

**From:** Niobe Burden Austere <niobe.burden@gmail.com>  
**Sent:** 10/2/2023 7:51:41 PM  
**To:** Alyssa Bettinger <abettinger@trpa.gov>; Julie Regan <jregan@trpa.gov>; Ashley Conrad-Saydah <ashleyc@alumni.princeton.edu>; Vince Hoenigman <vhoenigman@yahoo.com>; Hayley Williamson <hayley.a.williamson@gmail.com>; John Marshall <jmarshall@trpa.gov>; Cindy Gustafson <cindygustafson@placer.ca.gov>; Brooke Laine <BOSFive@edcgov.us>; Meghan Hays <Meghan.hays9@gmail.com>; John Friedrich <jfriedrich@cityofslt.us>; Francisco Aguilar <cisco@sos.nv.gov>; Alexis Hill <AHill@washoecounty.us>; Wesley Rice <wrice@douglasnv.us>; Belinda Faustinos <belindafastinos@gmail.com>; Shelly Aldean <shellyaldean@gmail.com>; Jessica Diss <jdiss.trpa@gmail.com>; Alexandra Leumer <TRPALeumer@yahoo.com>; James Settelmeyer <JSettelmeyer@dcnr.nv.gov>; Public Comment <PublicComment@trpa.gov>  
**Subject:** Fwd: TRPA - PLEASE pay attention to the detailed public input from the recent Flash Survey  
**Attachments:** [Fivestory-Bayside.JPG](#)

Sorry the image of the 5 story housing didn't seem to come through so here it is again.... attached  
The ground floor parking is optional extra to rent

**Marja**, please include this email as a post public comment to the September 27th TRPA Governing Board RPIC subcommittee meeting and confirm same.  
Thanks!

*Niobe Burden Austere*

-----  
(530)320-2100

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

From: **Niobe Burden Austere** <niobe.burden@gmail.com>

Date: Mon, Oct 2, 2023 at 7:22 PM

Subject: TRPA - PLEASE pay attention to the detailed public input from the recent Flash Survey

To: Ashley Conrad-Saydah <ashleyc@alumni.princeton.edu>, Vince Hoenigman <vhoenigman@yahoo.com>, Hayley Williamson <hayley.a.williamson@gmail.com>, John Marshall <jmarshall@trpa.gov>, Cindy Gustafson <cindygustafson@placer.ca.gov>, Brooke Laine <BOSFive@edcgov.us>, Megan Hays <meghan.hays9@gmail.com>, John Friedrich <jfriedrich@cityofslt.us>, Francisco Aguilar <cisco@sos.nv.gov>, Alexis Hill <AHill@washoecounty.us>, Wesley Rice <wrice@douglasnv.us>, Julie Regan <jregan@trpa.gov>, Belinda Faustinos <belindafastinos@gmail.com>, Shelly Aldean <shellyaldean@gmail.com>, Jessica Diss <jdiss.trpa@gmail.com>, James Settelmeyer <jsettelmeyer@dcnr.nv.gov>, Alyssa Bettinger <abettinger@trpa.gov>

To TRPA staff, TRPA Governing Board, TRPA Advisory Planning Commission,

It's more than obvious to anyone closely following the presentations by TRPA staff to committees and the public regarding the proposed Regional Plan Amendments, a turning point has been reached and public input isn't being considered and questions are no longer being sufficiently addressed but rather limited if not stifled by time constraints. It's becoming obvious that TRPA's only goal is to steam-roll ahead with these amendments and get them approved by year end. They've even said so!

If one studies the survey results and reads the 681 free text comments from the **2-day** flash survey (link at bottom), it's clear that the **majority of respondents DO NOT WANT increased height. In Question 3** - a majority of 32.4% strongly disagree and 19% somewhat disagree for a **51.4% total disagreeing**. Yet **TRPA staff led the TRPA Regional plan implementation committee (RPIC) to believe that it was "a surprising 50/50 split"**.....a misleading statement.

For the agreed to reach 50%, the "neutral and not sure" respondents (which made up 10%) would need to be included with the agreed. The facts are 22.9% somewhat agree and 15.2% strongly agree for **38.1% total agreeing. See the graph for yourself!**

No where in the question did it indicate that taller means 65' in town centers. Is this also misleading or an incomplete question?

Also, **Question 2** asking which would be the **BEST OPTION** to provide more housing .... Where **66% (605 of 915) indicated this option:**

Small multi-family buildings (up to 10 units) near town centers, in areas that already allow for multi-family housing

**Not once did I hear this option mentioned by TRPA staff as preferred by the public to RPIC.** Only the need for these amendments to increase height and density with parking reduced to zero in town centers and .75 parking/unit in multi family zones. Where do the home cleaners, construction workers and hospital employees park their necessary vehicles? **Parking management plans need to be put in place BEFORE any amendments that allow these projects to be considered** without parking, in town centers AND multi family zones. MOUs need to be based on something. Let's start with, where is a dedicated multi-story garage going to happen in Kings Beach?

**Please REVIEW the survey for yourself and read the 681 comments.** It's quite apparent that the public wants firstly and for immediate results over the next year or two, a limitation cap and phase down of STRs and incentive programs for owners to rent long term/seasonally their empty homes....or have a vacancy tax like other mtn resort areas. This could be an immediate partial solution until housing is available in 3-4 years.

**Before any decision making moves forward the following illustrations should be made available for the public and committees to see, and the following questions about the details of the proposed amendments addressed:**

1. First **TRPA must have REALISTIC renderings of town center proposals of 65' (5-story) on their "Achievable Housing" webpage and for all future meetings** (see image below).

Here is an example of a 5 story building, this one includes realistic ground floor parking!

In addition, not one rendering in the TRPA materials or affordable housing webinar on Sept 19th has more than 4 stories, which is clearly deceptive information. Even the home page image on the **TRPA Achievable Housing website** explaining the proposed amendment changes is of the current "**Domus affordable housing project**" in Kings Beach that stands at 48'. Nothing on this webpage represents the proposed 65'/ 5 stories in fact. Have a look here - <https://storymaps.arcgis.com/stories/62ae9110d85c43ecb381eb3f3ccec196>

And you will notice on this same webpage that the **flash survey results from 1255 people I'm referring to in this email are only represented as a link with NO summary/or screenshots**. While a survey immediately following TRPA's Sept 19th housing webinar had 57 respondents, and they feature it as the primary public input with a screenshot of 30 respondents (barely the majority 53% with 14% needing more information) in favor of taller and denser building (here again, they do not mention HOW tall)

2. **TRPA must have a combined map of Town Centers AND Multi Family zones (in different colors) with township boundaries** to give everyone a realistic idea of the areas affected. **This map should also have zoomed in renderings of each township area for the public to see where their property ownership lies. This map should be referred to in future live meeting presentations.**

3. TRPA must have a **chart explaining the intended allocation of bonus housing units in each township/ zone /county around the lake basin** (which was indicated in the RPIC meeting as a total of 10% of the population). Also stipulating the **allocation within each "Bucket"** of 1/2 affordable - 1/2 moderate and achievable. And finally, a chart with example rental amounts/sales prices indicated for each bucket in each county for each size unit.

4. **TRPA must clarify the calculation of each income level (affordable, missing middle/moderate, achievable) as % of AMI based on # in household** with current AMI information/its source. They also need to explain **why there is no income cap to qualify for "achievable" housing**, only a requirement to work for a local employer. How do you keep someone from just obtaining a local business license as an employer and qualifying?

5. Will **mixed use projects** be able to utilize these beneficial ordinances if they **have a dedicated workforce housing component**? Commercial/retail and workforce? Workforce and TAUs/STRs or market rate units? **Or will these ordinances ONLY be allowed for 100% workforce housing developments? What percentage will be "deed restricted for sale" versus "affordable rental projects" which is most needed by the seasonal workers? What happens if the units don't sell as "missing middle or achievable" units? Who absorbs the developers shortfall if they then are forced to lower the sales prices? Will TRPA be subject to lawsuits?**

6. **How will compliance be enforced?** - TRPA's track record for enforcing required workforce housing with previous development projects leaves much to be desired. Details how the Vail program works - 100% reporting versus what TRPA or the jurisdictions will be required to do? **Explain the audit of a 10% sample - will this sample be for each "bucket"?**

7. It's obvious from the flash survey that respondents believe STRs are contributing to a workforce housing shortage and they should be limited or banned. **Why won't TRPA take a more immediate approach** to help relieve the shortage of workforce housing NOW and **mandate a reduced cap on STR permits** like other mountain resort communities have recently done? For instance Placer county has had an average STR permit level of 3400 of the 3900 available for the past year. Why can't this be reduced to 2500 and through attrition be converted to long term/seasonal rental with incentives made available to possibly free up a chunk of housing units?

8. The flash survey also raises concerns about overtourism, environmental scenic thresholds, adequate evacuation studies and news of microplastics and invasive aquatic snails. Explain **how can TRPA substantiate approval of these amendments to the Regional Plan without an updated cumulative Environmental Impact Report** but base it on the ratified EIR for the 2012 Regional Plan? **How can a "Checklist" be sufficient to recognize and mitigate current environmental deterioration issues? There HAS BEEN A CUMULATIVE effect of building development and a substantial number of approved/not built projects since the last completed EIR for the Regional Plan, along with climate change, increased wildfire, pollution and invasive species...is this not obvious? I don't see how TRPA can justify CEQA and NEPA guideline compliance and not complete a current cumulative EIR before these amendments are approved? I do see possible lawsuits.**

Everyone's attention to and explanation thereof the details to these far encompassing amendments needs to be addressed for the public and will be asked at all upcoming meetings.

#### THE FLASH VOTE SURVEY -

I hope you will read the 681 free text comments (good bed time reading :D) to get a sense of the majority public input within the flash survey and ask your own questions.

It is available here - <https://www.flashvote.com/lake-tahoe-basin-nv-ca/surveys/regional-housing-09-23?filter=invited>

Thank you for your consideration and concern for public input. Your responses are welcome.

Kindly,  
Niobe Burden Austere  
One of numerous concerned property owners on the north shore of Lake Tahoe





NO PARKING  
IN FRONT OF  
BUS STOP  
8:00 AM TO 5:00 PM  
MON-FRI

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8:00 AM TO 5:00 PM  
MON-FRI

**From:** leah kaufman <leah.lkplanning@sbcglobal.net>

**Sent:** 10/1/2023 5:45:34 PM

**To:** Public Comment <PublicComment@trpa.gov>

**Subject:** Fw: Fwd: trpa FlashVote Survey Results for the Lake Tahoe Basin NV, CA community - Regional Housing - Listen to the Public!

Please make sure this goes to all trpa governing board members and to apc etc.

[Sent from AT&T Yahoo Mail on Android](#)

----- Forwarded Message -----

**From:** "Niobe Burden Austere" <niobe.burden@gmail.com>

**To:** "Ashley Therien" <ashley.therien@mail.house.gov>, "Alex Padilla" <edgar\_rodriguez@padilla.senate.gov>, "Edward Heidig" <edward.heidig@mail.house.gov>, "Heidi Mayerhofer" <heidi.mayerhofer@sen.ca.gov>, "bdofsupervisors@co.nevada.ca.us" <bdofsupervisors@co.nevada.ca.us>, "Nancy Pelosi" <aaron.bennett@mail.house.gov>, "Serrell Smokey" <executive.assistant@washoetribe.us>, "Jennifer Eberlien" <d'artanyan.ratley@usda.gov>, "Catherine Cortez Masto" <lauren\_wodarski@cortezmasto.senate.gov>, "Joe Lombardo" <eray@gov.nv.gov>

**Sent:** Sun, Oct 1, 2023 at 8:19 PM

**Subject:** Fwd: FlashVote Survey Results for the Lake Tahoe Basin NV, CA community - Regional Housing - Listen to the Public!

Hello,

This email is a follow up to my email dated September 20th to legislative representatives, further providing evidence of community concerns I outlined in that email. In addition, I want to point out the **obvious disregard by TRPA staff of the comments provided in the Flash Survey** conducted last week (available for 2 days) at its immediately following meeting with the **TRPA Regional Plan Implementation committee who deferred to TRPA staff for summarization.**

The **community members of the Lake Tahoe Basin are gravely concerned how zoning ordinance changes are being proposed "in the name of achievable housing" that will allow increased height (from 56' to 65') for density, insufficient parking - (zero in town centers and .75 per unit in multifamily zones), and 100% coverage will affect their communities, the lake environment and their wildfire evacuation safety. They are also truly concerned whether built workforce housing will be rental or "truly affordable" or lead to building of mixed use buildings with market rent units/commercial along with "achievable" housing units that can be achieved by falling through loop holes. These amendments are being pushed forward without any cumulative environmental impact study since the 2012 General Plan and over tourism and lake pollution is currently in the news nationwide.**

**Please review** the results from this 2 day "flash" survey which was recently **emailed out by TRPA (Tahoe Regional Planning Agency)** to 2335 invited participants whereby they **received 1255 responses** (921 of invites and 334 others who received via forwarding)

**Some of the main concerns of the 681 free text comments to the survey are about -**

- **Deed restricted housing being truly affordable rather than "achievable" for the workforce and the "deed restricted" units being sold to "telecommuters" who obtain a business license**
- **Allowing less than 100% deed restricted units to be mixed with commercial and Tourist accommodation or Market sale units in same building**
- **Not addressing affordable rental housing needs that are based on ACTUAL service workers income levels vs 80 to 120% of AMI which is wildly high because of the area remote population**
- **Need for allowance for ADUs to provide housing options**
- **Consideration of a vacancy tax to encourage housing options**
- **Require large employers to provide their own workforce housing on-site**
- **Mass transit availability from out of basin for workforce further contributing to air quality deterioration (which the air quality threshold is also proposed to be eliminated by TRPA**
- **Large, five story multi family housing being necessary at all, too tall, cheaply built and concerns about being in "their" neighborhood and further deteriorating scenic thresholds from the lake (no screening required)**
- **Concerns for protection of the lake and environmental deterioration**
- **Concerns whether current infrastructure can support any additional new dense development**
- **Concerns for being able to escape safely from the Tahoe basin during a wildfire event without cars**
- **This survey being slanted toward why one should approve of the amendments**
- **\*\*\* Too many STRs (short term rentals) and the need to limit or ban them, transition them to Long term rentals BEFORE considering 5 story new housing development (MENTIONED MORE THAN ANY OTHER COMMENT)**

**TRPA staff then indicates to the TRPA Regional Plan Implementation committee on Sept 27 that the flash survey indicated a 50/50 split regarding approval of these amendments! When in fact, the largest percentage of respondents strongly disagreed with the question 3 - "I would be OK with taller and larger buildings in and around our town centers if that created more affordable housing options" - a BLATANT LIE to the COMMITTEE who is relying on the staff to summarize for them.**

**See comments under each question** for the real concerns that community members couldn't vote on with this survey. Especially pay attention to the **403 comments under question 5....a good summary of how the community feels.**

**At this point, TRPA is rolling full steam ahead to try to push through increased height and density with 100% coverage and NO parking requirement in town centers and .75 parking/units in multifamily developments, passing it before year end.**

These results are available for the following meetings, but again most committees are relying on TRPA staff to summarize.  
**WE the PUBLIC encourage you to READ the Comments and make your own deductions and then question TRPA.**

The main contact for meeting agendas/comments provided under each below which are the decisive meetings before year end:

Oct 11- TRPA Advisory Planning Commission meeting  
member contacts - [www.trpa.gov/how-we-operate/advisory-planning-commission/](http://www.trpa.gov/how-we-operate/advisory-planning-commission/)

Oct 18 - TRPA Tahoe Living Working Group meeting



info - [www.trpa.gov/tahoe-living-housing-and-community-revitalization-working-group-2/](http://www.trpa.gov/tahoe-living-housing-and-community-revitalization-working-group-2/)

Oct 25 - TRPA Governing Board meeting  
member contacts - [www.trpa.gov/how-we-operate/board-members/](http://www.trpa.gov/how-we-operate/board-members/)

Oct 30 - Placer County STR working group meeting  
contact - Jasmyn Carr <[jcarr@placer.ca.gov](mailto:jcarr@placer.ca.gov)>

Nov 8 - TRPA Advisory Planning Commission meeting  
member contacts - [www.trpa.gov/how-we-operate/advisory-planning-commission/](http://www.trpa.gov/how-we-operate/advisory-planning-commission/)

Nov 15 - TRPA Governing Board meeting  
member contacts - [www.trpa.gov/how-we-operate/board-members/](http://www.trpa.gov/how-we-operate/board-members/)

Dec 6 - TRPA Advisory Planning Commission meeting  
member contacts - [www.trpa.gov/how-we-operate/advisory-planning-commission/](http://www.trpa.gov/how-we-operate/advisory-planning-commission/)

Dec 13 - TRPA Governing Board meeting  
member contacts - [www.trpa.gov/how-we-operate/board-members/](http://www.trpa.gov/how-we-operate/board-members/)

There should be plenty of discussion about these results - we will see if they pay attention to the public.

**Thanks for any questioning or intervention you can provide. The PUBLIC is NOT being heard here and all but disregarded despite obvious rebuttal in the comments of this one survey alone. And more truthful renderings and truthful information to the public regarding actual proposed height and parking limitations need to be forthcoming in the very least.**

**ANY response would be much appreciated.**

Kindly,  
Niobe Burden Austere  
One of many concerned property owners, Tahoe Vista, CA

Begin forwarded message:

**From:** "FlashVote (Lake Tahoe Basin NV, CA)" <[surveys@flashvote.com](mailto:surveys@flashvote.com)>  
**Date:** September 27, 2023 at 1:49:47 PM EDT  
**To:** [niobe.burden@gmail.com](mailto:niobe.burden@gmail.com)  
**Subject:** FlashVote Survey Results for the Lake Tahoe Basin NV, CA community - Regional Housing



This survey was sent on behalf of the Tahoe Regional Planning Agency to the FlashVote community for Lake Tahoe Basin NV, CA.

Niobe,  
Thank you for participating in our recent survey: Regional Housing.

The survey ended with 1255 total responses. You can see the results summary below, or visit the site for the full results analysis.

[VIEW RESULTS](#)

[https://www.flashvote.com/l/TzFJQgWrm6wsxYmM5\\_bT7oWK\\_DecCEoT](https://www.flashvote.com/l/TzFJQgWrm6wsxYmM5_bT7oWK_DecCEoT)

Note: This link will log you into your account one time only.

**How much do you agree or disagree with the following statement?"People who work in the Tahoe Basin should be able to afford to live in the Tahoe Basin"**

On a scale from 1 to 5 (1=Strongly Disagree, 2=Somewhat Disagree, 3=Neutral, 4=Somewhat Agree, 5=Strongly Agree)

Average rating: 4.06

[View details](#)

**Which of the following, if any, do you think are the best options to provide more housing in the Tahoe Basin (Choose all that apply)**

- Apartment complexes (greater than 10 units) in and near town centers - 534
- Small multi-family buildings (up to 10 units) near town centers, in areas that already allow for multi-family housing - 780
- Duplex, triplex, and four-plex homes in residential areas - 478
- Large multifamily buildings (50 – 200+ units) in town centers - 221
- Tiny home communities in residential areas - 334
- Modular homes and mobile home parks in residential areas - 138
- Other: - 251

247 comments [View comments](#)

**How much do you agree or disagree with the following statement?"I would be OK with taller and larger buildings in and around our town centers if that created more affordable housing options"**

On a scale from 1 to 5 (1=Strongly Disagree, 2=Somewhat Disagree, 3=Neutral, 4=Somewhat Agree, 5=Strongly Agree)

Average rating: 2.83

[View details](#)

**What are your biggest concerns, if any, about making it easier and less expensive to build smaller and lower cost "workforce housing" units in the Lake Tahoe Basin? (You can choose up to THREE, if any)**

- Traffic impacts - 519
- Public safety impacts - 245
- Reduction in property values - 201
- Managing environmental impacts - 429
- Obstructing views/natural scenery - 404
- The units will become short-term rentals - 666
- None of these are big concerns for me - 119
- Other: - 125

126 comments [View comments](#)

**Any other comments or suggestions about housing in the Lake Tahoe Basin?**

521 comments [View comments](#)

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To opt-out of receiving any further contact from FlashVote, [click here](#).

**From:** Karen Fink <kfink@trpa.gov>  
**Sent:** 9/27/2023 11:16:45 AM  
**To:** Alyssa Bettinger <abettinger@trpa.gov>; Jeff Cowen <jcowen@trpa.gov>; Public Comment <PublicComment@trpa.gov>  
**Subject:** RE: TRPA Phase 2 Housing Webinar: Q&A posted  
**Attachments:** [image001.jpg](#)

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Karen Fink, AICP  
Housing and Community Revitalization Program Manager  
Office: 775-589-5258  
[kfink@trpa.gov](mailto:kfink@trpa.gov)



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**From:** Craig Alciati <craig.alciati@gmail.com>  
**Sent:** Wednesday, September 27, 2023 11:11 AM  
**To:** Alyssa Bettinger <abettinger@trpa.gov>; Karen Fink <kfink@trpa.gov>; Jeff Cowen <jcowen@trpa.gov>  
**Subject:** Re: TRPA Phase 2 Housing Webinar: Q&A posted

Hi Alyssa, Jeff and Karen,

Thanks for your list of questions.

I understand some growth is important, I not convinced increased height and density is the answer that can overcome the threats our lake faces. Using empty housing capacity is the answer.

Add a vacancy tax to pay for more public transportation. Provide frequent and wide spread neighborhood transportation at very low cost and people will use it. Density will not help traffic public transportation people can rely on will. It needs to be around the, fast and cheap. Allow people who have second homes to rent for a season to receive a tax credit or something similar. Put housing built to use not build more. Allow existing owners and add a room, or a tiny house. Allow more creativity. Bigger and taller will not be better.

Once the developers are done and the area has lost its environmental clarity and charm what will we do?

Our lake, our community, our homes don't need taller, denser, bigger. We need to use what already built and fund new practical transportation options

Please look at what is unsued and empty now before building more

Thank you for all you do for our lake, Lot's of pressure but do the right thing!

Craig Alciati

Craig Alciati  
612- 483-2545  
[Craig.alciati@gmail.com](mailto:Craig.alciati@gmail.com)

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**From:** Alyssa Bettinger <abettinger@trpa.gov>  
**Sent:** Wednesday, September 27, 2023 12:21:18 PM  
**To:** Karen Fink <kfink@trpa.gov>; Jeff Cowen <jcowen@trpa.gov>  
**Subject:** TRPA Phase 2 Housing Webinar: Q&A posted

Thank you for tuning into TRPA's webinar, Innovative Housing Solutions: Updates to Encourage Affordable and Workforce Housing last week! We appreciate your time and input.

A [full list](#) of questions received during the webinar and answers has been posted to TRPA's [housing website](#).

Please let me know if you would like to be added to TRPA's housing enews list to receive updates about upcoming meetings, events, and projects related to housing in the Tahoe Basin.

Thanks,  
Alyssa

**Alyssa Bettinger**  
*Senior Planner*  
*Long Range & Transportation Planning*  
775-589-5301 | [abettinger@trpa.gov](mailto:abettinger@trpa.gov)



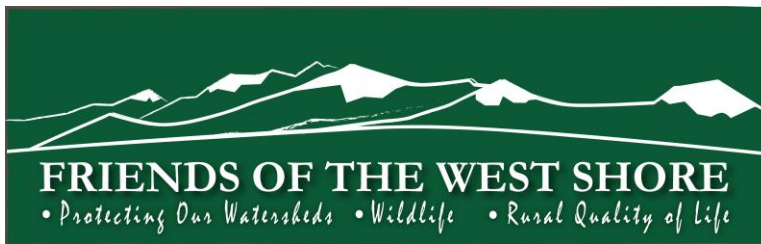


**From:** jmtornese@aol.com <jmtornese@aol.com>  
**Sent:** 9/27/2023 12:25:32 PM  
**To:** Public Comment <PublicComment@trpa.gov>; Karen Fink <kfink@trpa.gov>; Alyssa Bettinger <abettinger@trpa.gov>  
**Subject:** [BULK] TRPA - RPIC meeting of 9/27/23 - Comment from Friends of the West Shore  
**Attachments:** [TRPA.RPIC.FOWS comments.9-27-23.docx](#) , [TRPA.RPIC.Wildfire guidance \(3\)-9-27-23.pdf](#)

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Please forward the attached letter from FOWS and the wildfire guidance attachment to the RPIC members.

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



Dear RPIC members,

September 27, 2023

Please include this written public comment as part of the record for the 9/27/23 TRPA RPIC meeting. Following are a number of issues & concerns regarding the proposed housing amendments to the TRPA code:

1. The proposed amendments are relying on outdated environmental information and analysis and thus neglect to consider impacts associated with:
  - significant and unprecedented increases in wildfire occurrence, intensity, and rate of spread (in fact, there is now CEQA Guidance regarding analyzing such impacts **[attached]**)
  - lessons learned from recent wildfires that have led to a large number of fatalities from people unable to evacuate due to clogged roadways and fast-moving wildfires (i.e. the Camp Fire in Paradise, CA)
  - major increases in traffic and tourism over the last few years (comparisons to 2020, as we've seen in past presentations, are no longer relevant)
  - significant increase in vacation rentals, which not only negates the supposed cap on TAUs, but also places more people outside of the Town Centers (versus the Regional Plan's aim to encourage tourist units in more walkable Town Centers)

A new EIR/S is very important to identify, analyze and mitigate various concerns, including wildfire emergency evacuation, increased traffic and other environmental and cumulative impacts. Further, when the CA jurisdictions move forward to amend plans to adopt these changes, they will need to meet CA's CEQA requirements, which require updated analysis when there is significant new information or changes since the previous analysis.

2. There is still no comprehensive and realistic evacuation plan for the Tahoe Basin. Even with ample notice - which is not always possible - the staggered evacuation from the Caldor Fire created gridlock. The Compact not only tasks TRPA with protecting the environment, but also public health and safety.

3. Concern that more units will be built for luxury & visitor housing as justification for affordable housing. Affordable housing should not be mixed with luxury or visitor housing (which we don't need).

4. Code requirements and standards (such as density, height, land coverage and parking) should not be reduced. TRPA will not be protecting the Lake by watering down the code amendments. Are these proposed amendments specific only to affordable & workforce housing or all housing & building projects?

4. Get subsidies or funding from government agencies or non-profits to build ONLY affordable housing in town centers of King's Beach and Tahoe City (not in the small quaint villages of Tahoe). We need to maintain the scale and character of the villages. Evaluate other options for funding. What about TOT funds that are collected from vacation rentals?

5. Require that only local workers, especially teachers & emergency responders (below a certain income level as evidenced by tax returns) can occupy affordable housing.

6. Concentrate on affording workforce housing, which is currently the major concern. Achievable housing can be considered later.

6. Parking requirements need to be maintained. Local workers will need their cars to commute. It is unrealistic to think that people will give up their cars.

Judith Tornese, President  
Friends of the West Shore



TRPA.RPIC.Wildfire  
guidance final (3)-9-



State of California  
Office of the Attorney General

**ROB BONTA**  
ATTORNEY GENERAL

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

**I. Introduction**

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

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

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

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

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



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

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

## II. Background

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### III. Wildfire and Land Use Planning

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

Evacuation modeling and analysis should include the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

## VII. Conclusion

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

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

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

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

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

**From:** Marja Ambler <mambler@trpa.gov>  
**Sent:** 9/27/2023 7:59:15 AM  
**To:** Public Comment <PublicComment@trpa.gov>  
**Subject:** FW: Phase 2 Housing Amendments  
**Attachments:** [image001.jpg](#)

---

Marja Ambler  
Executive Assistant  
775-589-5287



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**From:** Kara Thiel <Kara@fimmtahoe.com>  
**Sent:** Tuesday, September 26, 2023 8:02 PM  
**To:** Shelly Aldean <shellyaldean@gmail.com>; James Settmeyer <JSettmeyer@dcnr.nv.gov>; Alexis Hill <AHill@washoecounty.us>; Cindy.Gustafson <cindygustafson@placer.ca.gov>; Jessica Diss <jdiss.trpa@gmail.com>; Vince Hoenigman <vhoenigman@yahoo.com>  
**Cc:** Lew Feldman <Lew@FMMTahoe.com>; John Marshall <jmarshall@trpa.gov>; Marja Ambler <mambler@trpa.gov>; Karen Fink <kfink@trpa.gov>; Alyssa Bettinger <abettinger@trpa.gov>; John Hester <jhester@trpa.gov>; Wendy Jepson <wjepson@trpa.gov>  
**Subject:** Phase 2 Housing Amendments

Honorable Members of the Regional Plan Implementation Committee:

We appreciate the opportunity to comment on TRPA's proposed Phase 2 Housing Amendments. We support the amendments and commend the Agency for its efforts to remove barriers to and incentivize workforce housing.

As you may or may not be aware, the TRPA Code defines "employee housing" and "multiple-family dwelling" as two distinct residential uses. Where multiple-family dwelling (MFD) is broadly defined as "[m]ore than one residential unit located on a parcel", employee housing is narrowly defined as "[r]esidential units **owned and maintained by public or private entities for purposes of housing employees of said public or private entity**" (emphasis added). Under the definition of MFD, any property owner can develop workforce housing for Tahoe employees. Under the definition of employee housing, a property owner **who is not an employer cannot** develop housing for Tahoe's local workforce. "Employee housing" **must** be owned by an employer and occupied only by employees of that particular employer.

This is significant because employee housing is a permissible use on certain parcels in the Basin where MFD is not. Excluding MFD as a permissible use may foreclose the development of workforce housing on parcels otherwise deemed suitable for "employee housing" but not owned by employers. There is no discernable reason for requiring much needed workforce housing on certain properties to be owned by a particular employer. We respectfully submit (1) eliminating the definition of employee housing from Table 21.4-A: List of Primary Uses and Definitions and (2) adding MFD\*\* as a permissible use on all parcels for which employee housing is currently permissible would increase the opportunity to realize workforce housing. We urge you to consider recommending the Phase 2 Housing Amendments include these revisions.

\*\* To avoid development of market rate units, on parcels currently zoned for employee housing, consider limiting MFD to deed-restricted housing (i.e., affordable, moderate, achievable housing).

Thank you for your consideration of the foregoing.

Kara

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**From:** leah kaufman <leah.lkplanning@sbcglobal.net>  
**Sent:** 9/27/2023 6:34:16 AM  
**To:** Public Comment <PublicComment@trpa.gov>  
**Subject:** Rpic and governing board please  
**Attachments:** [09-26-2023 Public Comments for the Placer County staff & Board of Supervisors.pdf](#)

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[Sent from AT&T Yahoo Mail on Android](#)

## Public Comments for the Placer County staff and Board of Supervisors

Date September 26, 2023

It may be enlightening for all to know that people living and working in the North Tahoe area really do care about their communities and have great knowledge about what improvements will work and what they want in their towns.

These people include professionals such as architects, engineers, land use planners, environmental scientists, Real Estate professionals, small business owners, developers, contractors and more. These people work with everyone else who works in the region. They know what is effective, what is needed, and they also know what is abusive, ill-conceived and greed driven.

They know that most of the county planned code changes have been designed to please larger project developments, and try to bait financial companies to back these large projects in the risky business of new resort developments, all in the name of progress. But is it progress to miss the mark and develop the wrong product?

The answer to that is all the misguided plans that Placer County CEP and Placer County Redevelopment Agency tried, and to this point, have not been able to get into place. Redevelopment district formed in the mid 1990's took tax funds away from the north shore of Tahoe to be used to redevelop the area. The county reminds us often that the spent "a lot of money redoing the streets and sidewalks in Kings Beach". Yes, and that was the tax money they got from Kings Beach, being used where it was earned. The county under the guise of the redevelopment agency bought up several town center parcels of land, taking them off the tax rolls and then has been holding them, somewhat for ransom, to find a single buyer, a single use that investors find is not financeable. Perhaps it is not a good investment???

Realtors, architects, engineers, land use planner and builders in the area have found local buyers interested in keeping in scale with the community, making a more "Mom and Pop" investment with commercial spaces on street level, owner or workforce housing on second and third floor, and make a sustainable and attainable business model in the town center. We have engineers designing 3-4 story resort mix commercial building within the code that will pencil out. We have solutions that are acceptable to the current codes and to the town character.

We have need for workforce housing. Most of our workforce that make under \$100k per year cannot afford to buy a home here. They also cannot afford to rent at prices over \$2500 for a single person per month. They find it most economical to pay for a 3-4 bedroom home with room for their spouse and family that costs them under \$3000 a month.... In Reno or Carson City or Portola or Minden and Gardnerville.

Plans to build workforce housing look like they are designed for a person who's scenario does not exist. Hopkings Village: \$615k purchase price, 2 bedroom small, a buyer will need \$125k down payment for a conventional loan, 7% interest loan will require them to make over \$200k per year to qualify. While this will help wealthy local workers—Doctors and lawyers, it won't help most the workforce whose wages are not near that amount. In Kings Beach the design modifications would allow zero set backs and 5-6 story high buildings creating a massive change of character and ruin the properties surrounding the building, less parking requirements (because we all know that buyers of \$2million luxury condos always take public transportation) and the workforce housing in these would be 650 sqft, room for one person, who

has no car, and pays \$2400 per month rent, (because we all know that a restaurant server make lots of tips, and a ski area attendant gets \$8000 a month income, and a house cleaner can take public transportation to clean all the STR's on her route).

Again, who are we building for??? If we need workforce housing make it something workforce can use, can afford and something close to their or if they are seasonal: i.e. ski area employes should be housed in or very near ski areas. To attract families we must have 2-3 bedroom homes or apartments with parking for 2 cars at the least.

And do we need more high-end vacation housing? Not if we are hoping to relieve the neighborhoods from the over exploitation of STR changing the scope of what a single family residential zoning means. We need more moderate priced motels, hotels. Places for short term over night stays near the recreational amenities that tourists want to enjoy. We need them in commercial areas where visitors can walk to restaurants and enjoy beaches, jump on the public transit to go skiing and sight seeing.

Let's build what we can use!! What our vacationers can afford and use. Let's not cater to high end developers who build big, add cluster, congestion and make their money and leave us in their wake to deal with the shit.

I applaud the other letters you are receiving, and I attach this to Ellie Waller's more in-depth analysis of the questionable actions taking place in the north Tahoe, eastern Placer County region.

Since you are always counting: "this comment represents one person's opinion" etc etc. Well, add this to the count, **this letter represents 2400 people!!** Everyone I talk to says: "say it for us too!!"

Please know that I can get 1000's of signatures from people here who applaud these comments, **ask that you, the staff and the county supervisors, represent the people who live here and not just the developers. We ask that you keep us safe from emergency evacuation panic and congestion, that you vote as if you lived here, because often you don't.** We feel we worked hard to establish the current codes and we want to have development live by those codes. We know it can be done. We know that you also represent a special place, Lake Tahoe. We know that your interests to keep it environmentally pure are sometimes clouded by \$\$\$\$.

Thank you, respectfully, Sue Daniels, Dan Daniels, and family, and friends. And people of the north shore Tahoe, and the west shore Tahoe, and the east shore Tahoe! People who have lived here before like my grandparents in the 1940's, my parents from the 1950's on, my mom who is 92 and worries that the best times of Tahoe are disappearing too fast. From all the legacy families who have never gotten rich and who have fought so hard to keep Tahoe fresh and pure and beautiful for the whole world to see.

**From:** Marja Ambler <mambler@trpa.gov>  
**Sent:** 9/26/2023 5:19:34 PM  
**To:** Public Comment <PublicComment@trpa.gov>  
**Subject:** FW: Comments for RPIC tomorrow  
**Attachments:** [image001.png](#), [LTSLT Comments on Housing Phase 2 for TRPA RPIC 2023.09.26.pdf](#), [image002.jpg](#)

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Marja Ambler  
Executive Assistant  
775-589-5287



---

**From:** Gavin Feiger <gavin@keptahoebblue.org>  
**Sent:** Tuesday, September 26, 2023 5:15 PM  
**To:** Marja Ambler <mambler@trpa.gov>  
**Cc:** Julie Regan <jregan@trpa.gov>; John Marshall <jmarshall@trpa.gov>; Karen Fink <kfink@trpa.gov>; Alyssa Bettinger <abettinger@trpa.gov>; DarcieGoodman-Collins <Darcie@keptahoebblue.org>; jesse@keptahoebblue.org  
**Subject:** Comments for RPIC tomorrow

Hi Marja – can you please distribute our attached comments to RPIC for tomorrow. Apologies for the late email.

Huge thanks to Karen and Alyssa for spending time with me to explain details and go over our comments, for this round and over the past couple years.

**Gavin Feiger**  
Policy Director, League to Save Lake Tahoe  
[Subscribe](#) | [Instagram](#) | [Facebook](#) | [Twitter](#) | [Donate](#)  
2608 Lake Tahoe Boulevard, South Lake Tahoe, CA 96150 | 530.541.5388 | [keptahoebblue.org](#)



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September 26, 2023

Tahoe Regional Planning Agency  
Regional Plan Implementation Committee and TRPA staff  
128 Market St, Stateline, NV 89410  
Submitted via email

Re: Proposed Phase 2 Housing Amendments

Dear RPIC Chair, members, and TRPA staff -

The League to Save Lake Tahoe (League) is dedicated to protecting and restoring the environmental health, sustainability and scenic beauty of the Lake Tahoe Basin. In connection with our mission, we advocate for the implementation of sound, environmentally-friendly policies contained within regional land use and planning documents.

We have been the only environmental group actively and continuously participating in this housing working group, and the efforts leading up to its formation over the last few years. It has been great working with the working group and TRPA staff, Karen and Alyssa especially, and our feedback and input has been heard, so far.

Our concerns have been the same from the start - coverage, density, and transportation impacts - which directly and indirectly impact Lake Tahoe's natural environment. Addressing the housing issues at Lake Tahoe is a top priority but any effort to improve housing must also ensure that we are protecting the environment.

Please consider our comments on a few specific aspects of the proposal as you develop your direction to staff on September 27<sup>th</sup>.

#### Coverage

As we've been saying for years, we would prefer that TRPA look at using its authority to reduce or eliminate parking minimums to reduce the coverage needed (and reduce transportation impacts) instead of allowing more coverage. We are comfortable with the coverage changes as proposed due to the requirement that stormwater must be treated onsite or through an area wide BMP/stormwater treatment system that must be managed and maintained by a government agency (new Code section 30.4.2.B.6).

#### Parking

We are encouraged to see TRPA take a role in parking management. AS the Cascadia background information found, parking requirements must be reduced for height, density, and coverage incentives to work. Parking must be treated similarly to the other incentives – along with the proposal to get rid of maximums for density and coverage, parking minimums should be eliminated for deed-restricted housing in Town Centers. The 0.75 maximum should be applied to the multifamily areas outside of Centers, but within the bonus unit boundary area.

Additionally, the 0.75 spaces per unit needs to be clarified. In the staff report it sounds like it's a minimum, but in the proposed Code it reads like a maximum. The Code as currently proposed, for areas outside of Centers, is preferable.



Height

We do not see the need for increased height allowances. Sixty-five feet in Town Centers is a large change and additional height outside of Town Centers does not align with the goal of concentrating development in Town Centers, and may not be a good fit for those neighborhoods and communities.

Regardless of your direction on height, the way the change is proposed in the Code for areas outside of Town centers makes it seem like the 8.5' and 11' are additive instead of one or the other as we believe is intended.

Town Center Adjacent Parcels

A lot of time and thought went into the Town Center boundaries. Giving the Town Center incentives to parcels adjacent to those boundaries should be looked at more holistically in Phase 3.

Thank you for considering our suggestions as you develop your direction to staff.

We look forward to our continued work with the Tahoe Living working group and complementing efforts to increase affordable and workforce housing while minimizing environmental impacts.

Sincerely,

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

Gavin Feiger  
Policy Director  
on behalf of the League to Save Lake Tahoe

**From:** Kristina Hill <tahoehills@att.net>  
**Sent:** 9/26/2023 5:05:49 PM  
**To:** Alyssa Bettinger <abettinger@trpa.gov>; Public Comment <PublicComment@trpa.gov>  
**Subject:** RPIC 9-27-23; Proposed Regional Plan Amendments Public Comment  
**Attachments:** [RPIC 9.26.23.doc](#)

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Good Evening Alyssa,

Attached please find my comments to RPIC

I apologize for the lateness of my submittal but would appreciate it if you could distribute at the meeting.

Thank you,  
Kristina Hill

Kristina Hill  
Hill Planning, Inc.  
P.O. Box 6139  
Incline Village, NV 89450

c: (775) 544-4345

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P.O. Box 6139 Incline Village, NV 89450  
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e-mail: [tahoehills@att.net](mailto:tahoehills@att.net)

## MEMO

---

**Date:** September 26, 2023  
**To:** TRPA RPIC  
**From:** Kristina Hill  
**Subject:** Proposed Code Amendments to Allow More Building Height, Coverage and Density

TRPA is directed by the Compact to “establish environmental threshold carrying capacities and to adopt and enforce a regional plan and implementing ordinances which will achieve and maintain such capacities while providing opportunities for orderly growth and development consistent with such capacities,” (Compact Article I(b)) and to “ensure an equilibrium between the Region’s natural endowment and its manmade environment.” Compact Article I(a)(10).

The paragraph above is copied from TRPA’s Strategic Plan. As a former TRPA employee and long time resident and environmental planner, I find it incomprehensible that anyone, let alone the TRPA Governing Board, could rationalize that the proposed changes to the Code will “achieve and maintain” the established threshold carrying capacities. Where are the written findings that are required to be made when amending the regional plan under Section 4.4.1 of the Code? Findings that the amendments will not cause harm to the threshold carrying capacities?

Allowing unlimited density? No parking requirement? Building heights up to 65’? Are you kidding me? This is a recipe for disaster. Not only for our beloved lake and surrounding forest environment (more traffic, congestion, run-off, litter, people in general) but for wildfire evacuation which has become the elephant in the room.

There needs to be a much more comprehensive environmental evaluation of the cumulative, long term impacts of the proposed amendments. An initial environmental checklist is woefully inadequate to determine the significance of these enormous, far reaching changes to our way of life.

I’m pleading with you to stay away from the “affordable housing” kool-aid and think rationally about how these proposed amendments, if approved, will change the character of our communities and the health of our environment forever.