NOTICE OF MEETING OF THE
ADVISORY PLANNING COMMISSION OF THE
TAHOE REGIONAL PLANNING AGENCY

NOTICE IS HEREBY GIVEN that on February 13, 1980 at

10:00 a.m. at the hearing room of the Tahoe
Regional Planning Agency, located at 2155 South Avenue, South
Lake Tahoe, California, the Advisory Planning Commission of
said agency will conduct its regular meeting. The agenda for
said meeting is attached to and made a part of this notice.

Dated: February 1, 1980

By: Philip A. Overeynder, Manager
   Tahoe Regional Planning Agency

SCS - NEXT MO'S. AGENDA
   - SCS PROGRAM - PRESENTATION
Preliminary Agenda

I CALL TO ORDER AND DETERMINATION OF QUORUM

II APPROVAL OF AGENDA

III DISPOSITION OF MINUTES

IV CLEARINGHOUSE

U.S. Environmental Protection Agency, Draft Environmental Impact Statement, Proposed Wastewater Treatment Facilities, South Shore, Lake Tahoe Basin

V PLANNING MATTERS

A. Land Use Ordinance Amendments - High Density Apartment Land Use District and Standards for Timesharing, Interval Ownership Condominiums

B. Subdivision Ordinance Amendments Relating to Condominium Conversions

C. Work Program – General Plan Update and Threshold Carrying Capacities

D. State of California, State Water Resources Control Board, Draft Water Quality Plan: Lake Tahoe Basin

VI REPORTS

A. Public Interest Comments

B. APC Members

VII RESOLUTIONS

VIII CORRESPONDENCE

IX PENDING MATTERS

X ADJOURNMENT
DRAFT LETTER - FOR DISCUSSION PURPOSES

Paul DeFalco, Jr., Regional Administrator
U.S. Environmental Protection Agency, Region IX
215 Fremont Street
San Francisco, CA 94105

Subject: Comments on Draft Environmental Impact Statement, Proposed Wastewater Treatment Facilities, South Shore, Lake Tahoe Basin

Dear Mr. DeFalco:

Thank you for the opportunity to review the Draft Environmental Impact Statement (DEIS) for the proposed wastewater treatment facilities on the South Shore of the Lake Tahoe Basin. The DEIS has been reviewed by the Advisory Planning Commission and Governing Body of the Tahoe Regional Planning Agency, as well as local jurisdictions having authority within the service areas of the South Tahoe Public Utility District (STPUD) and the Douglas County Sewer Improvement District (DCSID).

Our review of the DEIS was based upon our A-95 Clearinghouse function, as well as requests from both affected sanitation districts to support their efforts to alleviate existing deficiencies in treatment abilities in order to meet revised waste discharge requirements. With regard to the A-95 function, the Agency was looking primarily to the consistency of the proposed expansion of the STPUD plant and upgrading of DCSID's facilities with the Agency's adopted plans as well as the validity of the assessment of impacts which may result from these actions. The second area of Agency concern is with regard to the desirability and effectiveness of incorporating mitigation measures into the Agency's operations and plans. Both STPUD and DCSID have requested the Agency's assistance in pursuing the implementation of appropriate mitigation measures.

Consistency With Agency Plans

The Agency's controlling document with respect to wastewater treatment facility improvements is the Lake Tahoe Basin Water Quality Management Plan as adopted by the Governing Body on January 25, 1978, and certified by the Governor of Nevada. The plan was rejected by the California Water Resources Control Board (SWRCB) and a revised plan has been remanded to TRPA by the SWRCB for adoption. The Agency has not yet had an opportunity to review the 208 Plan as recommended by the SWRCB and the EPA has not yet taken a position with regard to approval of either Water Quality Management Plan.

The proposed expansion of the STPUD facility to 10.0 million gallons per day (MGD) is consistent with the waste management program outlined in the Agency's Water Quality Management Plan. The required plant capacity under buildout of the Agency's General Plan would range from 9.3 MGD to 12.4 MGD depending on the extent of implementation of water conservation measures.
The upgrading of the DCSID plant calls for restoring the plant to its original design capacity of 3.0 MGD. This is consistent with the capacity which the Agency already recognized in the Waste Management Plan section of the 208 Plan. The required treatment capacity upon buildout of the Agency's General Plan would require a treatment capacity from 2.9 MGD to 3.9 MGD depending on the extent of implementation of water conservation measures.

Most importantly, the upgrading and expansion of the two facilities would permit both facilities to meet the revised waste discharge requirements of the Lahontan Regional Water Quality Control Board and the Nevada Division of Environmental Protection. The Agency's Subdivision Ordinance requires each unit within a subdivision to have a connection to a sanitary sewage facility that has the capacity for collection, treatment and export of sewage from the Basin as required by governmental entities with jurisdiction over such matters.

Growth Scenarios

The DEIS assumes that there is a direct relationship between federal funding of wastewater treatment plant improvements and growth which would take place as a result of those improvements. The DEIS analyzes five growth scenarios, each of which can be correlated with the degree of expansion of wastewater facilities. Although building activity may be limited as a result of limiting sewage treatment capacity, population growth may not be similarly affected because of increased utilization of existing structures and other related phenomena such as overcrowded housing.

In analyzing the DEIS, TRPA took the approach that the impact analysis was really an assessment of the Agency's General Plan and other controlling documents affecting land use. If an impact was identified, it was viewed from the resource base standpoint. In other words, the resource base of the region establishes threshold limitations which may be violated even if controlling land use documents are adhered to within the Basin. The adverse impact areas assist in identifying measures which should be taken to mitigate impacts.

No Action Alternative

The impacts of the no action alternative do not appear to have been adequately analyzed in the DEIS. The extent that the adverse impacts described in the DEIS would occur without federal involvement in upgrading and expanding wastewater treatment facilities is not adequately disclosed in the document as required under the National Environmental Policy Act. Any direct adverse impacts from a failure to provide for improved wastewater treatment facilities were not included in the analysis of alternatives. This is a serious deficiency in the document and should be remedied prior to finalizing the EIS. Many of the Agency's comments with regard to TRPA's deficiency reflect the lack of adequate consideration with regard to the no action alternative.
Impacts and Mitigation Measures

WATER QUALITY

Impact Assessment - The Agency generally concurs with the adverse impacts on water quality as identified in the DEIS. These impacts have been described in the Agency's Water Quality Management Plan. However, the assessment appears to assume a one-to-one correlation between impacts occurring as a result of development of structures on existing lots in high hazard lands or stream environment zones (SEZ's) and the resulting impacts on water quality. Given our current knowledge that the majority of erosion problems within the Basin are the result of eroding disturbed areas along roadsides and poor roadside drainage, the impacts on water quality projected from ultimate build out may overstate the effects of buildout of single family residences in these areas. Similarly, the effectiveness of imposing development restrictions on high hazard lands and SEZ's without addressing existing erosion and drainage problems resulting from road construction may overstate the case for further regulating development in these areas. In the opinion of TRPA, an effective program for water quality management must address both existing problem areas and controls for any new development.

Mitigation Measures - With regard to mitigation measures for water quality impacts, the TRPA will commit to implementing the following measures with responsible entities as noted:

<table>
<thead>
<tr>
<th>Water Quality Mitigation Measures</th>
<th>Responsible Entities</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Protect stream environment zones</td>
<td>TRPA-all Basin lands; CTRPA-California lands; U.S. Forest Service-federal lands</td>
<td>The existing TRPA Grading Ordinance requires BMP's for single family construction within SEZ's. (See Handbook of BMP's.) This measure only effective in combination with measures listed below.</td>
</tr>
<tr>
<td>Employ BMP's to control erosion</td>
<td>U.S. Forest Service-federal lands; local governments-primary responsibility for private lands; TRPA, CTRPA, Lahontan, NDEP-oversight responsibility</td>
<td>Enforcement of existing ordinances would suffice</td>
</tr>
<tr>
<td>Institute evaluative point system and limit on number of sewer connections to control timing and location of growth</td>
<td>Local governments, TRPA, CTRPA-develop criteria for evaluative point system</td>
<td>May have limited application in Douglas County</td>
</tr>
<tr>
<td></td>
<td>Local governments-implement system in cooperation with special districts</td>
<td></td>
</tr>
</tbody>
</table>
Water Quality Mitigation Measures

Implement water quality monitoring program

- All entities as listed in DEIS

Purchase lots in environmentally sensitive areas

- Local governments, TRPA, CTRPA - develop priorities and criteria for acquisition and prioritization of environmentally sensitive areas
- Local governments, States, Federal Government - acquisition entities

Compensate landowners who experience loss because of development restrictions

- Responsible entities need to be identified

Implement system to transfer development rights

- Local governments, TRPA, CTRPA

Implement corrective measures for existing high erosion hazard and SEZ development

- Local governments, TRPA, CTRPA, Lahontan, NDEP

Notes

- Not mitigation but will assist in evaluating effectiveness of other efforts
- Mechanisms and financing methods should include Santini Bill and other options
- Ought to be a criteria and not identified as mitigation
- Merits further study and consideration
- Merits further consideration as "offset" policy to facilitate new development

SEISMIC SAFETY

The implementation of land use controls to guard against seismic hazards is not feasible given the level of detail of existing information. The existing Uniform Building Code for Seismic Hazard Zone 3 provides adequate mitigation.

BIOLOGICAL RESOURCES

Impact Assessment - The TRPA generally concurs with the impact analysis regarding development impacts and biological resources.

Mitigation Measures - The TRPA will commit to implementation of the following mitigation measures as noted:

<table>
<thead>
<tr>
<th>Biological Resource Mitigation Measures</th>
<th>Responsible Entities</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Control recreational use of wildlife habitat</td>
<td>Local governments, TRPA, California and Nevada Fish &amp; Game Departments, U.S. Forest Service</td>
<td></td>
</tr>
<tr>
<td>Protect against sewage spills</td>
<td>U.S. EPA, Sanitation Districts</td>
<td>Fund necessary improvements</td>
</tr>
</tbody>
</table>

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 Biological Resource Mitigation Measures

Protect active osprey nests
Requirements: All entities as noted in DEIS

Require biological inventories for rare and endangered species
Requirements: All entities as noted in DEIS

Require adequate construction and management practices to protect habitat
Requirements: All entities as noted in DEIS

Protect SEZ's
(See Water Quality)

NOISE

Impact Assessment: The Agency generally concurs with the impact assessment with regard to increases in ambient noise levels which would occur as a result of further development. The relationship of transportation control strategies to noise abatement mitigation measures is not adequately addressed. Although noise levels at peak periods may not be reduced, strategies to reduce traffic volumes may decrease the direction of peak noise levels.

Mitigation Measures: The Agency will commit to implementation of mitigation measures for noise as follows:

Noise Mitigation Measures

Implement noise control ordinance
Requirements: Local governments, TRPA, CTRPA

Revise zoning ordinance to prevent incompatible land uses
Requirements: Local governments, TRPA, CTRPA

Establish special permit procedures to implement noise reduction measures
Requirements: Developers, local governments, TRPA, CTRPA

Construct noise barriers along major highways
Requirements: Caltrans, Nevada Department of Transportation

Implement transportation measures
(See Transportation)
AIR QUALITY

Impact Assessment - The Agency generally concurs with the projected impacts as described in the DEIS.

Mitigation Measures - The Agency has already committed to implementation of those measures contained in the Nonattainment Plan as recommended for adoption by the Nevada Environmental Commission.

VISUAL RESOURCES

<table>
<thead>
<tr>
<th>Visual Resources</th>
<th>Responsible Entities</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Implement measures protecting water and air quality</td>
<td>(See Water Quality and Air Quality)</td>
<td></td>
</tr>
<tr>
<td>Adopt urban design plan with implementing ordinances for design review</td>
<td>Local governments, TRPA, CTRPA, U.S. Forest Service</td>
<td></td>
</tr>
<tr>
<td>Establish National Scenic Area (N.S.A.)</td>
<td>U.S. Forest Service, U.S. Congress</td>
<td>Further study of N.S.A. proposals required before Agency can take a position</td>
</tr>
</tbody>
</table>

HOUSING

Impact Assessment - The housing analysis fails to evaluate the impact of the no action alternative on housing supply and availability within the Basin and the linkage of increased traffic, energy consumption and air quality problems which would result from "spillover" outside of the Tahoe Basin.

The impact analysis also failed to identify current deficiencies in sewer permit allocation systems which encourage the construction of single family residences in areas classified as High Density Residential. The loss of the integrity of higher density neighborhoods has resulted in a lower supply of resident housing at greater distances from work and activity centers. Due to current development restrictions in California and economic conditions in both states, construction of new apartment or rental type units has been virtually cut off. The viability of public transportation mechanisms and air quality control strategies is also lessened because of lower densities actually occurring within areas suitable for higher density construction.

Mitigation Measures - The mitigation measures offered in the DEIS include a provision to encourage development of moderately priced housing in nearby areas outside of the Tahoe Basin. Rather than dealing with housing problems by exporting those needs out of the Tahoe Basin, the Agency will commit to the following mitigation measures:

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<table>
<thead>
<tr>
<th>Housing Mitigation Measures</th>
<th>Responsible Entities</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Create high density apartment (HDA) zone to preserve existing rental stock and program development of rental units</td>
<td>Local governments, TRPA, CTRPA</td>
<td>Proposed zone prohibits construction of single family dwellings in HDA zones</td>
</tr>
<tr>
<td>Redistribute development through transfer of development rights</td>
<td>Local governments, TRPA, CTRPA</td>
<td>Deserves further study. Could be used in conjunction with HDA designation</td>
</tr>
<tr>
<td>Encourage housing rehabilitation loans and grants</td>
<td>Local governments</td>
<td></td>
</tr>
<tr>
<td>Improve neighborhood facilities to encourage private sector investments</td>
<td>Local governments</td>
<td></td>
</tr>
<tr>
<td>Institute incentives for new development to include moderately-priced housing</td>
<td>Local governments, TRPA, CTRPA</td>
<td></td>
</tr>
<tr>
<td>Institute incentives for major employers to expand housing stock when expanding operation</td>
<td>Local governments, TRPA, CTRPA</td>
<td>Limiting only to casinos does not address impact of other major employers</td>
</tr>
<tr>
<td>Coordinate regionwide land use policies</td>
<td>Local, regional, state and federal agencies</td>
<td></td>
</tr>
</tbody>
</table>

**TRANSPORTATION**

**Impact Assessment** - The Agency generally concurs with the impact assessment with regard to increased demands on transportation systems.

**Mitigation Measures** - The mitigation measures offered in the DEIS substantially overlap recommendations of the Highway 50 Corridor Study prepared by JHK & Associates. Resolutions of support for the recommendations of the study have been adopted by all affected local jurisdictions. The Agency could therefore commit to implementation of the recommendations of that study.

**RECREATION**

**Impact Assessment** - The DEIS correctly identifies increased recreation conflicts arising due to increased use of the Basin.

**Mitigation Measures** - The Agency will commit to implementation of the following mitigation measures:
Recreation Mitigation Measures

Adopt ordinances to protect SEZ's and high hazard lands

Establish National Recreation Area (N.R.A.)

Responsible Entities
(See Water Quality)
U.S. Congress

Notes
Agency can take no position until further details are available. The objectives of an N.R.A. vs. an N.S.A. may substantially differ.

Adopt Nonattainment Plan measures

Adopt noise standards

Acquire land for public recreational use

(See Air Quality)
(See Noise)
U.S. Forest Service, California and Nevada State Parks, local government programs

PUBLIC FACILITIES/FISCAL CONCERNS

Impact Assessment - The DEIS generally identifies areas of impacts on public facilities with regards to capacity limitations or other needed improvements. However, to be more useful, the document should more thoroughly analyze limitations on key public services such as water supply which are directly related to the proposal. The conclusion that water supplies may limit growth due to compact limitations can probably be supported, but a more immediate problem is the allocation of available supplies amongst competing water suppliers, particularly in Douglas County.

The fiscal impact analysis in the DEIS relates more to impacts of growth than to the impacts of decisions to not allow growth. Again, the impacts of the no action alternative on fiscal matters are not evaluated. Many of the conclusions regarding fiscal impacts of new growth would relate more to a community which is considering substantial new subdivided lands rather than in-filling of existing subdivided lands.

Mitigation Measures - The Agency will commit to working towards implementation of the following mitigation measures:

<table>
<thead>
<tr>
<th>Public Facilities Mitigation Measures</th>
<th>Responsible Entities</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consolidate water districts</td>
<td>Local governments, utility districts</td>
<td>Will assist in alleviating &quot;spot&quot; water shortages</td>
</tr>
<tr>
<td>Implement water conservation measures</td>
<td>Local governments, utility districts</td>
<td></td>
</tr>
<tr>
<td>Retrofit water conservation</td>
<td>Private</td>
<td></td>
</tr>
<tr>
<td>Mandatory water conservation on new construction</td>
<td>Utility districts, local governments, TRPA, CTRPA</td>
<td></td>
</tr>
</tbody>
</table>
Public Facilities Mitigation Measures

<table>
<thead>
<tr>
<th></th>
<th>Responsible Entities</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>In-Basin reuse of wastewater</td>
<td>DCSID, STPUD, Lahontan, NDEP</td>
<td></td>
</tr>
<tr>
<td>Make maximum use of grants to reduce local costs</td>
<td>EPA, States, DCSID, STPUD</td>
<td></td>
</tr>
<tr>
<td>Make improvements to the electrical supply system</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revise building codes for energy conservation</td>
<td>Local governments</td>
<td></td>
</tr>
</tbody>
</table>

The Tahoe Regional Planning Agency recognizes that this response to the DEIS serves only as an outline of actions which could be taken to mitigate the adverse impacts described. We look forward to a continuing working relationship with the Environmental Protection Agency to ensure that all of your concerns identified have been adequately satisfied. Please keep the Agency informed regarding your decision with regard to funding on this most important matter.

Sincerely,

Jim Henry, Chairman
Tahoe Regional Planning Agency

JH: PAO: jf

cc: City of South Lake Tahoe
    El Dorado County
    Douglas County
    Nevada Division of Environmental Protection
    Lahontan Regional Water Quality Control Board
    South Tahoe Public Utility District
    Douglas County Sewer Improvement District
TO: The Advisory Planning Commission
FROM: The Staff

SUBJECT: Proposed High Density Apartment Land Use District (HDA)

Based on comments from the APC and direction from the Governing Board, Agency staff has prepared the attached amendment to the Land Use Ordinance. This amendment creates a new land use district which is designed to reserve certain areas of the Basin for resident housing. The major premise of this district is that high density apartment complexes will provide this needed housing. Based on this assumption, this new district should preserve the existing housing stock now devoted to such use and also reserve undeveloped lands in appropriate areas for such future uses.

If the land use district is established, staff will initiate public hearings on areas within the Basin that would most appropriately be rezoned HDA. Some of these areas have already been mapped during the 1978 General Plan Update process. The criteria for such classification were as follows:

Undeveloped-
Lands of moderate to high capability
Close proximity to transportation corridors or high use areas

Developed-
Development pattern of 8-15 apartment units per acre
Areas of redevelopment potential
Close proximity to transportation corridors and high use areas

This amendment was not reviewed at the January 9, 1980 APC meeting as originally requested due to the lack of a quorum. However, staff still is in need of APC comments on the proposed land use district and such revisions that would be necessary to provide the Board direction on adoption of an ordinance.
LAND USE ORDINANCE AMENDMENT

Add a new Section 7.130:

7.130 **High Density Apartment**

7.131 **Specific Purposes:**

To provide rental housing for residents consistent with the housing needs and environmental protection of the Region.

7.132 **Permitted Uses:**

None but the following uses, or those allowed pursuant to an administrative permit issued in accordance with Section 8.33, which are found to be appropriate and similar in nature, shall be permitted.

1. **Residential:**

   (a) Single family dwelling units up to fifteen (15) dwelling units per acre;

   (b) Multiperson dwellings not to exceed facilities for forty (40) persons per acre;

   (c) Mobile home parks for permanent residences up to eight (8) mobile homes per acre.

Within this district, the Agency or the permit-issuing authority shall not consider or approve any proposal for a subdivision, condominium conversion, or any other division of land for residential development. Lots and parcels of land that were created in conformance with this ordinance or lawfully existed prior to February 10, 1972, shall be considered permitted and conforming uses within this district.

2. **Tourist Residential:** None

3. **Outdoor Recreation:**

   (a) All those permitted in the Medium Density Residential District.

4. **Resource Management and Agriculture:**

   (a) Forest management programs.

5. **Public and Quasi-Public:**

   (a) All those permitted in the Medium Density Residential district;

   (b) Cultural facilities.
(6) Commercial:

(a) All those permitted in the Medium Density Residential district;

(b) Professional offices.

7.133 Limitations On Land Coverage:

No person shall create land coverages in excess of the limits set forth in Section 6.20, as calculated in accordance with Section 8.22, except as otherwise permitted in accordance with Sections 8.25, 8.28, and 9.24, unless the ordinance effecting such reclassification specifically provides otherwise. Such provision shall not exceed land coverage limits in excess of fifty (50) percent of the land area as calculated in accordance with Section 8.22.

Add to Section 3.00 Definitions:

Condominium Conversion - Any change in the form of ownership of real property wherein persons obtain ownership interest of individual units thereof, including but not limited to condominiums, community apartments, stock cooperatives, and any other form of such interest regulated by this ordinance.

Subdivision - Any real property, improved or unimproved, or a portion thereof, shown on the latest adopted tax roll of a local government as a unit or as contiguous units, which is divided for the purpose of use, sale, lease or financing, whether immediate or future, into five (5) or more condominiums, or into five (5) or more condominium units through condominium conversion, or into five (5) or more lots, or in which five (5) or more undivided interests are created or are proposed to be created.
Amend Sections 7.10 and 7.13 as follows:

7.10 Regulations indicating the allowable land uses in each district are hereby established as set forth in Sections 7.20 through (7.120) 7.130. In the cases of those uses listed in Section 7.12 the permit-issuing authority shall require an appropriate administrative permit, in accordance with Section 8.33, before such use shall be authorized. The permitted uses shall include accessory uses consistent with such permitted uses. The permitted uses are stated as illustrative of the types of uses consistent with the Tahoe Regional General Plan. The listings are not intended to be exclusive, except the density limitations set forth in Sections 7.30 through 7.90 and (7.120) 7.130.

7.13 Limitations on Height

No building or other structure erected in any land use district shall have a height greater than that specified below except that the permit-issuing authority, by administrative permit pursuant to Section 8.33, may authorize a greater height to the extent that the permit-issuing authority determines that: (1) provision has been made for protection from fire hazards and against aviation accidents; (2) consideration has been given to the protection of view and to the character of the neighborhood; (3) proper provision has been made for light and air; and (4) such greater height will better promote the protection of the environment in the area. Only those administrative permits that allow a building or other structure of a height of 45 feet or more shall be subject to Agency review pursuant to Section 4.32. Appurtenances such as chimneys and vents may be erected to a fifteen percent (15%) greater height than specified below. Building height shall be the vertical distance from the grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the peak of the highest gable of a pitch or hip roof. Grade is the average of the original ground level at the center of all walls of a building or structure.

<table>
<thead>
<tr>
<th>Use District</th>
<th>Permitted Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Forest</td>
<td>35 feet</td>
</tr>
<tr>
<td>Recreation</td>
<td>35 feet</td>
</tr>
<tr>
<td>Rural Estates</td>
<td>35 feet</td>
</tr>
<tr>
<td>Low Density Residential</td>
<td>35 feet</td>
</tr>
<tr>
<td>Medium Density Residential</td>
<td>35 feet</td>
</tr>
<tr>
<td>High Density Residential</td>
<td>35 feet</td>
</tr>
<tr>
<td>Tourist Commercial</td>
<td>40 feet</td>
</tr>
<tr>
<td>General Commercial</td>
<td>40 feet</td>
</tr>
<tr>
<td>Public Service</td>
<td>40 feet</td>
</tr>
<tr>
<td>Conservation Reserve</td>
<td>As approved in a specific plan.</td>
</tr>
<tr>
<td>Medium Tourist Residential</td>
<td>35 feet</td>
</tr>
<tr>
<td>High Density Apartment</td>
<td>35 feet</td>
</tr>
</tbody>
</table>

The above table of permitted heights may be modified with respect to residential buildings by permitting height limits of 35 feet plus one foot for each two percent (2%) of cross slope, measured at the building site coverage.
MEMORANDUM

DATE February 5, 1980

TO: The Advisory Planning Commission
FROM: The Staff

SUBJECT: Status Report on Areas Suitable for High Density Apartment Designation

As part of the analysis on proposed High Density Apartment (HDA) land use districts, Agency staff has performed a site review of areas proposed to be designated in this classification. This analysis was done to determine the extent of development in each area and any effects on these areas resulting from the proposed HDA designation.

Douglas County

In Douglas County, the primary area under consideration for inclusion in the proposed HDA land use district is the High Density Residential area adjacent to Kahle Drive north of Harvey's Inn. This area currently contains a mix of housing types. This mix includes single family dwellings, duplexes, triplexes, 4-plexes and intermediate to high density apartment projects. As a result of extensive development in this area, there are only five or six lots existing that do not have some type of development on them. This area also includes the Oliver Park Trailer Court. This classification would affect development proposals should the trailer court be removed and residential construction proposed.

Due to the mix of housing types, there is a substantial variety of ownership types. Included are owner-occupied, single family residences; renter-occupied single family dwellings; owner-occupied and renter-occupied duplexes; triplexes, 4-plexes; and trailers; and renter-occupied units in intermediate and large apartment complexes.

The other areas under consideration are the HDR areas across the street fro and behind Kingsbury Square on Kingsbury Grade. The area behind Kingsbury Square is currently a trailer court. The area across the street from Kingsbury Square is approximately 7 acres in size and is currently undeveloped.

The major impact from the proposed modification would be to restrict the ability to further subdivide existing rental units through condominium conversion. Due to the small number of vacant lots, this change would do little to encourage further apartment construction. Increasing allowable density would probably do little in this area due to the small square footage area of each lot. Visual survey indicates that a number of the projects, especially the large apartment projects, may be over allowable land coverage and possibly over density. This will substantially affect their ability to request conversion and stay within Agency land coverage and density requirements. The Agency is unable to verify whether current Douglas County building codes to allow conversion would be met.
In Incline Village, there are three areas under consideration for inclusion in the proposed HDA land use district. The first area is located within the core area of Incline and includes Robin Drive and Lark Court. Of the 33 existing lots, approximately 24 already have units. Most of these lots contain either single family dwellings or duplexes. The Agency has approved three condominium conversions in this area. Due to the size of the lots, the highest density achievable is typically 2 units. Washoe County Assessor’s parcel books indicate recordation of condominium maps on 4 parcels. At this time, an applicant can propose a condominium project of 4 or fewer units and it would not be reviewed by the Agency. Immediately adjacent to the west are two larger parcels of land. One has an existing apartment complex; one is vacant. There is currently a condominium project proposed on the vacant parcel. This project would be substantially affected by the HDA land use designation.

The second area under consideration is north of and adjacent to the core area and includes Cottonwood Court, Alder Court and Willow Court. This area contains 35 lots of which 28 already have units. These lots vary in size and would be allowed from 2 to 6 units.

The third area is located adjacent to and surrounds the Sierra Nevada Community College. This area currently contains an existing trailer court. This classification would affect development proposals should the trailer courts be removed and residential construction proposed. This area is currently classified as Low Density Residential (LDR) and the existing trailer court is nonconforming. Reclassification to HDA would bring this into conformance in use.

The three areas in Incline under investigation have mostly duplex, triplex and 4-plex units. Although most of the existing projects seem to conform to allowable density, there are indications that excess land coverage was created on some of the projects.

The major impact of the proposed modification will be to restrict the ability to further subdivide existing rental units through condominium conversion. Due to the small number of vacant lots remaining, this modification would not result in an incentive for apartment construction. Due to the relatively small size of each lot, a substantial increase to allowable density per acre would be needed to even get one more unit per lot. Assuming a lot over the size of approximately 6,000 square feet (the minimum lot size to qualify for 2 units at 15 units per acre) and a desire to provide an incentive for apartment construction of 1 additional unit per parcel, the effective potential density would be 22 units per acre.
El Dorado County

On the California side, a number of existing trailer courts are included in HDA areas. This classification would affect development proposals should the trailer courts be removed and residential construction proposed. A large number of the trailers currently existing are available for rental. The rental rate is generally less than that for a residential unit. The HDA classification would not affect the existing units but would affect proposals should the units be removed.

The first area under consideration is the trailer court located south of Lake Tahoe Boulevard. Across the street is an existing apartment complex. Agency staff proposes this area in IIDR to retain this complex. Two existing apartment complexes across the street from the U.S. Forest Service offices on Tata Lane are also proposed for inclusion in an IIDR classification, again to retain these units as apartments.

The second area includes the area south of Highway 50 from South Avenue to Second Street. This area has approximately 70 lots. Existing development includes a mix of apartments, trailer courts, duplexes, 4-plexes, single family residences, professional offices, and a hospital. There are 17 unimproved lots in the area. The lots range in size from 8,500 square feet to 50,000 square feet and could contain from 3 to 17 units. Affected in this area would be conversions of existing units and construction of new units. Also possibly affected would be the construction of professional office buildings unless specifically allowed.

The third area would be the area north of Highway 50 behind the Pillsbury Office Building adjacent to Keys Boulevard. This area has 18 existing lots, 5 of which are developed. Development includes small apartment complexes and a florist shop. Lots range in size from 10,000 to 40,000 square feet.

The fourth area runs along both sides of Sierra Boulevard, one block east and west from Highway 50 to Barbara. This area contains a mix of housing from older cabins to new single family dwellings and apartments. Most of the lots are relatively small averaging about 5,000 square feet. The maximum allowable density on most lots would be 2 units under the current IIDR classification. The primary effect would be whether potential duplex units could be apartments or condominiums. New construction in this area has been limited to single family dwellings. This area is near essential services and is served by the City of South Lake Tahoe bus system. Of the 170 existing lots, approximately 140 are currently developed.

The fifth area is north of Highway 50, 1/2 mile east of Sierra Boulevard. This area is currently a mix of single family dwellings and duplex and 4-plex apartments. There are approximately 86 subdivided lots of which 55 have already been developed. The major impacts would be on the retention of existing units and the construction of units on the remaining small parcels. Most of the remaining parcels are approximately 5,000 square feet in size and would be allowed 2 units.
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The sixth area is located west of Ski Run Boulevard and runs from Osgood Avenue to Pioneer Trail. The area currently contains a mix of single family dwellings, duplexes and triplexes. Of the 145 existing lots, approximately 105 are already developed. Of the remaining lots, most average approximately 5,000 square feet and could be allowed up to 2 units at an allowable density of 15 units per acre. Some of the lots are up to 15,000 square feet in size and would be allowed up to 5 units. Again, the major impact would be on the construction of 2 unit apartment projects or condominiums.

The seventh area includes all the property bordered by Highway 50, Ski Run Boulevard, the proposed highway right-of-way and the Tourist Commercial land use district adjacent to Highway 50 and Pioneer Trail. This area contains a mix of older cabins, new single family residences, duplexes, 4-plexes and some intermediate size apartment complexes. Of the 631 existing lots, approximately 190 lots are vacant. Most of the existing lots are approximately 5,000 square feet in size and would be allowed up to 2 units. However, as a result of past resubdivision, some vacant lots are around 3,000 square feet and would only be allowed 1 unit.

The eighth area is located southeast of Pioneer Trail and involves an area bordered by Pioneer Trail, Glen Avenue, Montreal, and the Crescent V shopping center. This area contains a mix of single family dwellings, duplexes, 4-plexes, and small apartment complexes. There are approximately 155 subdivided lots, 54 of which are vacant. Most of the lots are 5,000 square feet in size and would be allowed up to 2 units.

To summarize this analysis, there are approximately 375 vacant lots proposed for inclusion in the HDA land use classification. These lots would immediately be affected by this proposal. Most of these lots are roughly 5,000 square feet in size and would be allowed up to 2 units. There is a remaining supply of larger vacant lots, some of which could qualify for up to 15 or more units. However, in some areas further subdividing has reduced lot sizes so that only 1 unit could be constructed. In some areas, HDA is proposed to retain existing apartment units and to preclude condominium conversion. Also some trailer parks are included where removal of the trailer park could result in residential construction.

Placer County

Only one area in Placer County has been identified for inclusion in the HDA classification. This area is in Brockway and is located north of Highway 28 and east of Highway 267. This is one of the oldest neighborhoods in the Basin. The area contains a mix of housing from older cabins to single family residences, duplexes, 4-plexes, and small and intermediate apartment complexes. Of the 383 subdivided lots in this area, 128 vacant lots exist. A large number of the lots average approximately 6,000 square feet. However some lots have been further subdivided and are smaller than 6,000 square feet in size. Some of these lots would only be eligible for a single unit. Within this area, approximately 60% of the improved lots have single family residences. The remaining 40% of the lots have varying densities of multiple residential development.
TO: The Advisory Planning Commission

FROM: The Staff

SUBJECT: Land Use Ordinance Amendments for Timesharing, Interval Ownership Developments

On December 12, Mr. Rusty Nash, Deputy District Attorney for Washoe County, requested an Agency determination on the status of the timesharing, interval ownership condominium in light of the recent adoption of a county ordinance which limits these projects to commercial zones. His questions as presented to the Board were:

1. What kind of density is allowable under the TRPA Land Use Ordinance?

2. What are the parking requirements for such projects?

3. What is the permitted land coverage in the Tourist Commercial land use district?

Although the TRPA Land Use Ordinance has no definition of timesharing units, the Washoe County ordinance defines them as "the actual accommodations and related facilities which are the subject of the vacation timesharing lease plan or a vacation timesharing ownership plan". Generally speaking, these units have the physical appearance of a single family dwelling condominium unit, but the length of stay of the inhabitants is a week to two weeks.

In a previous action by the Agency (approval of Club Tahoe), the timesharing condominiums were considered residential in use; thus, the project was required to reclassify its property to High Density Residential, and the project was limited to 15 units per acre. It would appear this action directly conflicts with the Washoe County actions which limit these projects to commercial zones.

To answer Mr. Nash's questions, one must determine if timesharing units are one of the following (as described in the Land Use Ordinance):

1. Single Family Dwelling Units - One room or group of two or more rooms, other than in a mobile home, containing one or more bedrooms, with not more than one kitchen, designed to be occupied permanently as an independent housekeeping unit by one family or one collective household with facilities for living, cooking, sleeping and eating; or
2. **Transient Dwelling Units** - One bedroom or a group of two or more rooms containing no more than one bedroom, and designed to be rented primarily by the day or week and to be occupied temporarily by one or more individuals whose permanent residence is elsewhere. Hotels and motels normally contain transient dwelling units. (The TRPA Land Use Ordinance limits the number of units with kitchens to a maximum of 10% of the total units.)

It appears that the physical structure of timesharing developments most closely resembles a single family dwelling condominium development, but the actual use pattern most closely fits that described for transient dwelling units. TRPA has no parking standards for single family or transient dwelling units.

Based on the above analysis, the Governing Board found, as permitted under Section 7.82, that timesharing condominium developments are "appropriate and similar in nature" to the uses permitted in the Tourist Commercial land use district. Within this district classification, the Governing Board found that the physical structures were most similar to those described as single family dwellings; thus, the density permitted would be 15 units per acre and the permitted land coverage would not exceed that permitted for residential uses.

The Governing Board also directed staff to prepare a Land Use Ordinance amendment to establish these findings in ordinance form and to analyze the impacts of this proposed ordinance on existing timesharing developments.

**Existing Timesharing Projects**

Agency staff is aware of only three timesharing projects in the Tahoe Basin and those are located in Incline Village. These projects are:

- **Club Tahoe** - This 93 unit project is classified High Density Residential and was approved by TRPA in 1978 as a time sharing project. It is legal counsel's initial opinion that this project would be vested as a timesharing project but any additional phases would require Tourist Commercial zoning and TRPA review if the ordinance is adopted.

- **Tahoe Chaparral (Bitterbrush)** - This 250 unit project is a pre-1972 TRPA approved project with "grandfathered" rights to construct what was approved at that time. Soon after the approval, Phase One (26 units) was constructed as condominium units as originally approved. Since that time, the concept of the project has been changed to timesharing and Phase Two (21 units) has commenced construction. Legal counsel's initial opinion is that the vested right exists only for a condominium project and that with the adoption of the new ordinance the timesharing portion of this project would be nonconforming and any future construction
of such units would require Tourist Commercial zoning and TRPA review.

All Seasons (Woodstock) - This 98 unit project was approved by the TRPA in 1972 as a condominium project. Since that time, the project has been converted to a timesharing project which is now completed and sold out. It is legal counsel's initial opinion that these timesharing units would be nonconforming under the proposed amendments.

This amendment was not reviewed at the January 9, 1980 APC meeting as originally scheduled due to the lack of a quorum; however, staff is still in need of APC comments and such revisions as would be necessary to provide the Governing Board with direction.
LAND USE ORDINANCE AMENDMENTS

Add to Section 3.00 the following definitions:

Timesharing Unit - A single family dwelling unit located in a vacation timesharing project of five (5) or more units that is subject to a timesharing program.

Timesharing Program - Any arrangement in a timesharing project whereby the use, occupancy or possession of real property has been made subject to either a timesharing estate or timesharing use whereby such use, occupancy or possession circulates among purchasers according to a fixed or floating time schedule on a periodic basis for a specific period of time during any given year, but not necessarily for consecutive years, and which extends for a period of time in excess of three (3) years in duration.

Timesharing Estate - An ownership or leasehold estate in property devoted to a timesharing fee (tenants in common, timespan ownership, interval ownership) or a timesharing lease.

Timesharing Use - Any contractual right of exclusive occupancy which does not fall within the definition of a timesharing estate including, without limitation, a vacation license, prepaid hotel reservation, club membership, limited partnership or vacation bond.

Add to Section 7.12 of the Land Use Ordinance the following use which requires an administrative permit:

(36) Complexes of five (5) or more timesharing units.

Add to Section 7.80 reference to timesharing units:

7.80 Tourist Commercial District

7.81 Specific Purposes:

(1) To provide adequate space for motels, hotels and related facilities to house and provide services for tourist visitors to the Region in appropriate locations.
Permitted Uses:

None but the following uses, or those allowed pursuant to an administrative permit issued in accordance with Section 8.33, which are found to be appropriate and similar in nature, shall be permitted:

(1) Residential:

   (a) Single family dwelling units up to fifteen (15) dwelling units per acre;

   (b) Multiperson dwellings not to exceed facilities for forty (40) persons per acre;

   (c) Mobile home parks for permanent residences up to eight (8) mobile homes per acre.

(2) Tourist Residential:

   (a) Transient dwelling units up to forty (40) units per acre, provided that up to ten (10) percent of such dwelling units contained in any motel or other development devoted to the provision of transient dwelling units may include kitchen facilities;

   (b) Recreation vehicle parks up to fifteen (15) mobile homes per acre;

   (c) Timesharing units up to fifteen (15) units per acre.

(3) Outdoor Recreation:

   (a) All those permitted in the High Density Residential District;

   (b) Skiing facilities;

   (c) Outdoor amusement facilities.

(4) Resource Management and Agriculture:

   (a) Forest management program.

(5) Public and Quasi-Public:

   (a) All those permitted in the High Density Residential District;

   (b) Transportation facilities.

(6) Commercial and Industrial:

   (a) All those permitted in the High Density Residential District;

   (b) Indoor amusement facilities;

   (c) Limited commercial;

   (d) Service stations.
7.83 Limitations on Land Coverage:

No person shall create land coverages in excess of thirty-five (35) percent if a residential or a timesharing use and fifty (50) percent if any other use of the land included in the application for a permit, as calculated in accordance with Section 8.22 of this ordinance, except as otherwise permitted in accordance with Sections 8.25, 8.28 and 9.24 of this ordinance.

This provision shall apply only to those lands contained in Tourist Commercial Districts as shown on the Tahoe Regional Plan as originally adopted. The limitations on land coverage set forth in Section 6.20 shall be applicable to lands which may be reclassified into such district in the future unless the ordinance effecting such reclassification specifically provides otherwise.
TAHOE REGIONAL PLANNING AGENCY

MEMORANDUM

DATE: January 31, 1980

TO: The Advisory Planning Commission

FROM: The Staff

SUBJECT: Amendments to the Subdivision Ordinance for Condominium Conversions

Based on the comments from the APC and the direction of the Governing Board, the staff has drafted these attached amendments to the Subdivision Ordinance. The intent is to include condominium conversions into the ordinance and to indicate that they will be reviewed with the same standards as all other subdivisions. Staff has also included an amendment that requires the Agency to make findings of compliance with Agency ordinances and plans along with the standard health, safety, etc. findings that are now required of administrative permits.

These amendments were not reviewed at the January 9; 1980 APC meeting due to the lack of a quorum; however, staff still requests the APC's comments on the attached amendments and such revisions that would be necessary to provide the Board with direction.

Attachment
SUBDIVISION ORDINANCE AMENDMENTS

Add to Section 3.00 Definitions:

Condominium Conversion - Any change in the form of ownership of real property wherein persons obtain ownership interest of individual units thereof, including but not limited to condominiums, community apartments, stock cooperatives, and any other form of such interest regulated by this ordinance.

Subdivision - Any real property, improved or unimproved, or a portion thereof, shown on the latest adopted tax roll of a local government as a unit or as contiguous units, which is divided for the purpose of use, sale, lease or financing, whether immediate or future, into five (5) or more condominiums, or into five (5) or more condominium units through condominium conversion, or into five (5) or more lots, or in which five (5) or more undivided interests are created or are proposed to be created.

Add new Section 4.34:

Approval by the permit-issuing authority and the Agency may be granted only if it is found that the tentative map is in compliance with all applicable TRPA plans and ordinances and that the establishment, maintenance, or operation of the proposed subdivision or associated uses will not be detrimental to health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the proposed subdivision or detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the Region, and will not cause any substantial harmful environmental consequences on the land of the applicant or on other lands or waters.

Change Section 4.34 to 4.35.
Memo to the APC
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3. How should such a study be structured to provide for maximum participation of all affected interests?

4. How can such a study be structured to provide for a valid and objective analysis?

5. What specific objectives should be adopted for the study?

6. What level of effort is necessary to accomplish these objectives?

7. How can existing resources best be utilized to accomplish these objectives?

Please come prepared to discuss this matter and provide assistance to the staff and Governing Board in responding to the Governing Board's directives.