



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

August 8, 2023

Dear Members of the Planning Commission:

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

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

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

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

Sincerely,

Judith Tornese,
President

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

EMERGENCY EVACUATION

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

RECOMMENDATION:

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

ADDENDUM:

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

CEQA Triggers:

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

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

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

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

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

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

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

ENVIRONMENTAL & TRAFFIC ANALYSIS

FOWS believes that there needs to be an updated environmental analysis based on **existing** conditions and populations specific to the north and west shore communities that will be affected by the TBAP and not basin-wide data. Placer County is proposing to do a Categorical Exemption and TRPA will do an environmental checklist, both of which will tier from the EIR/S's done for the 2016 Tahoe Basin Area Plan (TBAP) and 2012 TRPA Regional Plan Update (RPU). Since the TBAP relied heavily on the analysis from the 2012 RPU, which was based primarily on 2010 data, this means that the ‘evaluation’ of these amendments is relying in large part on analyses that are almost 13 years old. Peak traffic, visitor and residential populations, and wildfire danger are among several parameters that have **significantly** changed since 2010. Further, the VMT numbers provided by John Hester to the Placer County Planning Commission reflect all VMT on the California side of the lake, including South Shore areas where vehicle counts have in the past trended down while north shore saw increases (which is not reflected when the data are combined), and exclude data from 2020 to present.² Yet 2020-2022 has seen a significant growth in both the local population (in large part from remote-workers moving to the area) and vehicle traffic and congestion. The impacts of the last three years need to be accounted for.

RECOMMENDATION:

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

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

ADDENDUM:

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

CEQA Triggers:

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

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

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

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

CUMULATIVE IMPACTS

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

RECOMMENDATION:

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

ADDENDUM:

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

AFFORDABLE HOUSING

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

RECOMMENDATION:

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

ADDENDUM:

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

- What about the impacts of Short-term Vacation Rentals on affordable housing?

- What other trends in the economy/society have contributed to the affordable housing shortage? For example, how many workforce rentals have been lost due to remote workers (with higher incomes from jobs out of the area) who can now live here full time?
- Are there other programs or actions that could further incentivize second homeowners to rent out their units full time and/or the development of inactive or vacant properties?
- How will the increased cost of building materials/inflation affect such housing?
- How could tax incentives and government subsidies incentivize providing affordable housing through existing housing stock?
- Can new and existing taxes that have been imposed on Tahoe businesses and/or collected from tourist units be used to help subsidize workforce housing? For example, given visitors use the same services that are provided by many of those who need the affordable/workforce housing, could the TOT tax be used to help subsidize such housing. Current over-visitation in the area would suggest that fewer funds are needed to “promote” more tourism.

CEQA Triggers:

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

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

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

We request that the amendments be postponed unless and until a comprehensive environmental analysis based from **existing** conditions is performed. Thank you for considering these comments.

Sincerely,



Judith Tornese,
President

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



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

March 6, 2023

Dear Ms. Jacobsen:

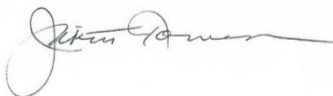
The Friends of the West Shore (FOWS) appreciates the opportunity to provide comments on the Proposed Tahoe Basin Area Plan (TBAP) amendments associated with the currently-scheduled March 9th Public Workshop. However, we would first like to urge the county to postpone this in-person only meeting. Our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

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

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

FOWS requests that the amendments be postponed unless and until a comprehensive environmental analysis based on existing conditions (and current TRPA environmental thresholds, e.g. the revised VMT standard) and adequate public engagement is performed. Thank you for considering these comments.

Sincerely,



Judith Tornese,
President

Cc: Jacob Stock, Tahoe Regional Planning Agency



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

December 13, 2022

Dear Members of the Regional Plan Implementation Committee and staff:

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

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

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

RECOMMENDATION:

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

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

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

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

RECOMMENDATION:

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

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

RECOMMENDATION:

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

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

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

RECOMMENDATION:

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

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

RECOMMENDATION:

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

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

RECOMMENDATION:

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

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

RECOMMENDATION:

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

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

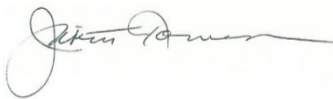
- SCENIC IMPACTS Extensive efforts went into the scenic protections in Town Centers in the original adoption of the TBAP. The amendments would allow for taller/wider buildings that may further block views of the mountains and lake. Suggestions that TRPA's scenic requirements will prevent scenic impacts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

RECOMMENDATION:

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

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

Sincerely,



Judith Tornese,
President

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



State of California
Office of the Attorney General

ROB BONTA
ATTORNEY GENERAL

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

I. Introduction

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

This guidance is designed to help lead agencies¹ comply with the California Environmental Quality Act, Public Resources Code, section 21000 et seq. (CEQA), when considering whether to approve projects in wildfire-prone areas. These areas are often in the wildland-urban interface, generally defined as the area where the built environment meets or intermingles with the natural environment.² The California Department of Forestry and Fire Protection (CAL FIRE) has classified lands based on fire hazard, the highest being those classified as high or very high fire hazard severity zones. It has also identified areas where the State (as opposed to a local agency) has responsibility for fire-fighting.³ Particularly in these high-risk areas, but also throughout the

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

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

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

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

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

II. Background

Although wildfires are and have been an important natural process throughout California's history, recent changes in fire frequency, intensity, and location are posing increasing threats to the residents and environment of California. More acres of California have burned in the past decade than in the previous 90 years⁶ and eight of the State's ten largest fires since 1932 have occurred in the last decade.⁷ While lightning is a common cause of some of the State's largest

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

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

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

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

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

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

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

Wildfires also have tragic consequences for California's residents. Since 2010, wildfires have killed nearly 150 people in California¹¹ and, since 2005, wildfires have destroyed over 97,000 structures,¹² requiring mass evacuations and exacerbating the State's already-pressing need for more housing. In addition, wildfire smoke is unhealthy to breathe and is a public health concern.¹³ Further, wildfire losses are not experienced equally. Lower-income households are more likely to lose all of their assets and less likely to have adequate insurance to cover their losses.¹⁴ Meanwhile, the costs of wildfire suppression and resiliency have become significant. In

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

III. Wildfire and Land Use Planning

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

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

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

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

²³ Governor’s Office of Planning and Research, *Fire Hazard Planning Technical Advisory, 2022 Update* (Aug. 2022), available at https://opr.ca.gov/docs/20220817-Fire_Hazard_Planning_TA.pdf; and *Wildland-Urban Interface Planning Guide: Examples and Best Practices for California Communities* (Aug. 2022), available at https://opr.ca.gov/docs/20220817-Complete_WUI_Planning_Guide.pdf.

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

IV. Analyzing and Mitigating Wildfire Risk Impacts Under CEQA

A. CEQA's requirements for analyzing wildfire risks

CEQA requires local jurisdictions considering development projects to prepare an environmental impact report (EIR) or a mitigated negative declaration²⁵ if the project may potentially have a significant impact on the environment and is not otherwise exempt from CEQA.²⁶ Under CEQA, local jurisdictions may act as lead agencies with responsibility for preparing the EIR (or other CEQA document), or as responsible agencies relying on an EIR prepared by a lead agency. CEQA provides a critical process for local jurisdictions to understand how new developments will exacerbate existing wildfire risks, allowing them to consider project design features, alternatives, and mitigation measures that provide for smarter development and the protection of existing communities.

The CEQA Guidelines²⁷ require that an EIR include a description of the physical environmental conditions in the vicinity of the project, at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced.²⁸ This “baseline” of existing environmental conditions is generally used to determine the significance of project-related impacts. In the EIR’s discussion of the existing environmental conditions, lead agencies should include information about open space areas and habitats within the project area that may be fire prone, as well as a discussion of fire history and fuels on the project site. Including a discussion of existing available water supplies for fire-fighting is also critical. Providing detail about existing environmental conditions at the project site that may exacerbate or minimize wildfire impacts will help ensure that the EIR fully considers the project’s impacts on wildfire risk.

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

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

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

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

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

²⁸ CEQA Guidelines, § 15125.

²⁹ CEQA Guidelines, § 15126.2.

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

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

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

B. Analyzing a project’s impact on wildfire risks

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

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

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

³¹ CEQA Guidelines, Appendix G, XX.

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

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

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

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

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

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

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

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

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

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

- **Water Supply and Infrastructure:** As part of evaluating a project’s wildfire risk impacts, an EIR should analyze the adequacy of water supplies and infrastructure to address fire-fighting within the project site.⁴⁰ This analysis should consider the potential loss of water pressure during a fire, which may decrease available water supply⁴¹ and the potential loss of power, which may eliminate the supply.⁴²

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

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

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

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

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

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

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

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

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

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

Evacuation modeling and analysis should include the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

⁴⁸ Pub. Resources Code, § 21081.

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

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

⁴⁹ Note, however, that defensible space around homes does not alone tend to account for structural survival. See Alexandra D. Syphard, *Why Are so Many Structures Burning in California?* (2020) *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>.

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

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

VII. Conclusion

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

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

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

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

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



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

December 5, 2022

Dear Members of the Placer County Planning Commission:

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

The following list outlines FOWS concerns with the proposed TBAP amendments.

- FOWS does not support the proposed amendments at this time because they aim to increase the residential and visitor populations on the north and west shore **without first addressing the existing conditions, recent population and visitation increases, and dangerous traffic jams that pose serious public health and safety concerns, especially with wildfire danger increasing every year.** With only a two-lane highway on the North and West Shores of Lake Tahoe, *any* increase in traffic and people will exacerbate a congested exodus in the event of a wildfire evacuation or other emergency need.
- FOWS believes that there needs to be an updated environmental analysis based on **existing** conditions and populations specific to the north and west shore communities that will be affected. Placer County is proposing to do a Categorical Exemption and TRPA will do an environmental checklist, both of which will tier from the EIR/S's done for the 2016 Tahoe Basin Area Plan (TBAP) and 2012 TRPA Regional Plan Update (RPU). Since the TBAP relied heavily on the analysis from the 2012 RPU, which was based primarily on 2010 data, this means that the 'evaluation' of these amendments is relying in large part on analyses that are almost 13 years old. Peak traffic, visitor and residential populations, and wildfire danger are among several parameters that have **significantly** changed since 2010.
- There are many large traffic-generating projects along the West and North shores in various stages of the permitting and/or development pipeline, including but not limited to the Tahoe City Lodge, the Boatworks redevelopment, Palisades Tahoe, Homewood Mountain Resort, and Boulder Bay. The cumulative impact of all these projects added to *existing* traffic conditions should be evaluated prior to adopting these Area Plan amendments, especially considering the impacts of the additional traffic on emergency evacuation and access.
- FOWS recognizes and supports the need for affordable and low income housing, but believes that Placer should find housing solutions that are consistent with the zoning under the current Area Plans approved in 2017. FOWS also want to preserve the rural atmosphere of West Shore communities. The proposal assumes that simply making it easier to permit more units will solve the affordable housing problem. What about the impacts of Short-term Vacation Rentals on affordable housing? What other trends in the economy/society have contributed to the affordable housing shortage? For example, how many workforce rentals have been lost due to remote workers who can now live here full time? Are there other programs or actions that could

further incentivize second homeowners to rent out their units full time and/or the development of inactive or vacant properties? How will the increased cost of building materials/inflation affect such housing?

- FOWS is also concerned that these amendments were prepared without engagement with the broader public, including the Planning Teams who spent years reviewing and compromising on the original Tahoe Basin Area Plan regulations. Now these amendments are being fast-tracked toward approvals while the general public is still just finding out about the changes.
- On the West Shore, the proposal to change multi-unit uses from requiring a Minor Use Permit to being Allowed 'by right' means adjacent/nearby properties would not have to be notified of such developments. This takes the public out of the equation both at the permit-level stage and now at the planning stage (due to the lack of adequate engagement and review done with the public on the amendments).
- The amendments also reduce, or in some cases, eliminate the requirement for parking for new units. FOWS is concerned that this may result in more vehicles parking along public roadways and in residential areas, creating traffic concerns and other impacts. We believe it is unrealistic to assume the new residents or visitors staying in the new units will not have vehicles that need to be parked somewhere, especially without an improved transit system.
- A lot of effort went into the scenic protections in Town Centers in the original adoption of the TBAP. The amendments would allow for taller/wider buildings that may further block views of the mountains and lake. Suggestions that TRPA's scenic requirements will prevent scenic impacts makes little sense; the amendments themselves show the plan would allow for more height and massing than is currently allowed and there is no mitigation that can physically prevent taller and wider buildings from blocking views. In other words, there is no way to mitigate a lost view.

FOWS requests that the amendments be postponed unless and until a comprehensive environmental analysis based on existing conditions (and current TRPA environmental thresholds, e.g. the revised VMT standard) and adequate public engagement is performed. Thank you for considering these comments.

Sincerely,



Judith Tornese,
President

Cc: Jacob Stock, Tahoe Regional Planning Agency