TRPA
APC
PACKETS

MAY
1988
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that the Advisory Planning Commission of the Tahoe Regional Planning Agency will conduct its regular meeting at 9:30 a.m. on May 11, 1988, at the TRPA office, 195 U.S. Highway 50, Zephyr Cove, Round Hill, Nevada. The agenda for said meeting is attached hereto and made a part of this notice.

May 2, 1988

By: W. A. Morgan
William A. Morgan
Executive Director
Tahoe Regional Planning Agency
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA Office, 195 U.S. Highway 50 Zephyr Cove, Nevada
May 11, 1988
9:30 a.m.

AGENDA

I CALL TO ORDER AND DETERMINATION OF QUORUM

II APPROVAL OF AGENDA

III DISPOSITION OF MINUTES

IV PUBLIC HEARING AND RECOMMENDATION
   A. Chapter 21 (Density) and Related Amendments to Chapter 2
      (Definitions) and Chapter 34 (Transfer of Development)
   B. Chapter 22 (Height Standards)
   C. Chapter 64 (Grading Standards)
   D. Chapter 33 (Allocation of Development)
      (to be continued to the June meeting)
   E. Chapter 15 (Redevelopment), Chapter 15 EIS and City
      of South Lake Tahoe Redevelopment Plan and EIR/EIS

V PLANNING MATTERS
   A. Discussion and Recommendation on Notice Requirements for Activities
      Listed on Appendix A (Chapter 4 - Project Review and Exempt
      Activities)
   B. Summary Report on the Adopted Regional Transportation Plan

VI REPORTS
   A. Executive Director
   B. Legal Counsel
   C. APC Members
   D. Public Interest Comments

VII CORRESPONDENCE

VIII PENDING MATTERS

IX ADJOURNMENT
MEMORANDUM

May 2, 1988

To: Advisory Planning Commission

From: The Staff

Subject: Amendment of Chapters 2, 21 and 34 of the TRPA Code of Ordinances

Introduction:

Amendments are being proposed to Chapters 2, 21 and 34 to revise the criteria used to determine what parcels have a development right, to allow development rights to be transferred to some parcels that otherwise do not have a development right, and to underscore that a development right is required for new residential units.

Problem Identification:

1. Under the current definition of "development right" in Chapter 2, only vacant parcels have a development right. As defined in Chapter 2, a parcel is "vacant" only if it is undeveloped or unimproved and has no established use. Therefore, parcels containing minor improvements, such as existing land coverage, or any established use, even if transitory, such as beach uses, are denied a development right. Also, parcels containing the remnants of a structure damaged by fire would not have a development right if the owner fails to submit the application within the 18 month deadline. Without a development right, such parcels are not permitted a new single family dwelling.

2. Some parcels that do not have a development right, under either the current or proposed criteria, are located in plan areas or community plans where a single family dwelling is a permissible use. Except within plan areas or community plans designated as a receiving area for multi-residential, there is no provision in the Code that would allow a development right to be transferred to such a parcel for the purpose of constructing a single family dwelling (e.g., tear down a motel and build a house).
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Discussion and Recommended Amendments:

1. Development Right: One of the primary reasons for creating development rights is to maximize the use potential of a parcel. However, in light of the definition of "vacant" in Chapter 2, relying on a determination as to whether or not a parcel is vacant is not necessarily the most appropriate criteria for assigning development rights. The existence of a random use (e.g. tree cutting) or an unusable structure should not preclude the assignment of a development right. The type and extent of existing uses and the potential for new uses on a parcel are a more appropriate measure of assigning development rights.

Solution:

Chapter 2 Amendment: Amend the definition of "development right" in Chapter 2 as follows:

Development Right: The right to potential residential use which is attached to each undeveloped vacant parcels in the Region except for parcels eligible for tourist-accommodation-or-commercial-uses-within-a community-plan-area-and-within-land-capability-districts-4, 5, 6 or 7 in accordance with Section 21.6. A development right is not a vested right.

Chapter 21 Amendment: Amend Section 21.6 as follows:


Development rights shall be assigned and utilized in accordance with the following provisions:

21.6.A. Legally Existing: Parcels legally existing on the effective date of the Regional Plan shall be assigned a development right except as set forth below:

(1) Parcels which are located in Land Capability Districts 4, 5, 6, or 7, and are within a community plan area where tourist accommodation or commercial uses are permissible, shall not have a development right.

(2) Parcels that contained one or more of the primary uses listed in the table in Section 18.3 under the classifications of Residential, Tourist Accommodation, Commercial, or Public Service, on the effective date of the Regional Plan, shall not have a development right.

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(3) Parcels that contained one or more of the primary uses listed in Section 18.3 under the classification of Recreation, on the effective date of the Regional Plan, shall not have a development right, except that parcels containing the primary use of dispersed outdoor recreation or dispersed water-oriented outdoor recreation (Chapter 51) shall have a development right.

(4) Parcels that contain one or more of the following uses in Section 18.3 under the classification of Resource Management, on the effective date of the Regional Plan, shall not have a development right:

(a) Tree farms;
(b) Farm/ranch accessory structure;
(c) Grazing;
(d) Range pasture, management;
(e) Range improvement; or
(f) Open space.

21.6.B Transfer of Development Rights: Transfer of development rights shall comply with the density limitations set forth in this chapter and the transfer provisions set forth in Chapter 34.

21.6.C Construction of Residential Unit: A development right shall be required for each residential unit approved in the Region.

2. Transfer of Development Right: The Code should include a provision allowing a development right to be transferred to a parcel that does not have one based on application of the proposed criteria in Subsection 21.6.A.

Solution: Amend Subsection 34.2.C as follows:

* 34.2.C Receiving Area: The parcel receiving the development right shall be in a plan area or community plan where residential uses are permissible and shall meet the following criteria:

(1) Parcels located in a plan area or community plan designated as a receiving area for multi-residential units shall be eligible to receive one or more development rights; or

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(2) One development right may be transferred to a parcel for the purpose of constructing a secondary residence, provided the building site for the secondary residence is in Land Capability Districts 4, 5, 6 or 7; or

(3) One development right may be transferred to a parcel that was not assigned a development right provided the parcel has a building site in Land Capability Districts 4, 5, 6 or 7, or, if applicable, is in the top rank under IPES.

* The language contained in Subsection 34.2.C, including paragraphs (1) and (2), is as set forth in an amendment approved by the Governing Board at the April meeting.

Environmental Documentation: Staff believes that the proposed revisions to the criteria for determining what parcels have a development right will not result in an increase in the number of development rights existing in the Region as originally included in the Regional Plan. The number of development rights that can actually be utilized for construction and, therefore, the growth rate for new residential development, is regulated by the allocation system which is not being amended. Therefore, staff considers these proposed amendments to be within the analysis contained in the EIS for the Code.
MEMORANDUM

May 3, 1988

To: The Advisory Planning Commission
From: The Staff
Subject: Proposed Amendments to Chapter 22 of the TRPA Code of Ordinances

Introduction:

Amendments are being proposed to Chapter 22 to revise the standards which regulate the height of buildings. Additionally, amendments to Chapter 22 are proposed to cross-reference certain maximum building heights which are established in proposed Chapter 15, Redevelopment Plans.

Problem Identification:

A. Midpoint Height Standard Revisions:

1. Midpoint Height Standards: The purpose in establishing midpoint height standards was to insure the height and bulk of buildings were proportional. The midpoint height standard, however, has placed unnecessary restrictions on residential building design. In the existing ordinance, both maximum height and midpoint height standards must be met. Maximum height is measured from the lowest wall or foundation wall to the top of the highest roof. Midpoint height is measured from the lowest wall or foundation wall to a point halfway up the roof. See Figure 1.

The method for determining maximum allowable height involves the use of a matrix whereby maximum allowable height is based on the slope across the building site and the roof pitch of the proposed structure. In addition, a maximum midpoint height was also required of the structure height at a point exactly midway up the roof. All building site slopes of 24% or greater were assigned the same maximum height for each roof pitch category. See Figure 1.
2. Midpoint in Relation to Steep Parcels: On steeper downsloping building sites (slopes of 24% or greater), the midpoint height standard often could not be met, prompting a redesign of the building. In order to meet the midpoint height on these slopes, the building had to be moved up the slope closer to the road. This produced tall, narrow buildings sited along the slope rather than stepping down the hillside. See Figure 2. In these situations, the midpoint height often became the controlling dimension of the structure, rather than the maximum height. In extreme cases, the building had to be moved far enough up the slope to meet the midpoint height standard so as to preclude a second floor.

3. Midpoint in Relation to Secondary Roofs: Secondary roofs such as gables were also required to meet the midpoint height standards on new and remodeled construction. Because these are typically constructed off of the ridge line and have smaller roof spans than the main roof, their midpoints are higher than that of the main roof. This prevented such roof structures from meeting the midpoint height standards. See Figure 3.

B. Building Heights in the City of South Lake Tahoe Redevelopment Plan Area:

Subsection 22.4.C of the existing chapter is reserved for building heights in the City of South Lake Tahoe's Redevelopment Plan Area. The maximum building heights allowed under redevelopment is being established in Section 15.11 of the proposed Chapter 15, Redevelopment Plans.

Discussion and Recommended Amendments:

A. Building Height Standard Revisions:

Standards controlling the height of buildings and other structures are considered an important element of the Regional Plan package. A specific Community Design threshold adopted as part of the Regional Plan reads as follows:

"It shall be the policy of the TRPA Governing Board in development of the Regional Plan, in cooperation with local jurisdictions, to insure the height, bulk, texture, form, materials, colors, lighting, signing and other design elements of new, remodeled and redeveloped buildings be compatible with the natural, scenic, and recreational values of the Region."

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The Community Design threshold was further expressed in terms of the following goals and policies:

Goal #2 REGIONAL BUILDING AND COMMUNITY DESIGN CRITERIA SHALL BE ESTABLISHED TO ENSURE ATTAINMENT OF THE SCENIC THRESHOLDS, MAINTENANCE OF DESIRED COMMUNITY CHARACTER, COMPATIBILITY OF LAND USES, AND COORDINATED PROJECT REVIEW.

The intent of the criteria is that they be regional in nature yet specific enough to ensure that the Agency meets the mandate of specific thresholds and other policy requirements of this Plan as they relate to site planning. The concept is that a design review document is the focal point for implementing many other Plan policies relating to transportation, noise, water quality, air quality, scenic and aesthetic considerations, etc.

POLICIES 1. REGIONAL DESIGN REVIEW SHALL INCLUDE THE FOLLOWING TO BE USED IN EVALUATING PROJECTS THROUGHOUT THE REGION. THIS REVIEW MAY ENTAIL ADDITIONAL REQUIREMENTS OR SPECIAL REQUIREMENTS NOT LISTED BELOW.

B. BUILDING HEIGHT, BULK AND SCALE: STANDARDS SHALL BE ADOPTED TO ENSURE ATTRACTIVE AND COMPATIBLE DEVELOPMENT. THE FOLLOWING SHALL BE CONSIDERED:

1) BUILDING HEIGHT SHALL BE LIMITED TO TWOSTORES EXCEPT THAT PROVISIONS FOR ADDITIONAL HEIGHT REQUIREMENTS SHALL BE PROVIDED FOR UNIQUE SITUATIONS SUCH AS LIGHTING TOWERS, SKI TOWERS, STEEP SITES, REDEVELOPMENT PROJECTS AND TOURIST ACCOMMODATION FACILITIES.

2) BUILDING HEIGHT LIMITS SHALL BE ESTABLISHED TO ENSURE THAT BUILDINGS DO NOT PROJECT ABOVE THE FOREST CANOPY, RIDGE LINES, OR OTHERWISE DETRACT FROM THE VIEWSHED.

A meeting was convened on April 25, 1988, with some 15 architects and building designers who had expressed concern to the TRPA specifically regarding the midpoint height standards. Several solutions were proposed and discussed including major restructuring of height regulations and regulatory responsibilities. At this point, staff
believes that minor revisions to the existing ordinance will solve the majority of the identified problems. The staff is proposing two alternative amendments to the Advisory Planning Commission for consideration.

Alternative 1

Drop the midpoint height standards. Replace the proportion control with a standard which requires that no more than 90% of the building height is wall height when measured along the corner of any two exterior walls. This would apply only to pitched roof buildings over 5:12 pitch when additional height in excess of 26 feet is proposed (Subsection 22.3.A). See Attachment A for language.

Alternative 2

Drop the midpoint height standards. Only maximum building heights would be regulated. The midpoint height standards which served to insure the height of buildings was proportionate to the width and to the amount of roof on pitched roof buildings would be removed. See Attachment B for language.

B. Building Heights in the City of South Lake Tahoe Redevelopment Plan Area:

The additional height requirements for redevelopment projects within the City of South Lake Tahoe are addressed in proposed Chapter 15, Redevelopment Plans. Subsection 22.4.C could be cross-referenced to Section 15.11 where the height requirements for redevelopment projects within the City of South Lake Tahoe are located. See Attachment C for language.

Environmental Documentation: A finding of no significant impact by these amendments is proposed based on the following:

A. Building Height Standard Revisions

1. Maximum building heights are not increased as a result of implementing the proposed action.

2. Safeguards to control proportions of the building are built into the recommended alternatives.
B. Additional Height for Redevelopment Projects Within the City of South Lake Tahoe

1. This amendment is simply a cross-reference to the location in the Code of the standard. The purpose of the amendment is a bookkeeping function only.

Staff Recommendation:

The staff is prepared to recommend Alternative 1 as the proposed amendments. Staff believes that dropping the midpoint height standard will allow more flexibility and design freedom which should respond to the identified problems. In addition, the proposed proportion safeguard will insure attainment of the Community Design threshold.

If you have questions or comments regarding this agenda item, please call Andrew Strain at (702) 588-4547.
TABLE A
MAXIMUM AND MIDPOINT HEIGHTS
FOR BUILDINGS

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<th>2:12</th>
<th>3:12</th>
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<th>5:12</th>
<th>6:12</th>
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<th>8:12</th>
<th>9:12</th>
<th>10:12 or &gt;</th>
<th>Midpoint Percentage of Maximum Height</th>
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<td>88%</td>
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Chapter 22 Amendment: Amend Chapter 22 as follows:

Delete Subsection 22.2.B

22.2.B **Midpoint-Height-Requirement:** The midpoint-height is the difference between the point of lowest natural ground elevation along an exterior wall of a building and the elevation of a point midway between the ridge of a hip, gable, gambrel, shed, or other pitched roof and the point on the roof directly above the exterior surface of the wall supporting such roof.

Amend Section 22.3 as follows:

22.3 **Height Standards for Buildings:** Except as provided for in Section 22.4, no building shall have a maximum -er-midpoint height greater than set forth in Table A. Midpoint-heights are calculated as a percentage of the maximum height allowed in accordance with Table A Midpoint-heights shall be rounded to the nearest foot. Chimneys, flues, vents, antennas, and similar appurtenances, may be erected to a height ten percent greater than the otherwise permissible maximum height of a building, or a height of six feet, whichever is less. No building shall, due to application of the midpoint limitation, be restricted to a minimum height of less than 24 feet.

Example:

Percent slope retained across building site = 16%
Proposed roof pitch = 10.12
Maximum height = 40' 0"
Midpoint-height = (40'0" - 16') = 31'6" or 32'

22.3.A **Required Findings:** Building heights, up to the maximums set forth in Table A, may be approved in accordance with Table A if the project is in compliance with the standards in Section 30.12 and TRPA makes the following findings as required for additional height.

(1) **Additional Height:** Maximum building heights greater than 26 feet shall be considered additional height. Additional height, up to the maximums set forth in Table A for a roof pitch of 5:12, may be approved in accordance with Table A if TRPA makes finding (1) as set forth in Section 22.7. Maximum building heights greater than set forth in Table A for a roof pitch of 5:12 may be approved in accordance with Table A for residential buildings if TRPA makes findings (1) and (2), and (8) as set forth in Section 22.7 and for other buildings if TRPA makes findings (1), (2), and (3), and (8)
as set forth in Section 22.7. If, in any case, the TRPA is unable to make the required findings, maximum building height shall be limited to that height for which the required findings can be made.

Amend Section 22.7 as follows:

22.7 List of Findings: The findings required in this chapter are as follows:

(1) When viewed from major arterials, scenic turnouts, public recreation areas or the waters of lake Tahoe, but not from a distance of less than 300 feet, the additional height will not cause a building to extend above the forest canopy, when present, or a ridgeline.

(2) When outside a community plan, the additional height is consistent with the surrounding uses.

(3) With respect to that portion of the building which is permitted the additional height, the building has been designed to minimize interference with existing views within the area to the extent practicable.

(4) The function of the structure requires a greater maximum height than otherwise provided for in this chapter.

(5) That portion of the building which is permitted the additional height, is adequately screened, as seen from major arterials, the waters of lakes, and other public areas from which the building is frequently viewed. In determining the adequacy of screening, consideration shall be given to the degree to which a combination of the following features causes the building to blend or merge with the background.

(a) The horizontal distance from which the building is viewed;
(b) The extent of screening; and
(c) Proposed exterior colors and building materials.

(6) The building is located within an approved community plan, which identifies the project area as being suitable for the additional height being proposed.

(7) The additional height is the minimum necessary to feasibly implement the project and there are no feasible alternatives requiring less additional height.

(8) The maximum height at any corner of two exterior walls of the building is not greater than 90 percent of the maximum building height. The maximum height at the corner of two exterior walls is the difference between the point of lowest natural ground elevation along an exterior wall of the building, and point at which the corner of the same exterior wall meets the roof.

Amend Table A to delete the column titled "Midpoint Percentage of Maximum Height".
Attachment B

Alternative 2

Chapter 22 Amendment: Amend Chapter 22 as follows:

Delete Subsection 22.2.B

22.2.B-Midpoint-Height-Requirements--The midpoint height is the difference between the point of lowest natural ground elevation along an exterior wall of a building and the elevation of a point midway between the ridge of a hip or gable, gambrel, shed or other pitched roof and the point on the roof directly above the exterior surface of the wall supporting such roof.

Amend Section 22.3 as follows:

22.3 Height Standards for Buildings: Except as provided for in Section 22.4, no building shall have a maximum or midpoint height greater than set forth in Table A. Midpoint heights are calculated as a percentage of the maximum height allowed in accordance with Table A. Midpoint heights shall be rounded to the nearest foot. Chimneys, flues, vents, antennas, and similar appurtenances, may be erected to a height ten percent greater than the otherwise permissible maximum height of a building, or a height of six feet, whichever is less. No building shall be restricted to a maximum height of less than 24 feet.

Example:

Percent slope retained across building site = 16%
Proposed roof pitch = 10.12
Maximum height = 40' 0"
Midpoint-height = (40'0"/1.79) = 32' 6.25"

Amend Table A to delete the column titled "Midpoint Percentage of Maximum Height".
Chapter 22 Amendment: Additional Height For Redevelopment Projects within the City of South Lake Tahoe.

The additional height requirements for redevelopment projects within the City of South Lake Tahoe are addressed in proposed Chapter 15, Redevelopment Plans. Subsection 22.4.C could be cross-referenced to Section 15.11 where the height requirements for redevelopment projects within the City of South Lake Tahoe are located.

Solution:

Amend Subsection 22.4. C as follows:

22.4.C Additional Height For Redevelopment Projects Within The City of South Lake Tahoe: Additional height for redevelopment projects within the City of South Lake Tahoe is set forth in Chapter 15.

AS:sd
MEMORANDUM

May 3, 1988

To: Advisory Planning Commission

From: Staff

Subject: Proposed Amendments To Chapters 2 and 64 of the TRPA
Code of Ordinances

Introduction:

Amendments are being proposed to Chapters 2 and 64. Proposed revisions to
Chapter 2 involve amending the definition of basements, which are generally
prohibited. Amendments to Chapter 64 include adding a requirement to minimize
the amount of land filling allowed.

Problem Identification:

1. Under the current definition of basement persons are allowed to excavate to
create a floor up to three feet below the level of finish grade without
creating a basement. The current definition states that the depth to the
floor is to be measured from a finished grade. Finish grading can occur
which could reduce or otherwise alter the natural grade. Bottom floors
could then be installed at depths greater than three feet from the natural
grade.

2. The existing definition was based on the construction of suspended floors
which can require up to two feet additional excavation for the floor to be
located three feet below grade. Suspended floors therefore could have a
five foot excavation, but a slab floor would be limited to about three and
one-half feet.

3. No regulations existed which would keep the amount of filling done on a
site to a minimum.
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Recommended Amendments:

1. Amend the basement definition in Chapter 2 to refer to a maximum depth below the natural grade of a site rather than below the finish grade.

2. Amend the basement definition in Chapter 2 to limit the maximum amount of excavation done to five feet for a bottom floor including any ventilation or crawl space underneath the floor. This would allow suspended floors to be located three feet below natural grade, given a two foot crawl space, and would allow slab floors to be located five feet below natural grade.

3. Amend Chapter 64 to add a requirement limiting the amount of fill to a minimum.

Solutions:

Chapter 2 Amendment: Amend the definition of basement in Chapter 2 as follows:

Basement: The bottom floor of a building, the excavation for which any portion is greater than five feet below natural finish grade, measured at the location where the bottom of the excavation floor meets the foundation wall, exclusive of footing excavation.

Chapter 64 Amendment: Amend Subsection 64.6.B as follows:

64.6.B Fills: Standards for fills are:

(1) The maximum fill slope shall be determined on the basis of the risk of instability or soil erodibility as shown by an information report, a subsurface soil and geological report or other available information.

(2) No organic material, such as vegetation or rubbish, or any other material not capable of proper compaction, or otherwise not conducive to stability, shall be permitted in fills.

(3) Borrowing for fill is prohibited unless approved by TRPA. Borrowing of material from rockfalls and slides may be allowed pursuant to memorandums of understanding between TRPA and road maintenance organizations. Approved borrow sites shall be subject to Subsection 64.6.A.

(4) All fills shall be compacted to a minimum of 90 percent of maximum density as set forth in Chapter 70 of the Uniform Building code.

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AGENDA ITEM IV.C
(5) Setbacks shall be as set forth in Chapter 70 of the Uniform Building Code. As a condition of approval, TRPA may impose setbacks as set forth in the Design Review Guidelines.

(6) Minimum Filling: The area and extent of all filling shall be minimized to avoid unnecessary soil disturbance.

Environmental Documentation: A Finding of No Significant Impact by these amendments is proposed based on the following:

1. Excavations greater than seven cubic yards are subject to TRPA review as a project. Compliance with the following requirements will continue to be required.
   a. No interference with groundwater is allowed pursuant to Chapter 64;
   b. Site disturbance must be held to an absolute minimum pursuant to Chapter 64; and
   c. Appropriate disposal methods of excavated material are required pursuant to Chapter 64.

2. No significant change in the area of excavation or disturbance will result from the proposal.

If you have any questions or comments regarding this agenda item, please call Andrew Strain (702) 588-4547.
MEMORANDUM

May 3, 1988

To: Advisory Planning Commission
From: TRPA Staff
Subject: Discussion and Recommendation on Notice Requirements for Activities Listed on Appendix A (Chapter 4 - Project Review and Exempt Activities)

Introduction: Amendments are being considered to TRPA's Rules of Procedure, Exhibit A, to require notice to affected property owners for additional classes of projects and matters. Under this provision, written notification is required to all property owners within 300 feet of the project area boundaries.

Problem Identification: In April the Governing Board amended Chapter 4 by removing certain categories of projects and matters from Appendix A. Appendix A identifies categories of projects and matters that the Governing Board must review and take action on. The Executive Director may review and take action on projects and matters not listed on Appendix A. The Executive Director may also determine that a project or matter not listed on Appendix A, due to unusual circumstances, warrants Governing Board review and action and may schedule the project or matter for Governing Board consideration.

When these amendments to Chapter 4 were considered by the APC in April, the APC was concerned that by removing certain items from Appendix A, and therefore, eliminating the requirement for a public hearing, adequate public notice may not be given prior to action by TRPA. Due to this concern, the APC requested that staff review the items being removed from Appendix A to determine if any such items should be added to Exhibit A of the Rules of Procedure so that notice to affected property owners is required.

Analysis: The following is a list of the items removed from Appendix A and the rationale for either requiring, or not requiring, notification to affected property owners.

1. Approval of alternative BMPs - Deletion of this item from Appendix A removes the public hearing requirement only with respect to projects that otherwise can be approved by staff. Such projects are generally minor and somewhat routine in nature. Installation of alternative BMPs on project sites that do not otherwise require Governing Board action should have no affect on adjacent property owners.
2. **Exception to groundwater interference and basement excavations** - Again, deletion of this item removes the public hearing requirement only with respect to projects that are generally minor and somewhat routine in nature. In addition, Subsections 4.7.A and B require that measures be taken to stabilize such excavations, and therefore, prevent the potential for affects on adjacent property owners.

3. **Creation of temporary skid trails** - Deletion of this item from Appendix A removes the public hearing requirement only when such trails are created in conjunction with a tree removal project that is defined as less than substantial. Therefore, the number and length of skid trails involved should be minimal. In addition, skid trails must be revegetated and stabilized upon completion of the project. For these reasons, projects processed in accordance with this amendment should have no affect on adjacent property owners.

4. **Paved road waiver** - In the majority of instances this waiver applies to projects proposing an expansion to an existing single family dwelling. If the project is in conjunction with a commercial, tourist accommodation or multi-family residential use, TRPA must find that either the roadway is not designated to be paved by the 208 Water Quality Plan, the project involves a historically significant structure, or a program has been provided to assure that the road is paved in five years. For these reasons, waiving the paved road requirements should have no affect on adjacent property owners.

5. **Fire flow determinations or waivers** - For the following reasons, determinations made and waivers allowed under these provisions should have no affect on adjacent property owners:
   a) There are adequate guidelines in Section 27.3 for making the necessary determinations, and the determinations are technical in nature.
   b) In order to grant the waiver, TRPA must find that certain conditions exist to assure adequate fire protection. These conditions include a five minute response time for the closest engine (pumper), minimum equipment requirements for the pumper, and minimum rate and time requirements for applying water.

6. **Transfer of development rights** - Except for the purpose of constructing a new single family dwelling on a parcel that does not have a development right, development rights are transferred for multi-residential projects. Multi-residential projects are currently listed on Appendix A, and therefore, must be reviewed and acted on by the Governing Board. The construction of a new single family dwelling has previously been determined to have no affect on adjacent property owners.
7. Reconstruction or repair of buildings destroyed by calamity - Buildings destroyed by a calamity can be repaired or reconstructed only in substantial conformance with the original structure, with no increase in floor area, land coverage, height, or volume. These restrictions should assure that such reconstruction will have no affect on adjacent property owners.

8. Major structural repair to existing structures in the nearshore or foreshore that do not comply with certain development standards - To allow major structural repair of structures that do not comply with certain development standards, Subsection 52.3.G(3) requires TRPA to determine the extent to which such structures may be; (1) causing significant shoreline erosion; (2) significantly interfering with sediment transport; (3) an obstruction to save navigation; or (4) contributing to noncompliance with a scenic threshold. If TRPA finds any of these impacts to be significant the structure must be modified to reduce the impacts to a less than significant level. Since certain types of modifications to structures in the foreshore, such as the removal of rock cribbing, can result in changes along the shoreline that may encompass several littoral parcels, these activities could have an affect on adjacent property owners.

9. New fences above highwater - TRPA has no standards or regulations that apply to the construction of fences above high water.

10. Changes in allowed uses within the shorezone - This item has been removed from Appendix A so that changes in allowed uses within the shorezone are reviewed and acted on in the same manner as allowed uses outside the shorezone.

11. Creation of additional land coverage in the backshore - The creation of additional land coverage in the backshore is prohibited, except where certain findings are made with respect to public outdoor recreation, public service or erosion control projects, or to provide access to existing structures or uses within the nearshore or foreshore. The findings generally require that the amount of new land coverage be the minimum necessary to implement the project and that any impacts be mitigated by removing from the backshore or stream environment zone 1.5 times the amount of land coverage created. In addition, most projects that would result in new land coverage in the backshore require review and action by the Governing Board. For these reasons the creation of additional land coverage in the backshore should have no affect on adjacent property owners.
Staff Recommendation: Staff recommends that Exhibit A to the Rules of Procedure be amended to require notification to affected property owners for major structural repair to existing structures in the nearshore or foreshore that do not comply with the development standards listed in Subparagraph 52.3.G(2). Major structural repair to existing structures that comply with these standards would not require notification to affected property owners.

Environmental Document: Staff considers this amendment to be administrative and procedural in nature, and therefore, to have no significant affect on the environment.
MEMORANDUM

May 3, 1988

To: The Advisory Planning Commission
From: The Staff
Subject: Summary Report on the Adopted Regional Transportation Plan

At the February APC meeting, the APC made a finding that the draft Regional Transportation Plan EIR/EIS was technically adequate and recommended that the draft Regional Transportation Plan be adopted by the Governing Board with various changes to be incorporated by the staff.

At the February Governing Board meeting, the TRPA held a public hearing on the revised draft Regional Transportation Plan and EIR/EIS. Based upon public testimony received at the meeting, the public hearing was continued until the April Governing Board meeting. During this time, staff met with representatives of the League to Save Lake Tahoe and the California Attorney General's Office in an attempt to resolve concerns they raised at the February Governing Board meeting.

The TRPA staff presented another revised copy of the Regional Transportation Plan at the April Governing Board meeting. The revisions included a more comprehensive prioritization of the Goals and Policies and Action Elements, a status report on projects listed in the 1986 Transportation Element of the Goals and Policies Plan, and a separate listing of study items contained in the Action Element.

The Governing Board certified the EIR/EIS and adopted the Transportation Regional Transportation Plan with three minor revisions which we will explain at the APC meeting.

If you have any questions, contact Jim Brennan at (702) 588-4547.