopted to mitigate impacts but were declined – The Addendum does not evaluate additional mitigation measures that could focus on addressing existing congested traffic.

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.

ADDENDUM:

There is no analysis of the cumulative impacts of the proposed amendments in addition to approved but not-yet-built projects in the region and based on existing conditions. As noted throughout individual topics, we believe the CEQA triggers for additional analysis are met, especially for analyzing traffic, wildfire danger, emergency access/evacuation, and population.

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.).

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.

ADDENDUM:

The proposed amendments are based solely on the premise that more development will help provide affordable housing. The analysis has failed to examine other factors and policies that are affecting the affordability of housing and/or that could help mitigate the problem. As noted above and in previous comments, numerous questions remain:

- 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 (with higher incomes from jobs out of the area) 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 providing affordable housing through existing housing stock?
- Can new and existing taxes that have been imposed on Tahoe businesses and/or collected from tourist units be used to help subsidize workforce housing? For example, given visitors use the same services that are provided by many of those who need the affordable/workforce housing, could the TOT tax be used to help subsidize such housing. Current over-visitation in the area would suggest that fewer funds are needed to “promote” more tourism.

CEQA Triggers:

There are additional mitigation measures that could be adopted to mitigate impacts but were declined
 – The Addendum does not evaluate additional mitigation measures that could address the shortage in affordable housing, including policies related to reducing the number of existing vacation rentals.

FOWS also reiterates previous comments in the attached 3/9/2023 comment letter not repeated herein. In addition, we add the following:

- We are concerned that the reduction in setbacks on the lake side in Town Centers will reduce/eliminate view corridors toward the lake.
- We do not support the proposal to eliminate Design Review for Multi-Family Residential Development with 15 units or fewer (1.04.E). Fifteen units of undetermined size could drastically change a neighborhood or small community and the public should have the opportunity to review and comment on such projects.

We request that the amendments be postponed unless and until a comprehensive environmental analysis based from **existing** conditions 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



Placer County Community Development Resource Agency
Attn: Crystal Jacobsen, Deputy Director
3091 County Center Drive
Auburn, CA 95603

March 6, 2023

Dear Ms. Jacobsen:

The Friends of the West Shore (FOWS) appreciates the opportunity to provide comments on the Proposed Tahoe Basin Area Plan (TBAP) amendments associated with the currently-scheduled March 9th Public Workshop. However, we would first like to urge the county to postpone this in-person only meeting. Our region has experienced record-breaking storms bringing substantial amounts of snow to our area. This has resulted in significant impacts to our roadway system and created dangerous driving conditions. At this time, the NOAA forecast includes snow every day through Thursday and beyond. Even if new snowfall is minor in the 2-3 days leading up to the workshop, many will still be digging out from the storms and as we've seen multiple times this winter, roadway operations cannot 'catch up' with widening and creating safe conditions in such a short period of time due to the already-substantial snowfall. We believe the meeting should be postponed until those who want to attend can safely travel to the meeting, and/or that online attendance options be provided.

It is our understanding that no changes to the amendments have been proposed since they were last presented to the Placer County Planning Commission on 12/4/2022 and TRPA Regional Plan Implementation Committee on 12/14/2022. Therefore, our previous comments expressing concerns and recommendations regarding the following topics are attached to this letter:

- Emergency Evacuation
- Analysis of Environmental Impacts and Traffic
- Cumulative Impacts
- Affordable Housing
- Public Involvement and TBAP Planning Teams
- Multi-Use Permits
- Parking
- Scenic Resource Impacts

FOWS requests 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: Jacob Stock, Tahoe Regional Planning Agency



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

¹ 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.² 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.).

² 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 agencies¹ 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.² 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.³ Particularly in these high-risk areas, but also throughout the

¹ 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.)

² 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. 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>.

³ 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.⁴ This guidance is aimed at proposed development projects, such as residential, recreational, or commercial developments.⁵ 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 years⁶ and eight of the State's ten largest fires since 1932 have occurred in the last decade.⁷ While lightning is a common cause of some of the State's largest

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/>.

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

⁵ 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.

⁶ CAL FIRE, Top 20 Largest California Wildfires (Jan. 13, 2022), available at 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>.

⁷ 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.⁸

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.⁹ 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.¹⁰

Wildfires also have tragic consequences for California's residents. Since 2010, wildfires have killed nearly 150 people in California¹¹ and, since 2005, wildfires have destroyed over 97,000 structures,¹² 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.¹³ 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.¹⁴ Meanwhile, the costs of wildfire suppression and resiliency have become significant. In

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

⁸ See CAL FIRE, Top 20 Largest California Wildfires (Jan. 13, 2022), available at 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.

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

¹⁰ 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>.

¹¹ CAL FIRE, Top Deadliest California Wildfires (Oct. 22, 2021), available at https://www.fire.ca.gov/media/lbfd0m2f/top20_deadliest.pdf.

¹² 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/>.

¹³ 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>.

¹⁴ 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.¹⁵ 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.¹⁶

As of 2010, about one-third of California’s housing units were located within the wildland-urban interface.¹⁷ 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.¹⁸ Second, building housing units in the wildland-urban interface puts more people in harm’s way.¹⁹ 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.²⁰

¹⁵ 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>.

¹⁶ 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/>.

¹⁷ 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; 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. 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>.

¹⁸ 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).

¹⁹ 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; 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).

²⁰ 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.²¹ In the last ten years, new legislation has passed requiring local jurisdictions to consider wildfire risks in their general planning processes.²² The Governor’s Office of Planning and Research (OPR) recently published comprehensive guidance to help local agencies comply with these requirements.²³ We encourage local jurisdictions to consult this guidance and to thoughtfully plan for new development given the increasing risk of wildfires throughout the state.²⁴

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.

²¹ 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”].

²² 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].

²³ 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; 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.

²⁴ 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 declaration²⁵ if the project may potentially have a significant impact on the environment and is not otherwise exempt from CEQA.²⁶ 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 Guidelines²⁷ 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.²⁸ 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.²⁹ The “environmental checklist form” in Appendix G of the CEQA Guidelines, Section XX, directs lead agencies to assess whether

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).

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

²⁶ Pub. Resources Code, § 21067; CEQA Guidelines, §§ 15050 and 15367.

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

²⁸ CEQA Guidelines, § 15125.

²⁹ CEQA Guidelines, § 15126.2.

projects located *in or near* state responsibility areas or lands classified as very high fire hazard severity zones,³⁰ 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.³¹

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.”³² In answering these questions, lead agencies must consider both on- and off-site impacts.³³

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.³⁴ This is because there are more people present to ignite a fire (as compared to undeveloped land), and the development is not concentrated enough

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

³¹ CEQA Guidelines, Appendix G, XX.

³² 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.

³³ 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”].

³⁴ 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.³⁵ “Isolated clusters of development and low housing density mean that homes are embedded within, and more exposed to, a matrix of wildland vegetation.”³⁶ Moreover, fire-fighters may have difficulty accessing more remote and disconnected developments.³⁷

- **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.³⁸ 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.³⁹

³⁵ 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.

³⁶ 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.

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

³⁸ 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>.

³⁹ 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 [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.⁴⁰ This analysis should consider the potential loss of water pressure during a fire, which may decrease available water supply⁴¹ and the potential loss of power, which may eliminate the supply.⁴²

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.⁴³ 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.

⁴⁰ 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>.

⁴¹ 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>.

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

⁴³ 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; 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.

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.⁴⁴

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.

⁴⁴ 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.⁴⁵
- 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,⁴⁶ can serve as a valuable contingency, but it should not be relied upon in lieu of analyzing and mitigating a project's evacuation impacts.⁴⁷

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

⁴⁵ 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>.

⁴⁶ 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].

⁴⁷ 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).⁴⁸ 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).

⁴⁸ 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.⁴⁹ It is also important that legal obligations are structured so that defensible space measures are retained over time.⁵⁰
- 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,

⁴⁹ 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) *FREMONTIA*, 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>.

⁵⁰ 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.⁵¹ 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.⁵² 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.⁵³ 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.⁵⁴ 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.

⁵¹ 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"].

⁵² 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>.

⁵³ 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].

⁵⁴ 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>.



Placer County Planning Commission
3091 County Center Drive
Auburn, CA 95603

December 5, 2022

Dear Members of the Placer County Planning Commission:

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 with the proposed TBAP amendments.

- 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.
- 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. 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.
- 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.
- 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 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?

- 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.
- 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).
- 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, especially without an improved transit system.
- A lot of effort 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.

FOWS requests 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: Jacob Stock, Tahoe Regional Planning Agency