TRPA
APC
PACKETS

AUGUST
1996
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION
NOTICE OF MEETING

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 Wednesday, August 14, 1996, at the North Tahoe Conference Center, 8318 North Lake Boulevard, Kings Beach, California. The agenda for the meeting is attached hereto and made a part of this notice.

August 5, 1996

By: James W. Baetge
Executive Director

This agenda has been posted at the TRPA office and at the following post offices: Zephyr Cove and Stateline, Nevada, and Tahoe Valley and Al Tahoe, California. The agenda has also been posted at the North Tahoe Conference Center in Kings Beach, the Incline Village GID office, and the North Lake Tahoe Chamber of Commerce.
All items on this agenda are action items unless otherwise noted.

AGENDA

I. CALL TO ORDER AND DETERMINATION OF QUORUM

II. APPROVAL OF AGENDA

III. PUBLIC INTEREST COMMENTS (No Action)

Any member of the public wishing to address the Advisory Planning Commission on an agenda item not listed as a Public Hearing or a Planning Matter item, or on any other issue, may do so at this time. However, public comment on Public Hearing and Planning Matter items will be taken at the time those agenda items are heard.

NOTE: THE ADVISORY PLANNING COMMISSION IS PROHIBITED BY LAW FROM TAKING IMMEDIATE ACTION ON, OR DISCUSSING ISSUES RAISED BY THE PUBLIC THAT ARE NOT LISTED ON THIS AGENDA.

IV. DISPOSITION OF MINUTES

V. ADMINISTRATIVE MATTERS

A. Election of APC Vice Chairman to Complete Two-Year Term of Romany Woodbeck

VI. PUBLIC HEARING AND RECOMMENDATION TO THE GOVERNING BOARD

A. Amendment of Chapter 26, Sign Standards, to Adopt Substitute Sign Standards for the North Stateline Community Plan and Amendment of North Stateline Community Plan Design Guidelines to Add Historic Architectural Design Guidelines

B. Amendment of Goal #1, Housing Subelement of the Land Use Element of the Goals and Policies, and Chapter 2 of the Code of Ordinances Relative to Regional Median Income Levels

C. Amendment of Chapter 4, Project Review and Exempt Activities, to Provide for MOU Between TRPA and Contel/GTE

D. Draft EIS for the Lake Tahoe Shorezone Development Cumulative Impact Analysis

E. Recommendation on Certification of the U.S. Forest Service EIS for the North Shore Project - 1:00 p.m.
VII. PLANNING MATTERS
A. Staff Presentation on Water Quality Report for Water Year 1995
B. Discussion on Regional Plan Policies and Code Regulations Related to New Residential Subdivisions

VIII. REPORTS
A. Executive Director
B. Legal Counsel
C. APC Members

IX. ADJOURNMENT
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

North Tahoe Conference Center
8318 North Lake Boulevard
Kings Beach, California

June 12, 1996

REGULAR MEETING MINUTES

Chairperson Robert Jepsen called the regular June 12, 1996, meeting of the
Advisory Planning Commission (APC) to order at 9:36 a.m. and asked for a roll
call.

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Members Present: Mr. Hust, Mr. Ruben (arrived at 9:46 a.m.), Ms. Baldrica,
Mr. Barham, Mr. McDowell, Mr. Gill, Mr. McCurry (arrived
at 9:53 a.m.), Mr. Caterino, Mr. Lawrence, Mr. Haen,
Ms. Woodbeck (arrived at 9:40 a.m.), Mr. Combs,
Ms. Jamin (arrived at 9:45 a.m.), Mr. Jepsen

Members Absent: Mr. Thompson, Mr. Popoff, Mr. Joiner

II. APPROVAL OF AGENDA

Deputy Director stated that there were no changes to the agenda.

III. PUBLIC INTEREST COMMENTS

Mr. Al Bull, stated that he was working for Sacramento Municipal Utility
District and the supervisors of El Dorado County in bringing a passenger
electrified rail line to South Lake Tahoe to interface with the Lake ferry
service. He stated that the San Joaquin Commission hoped to go into
Sacramento in the near future with a merger. The number of lines are being
increased on the 80 rail corridor, which is the other end of the system,
leaking the valley trains and all the services coming into Sacramento to bring
people to Lake Tahoe thus eliminating the automobile. He has been asked to
show a video at the TRPA Governing Board meeting on June 26, 1996.

IV. DISPOSITION OF MINUTES

Mr. McDowell asked that the on page 14 of the April 10, 1996, regular meeting
minutes be amended to state "Mr. McDowell abstained from participating in
this item because his employer, U.S. Forest Service, was involved with the
Heavenly Ski Resort Master Plan."

MOTION by Ms. Baldrica, with a second by Mr. Hust, to approve the regular
April 10, 1996, APC meeting minutes as amended. The motion carried with
Messrs. Gill and Haen abstaining.

MOTION by Ms. Baldrica, with a second by Ms. Woodbeck, to approve the
regular April 19, 1996, APC meeting minutes. The motion carried with Messrs.
Gill and McDowell abstaining.
Mr. Jepsen noted that on page 5, after the second paragraph of the May 8, 1996, regular meeting minutes, the paragraph "Chairman Jepsen opened the meeting for public hearing comments" should be added. In addition, on page 10, after the second paragraph, the paragraph "Chairman Jepsen opened the meeting for public hearing comments" should be added. Also, the third paragraph should read "Ms." Rochelle Nason; not "Mr. Rochelle Nason."

MOTION by Mr. McDowell, with a second by Mr. Barham, to approve the regular May 8, 1996, APC meeting minutes as amended. The motion carried with Mr. Gill and Ms. Baldrica abstaining.

V. PUBLIC HEARING AND RECOMMENDATION TO THE GOVERNING BOARD

A. Certification of EIR/EIS for Park Avenue Development Project

Chief of Project Review Rick Angelocci presented the Final EIR/EIS for the Park Avenue Development Project.

(Mr. Haen abstained from participating in this item because he is directly involved in the project.)

(Ms. Jamin arrived at 9:45 a.m.)

(Mr. Ruben arrived at 9:46 a.m.)

Mr. Jim Jordan, of Balloffet & Associates, reviewed three critical issues that were of concern to TRPA and the City of South Lake Tahoe, which were the floodplain, water quality and the location of the Intermodal Transit Center. Mr. Jordan presented slides showing a schedule of the water quality improvements.

(Mr. McCurry arrived at 9:53 a.m.)

Mr. McDowell inquired that if there was a noise conflict regarding the transit center, whether the City of South Lake Tahoe Code had a sound ordinance that would enforce the noise problem. Ms. Jamin stated that the City had one ordinance in particular regarding idling buses, in addition to TRPA’s noise ordinance.

Mr. McDowell commented that he didn’t know how much of a TRPA environmental issue the noise was, but was an issue between the management of the hotel and the management of the transit system.

Ms. Judith Von Klug, Manager of the South Lake Tahoe Redevelopment Agency, agreed with Mr. McDowell that the problem was between the management of the hotel and the management of the transit system. Ms. Von Klug stated that one of the issues in the environmental document was that the existing conditions had a lot of noise factors associated with them. The Agency did not view this as an exterior environmental issue but more as a political issue in terms of the hotel. She stated that they were very close to signing an agreement with the hotel on how to deal with the noise issue. Ms. Von Klug said the agreement would be signed by the time of the TRPA Governing Board meeting.
She further stated that the owners of the Embassy Suites Hotel, KOAR, were confident that this issue would be resolved without any delays to the Project.

Mr. Gill reiterated the commitment made by Lahontan and the project proponents regarding the restoration of the stream environment zone in the project area where the sending area is being transferred to another stream environmental zone within the project. He stated that sometimes the restoration of the sending area was not done in accordance with the plan specifications. Many times instead of trying to maximize the value and function of the stream environment zone, the restoration took the form of landscaping; turf grass was put in. This was not in the spirit under which the provision was written. If there is going to be relocation from a stream environment zone to another stream environment zone in the project area, he wanted a commitment that the restoration of the sending area would be to maximize the function and value of the stream environment zone; not for landscaping purposes. Mr. Gill further stated that stream environment zones could be very esthetic. He also wanted a commitment that Lahontan would not receive any proposals to put turf or some other landscaping plants in there.

Mr. Angelocci agreed with Mr. Gill and stated that in TRPA’s Code, when coverage was being relocated from one portion of an stream environment zone to another portion; one that was not currently covered; the sending area must be resorted to as natural a functioning condition as possible. Mr. Angelocci also commented that it had yet been determined whether there would be any relocation of coverage. The site was already 97% covered. Further, he didn’t think recovery would be relocated from one portion of a stream environment zone to an existing natural functioning stream environment zone, or an open portion of a stream environment zone. But if it was relocated, the proponents must comply with TRPA’s Code.

Mr. Lew Feldman, counsel for the project proponents, commented that it had been five years in the planning process, and his first thought was, it had better not take that long to build this project. Having said that, it was necessary to recognize the environmental work that has been done on a project that had really been the result of a lot work by a lot of people. He stated that the League to Save Lake Tahoe, as well as TRPA, had been team players. Mr. Bastge had been instrumental in getting the project proponents over some very difficult obstacles. The City of South Lake Tahoe had taken a tremendous leadership role; Jaye Von Klug and Teri Jamin. It was not without this really broad-based support that the project proponents could present the AFC with a project that was probably the most significant project, along with the Heavenly Master Plan, that TRPA was likely to deal with for many years. The environmental benefits that this project delivered were profound and are in an area that was so disturbed that to be able to achieve the coverage reductions, the water quality treatment plan that had been described, to change the method of transportation in the South Shore by incorporating not only the intermodal transit facility but the coordinated transit system, changing the land use pattern and creating a pedestrian destination that had long-term air quality benefits, and taking what had been a tired old product that could not function economically any longer, and replacing it with something that enhanced the visual quality of the area was an opportunity that was very profound and had long-term benefits to the area and and rest of the Basin. Mr. Feldman was of
opinion that this was a historical moment in our land use planning and evolution. We’ve come a long way in the last ten or 15 years because it used to be a them and us mentality in terms of project proponents in the environmental side, and this project demonstrated that both sides were trying to achieve the same things; trying to develop a product that had an economical base, and we can deliver these kinds of significant environmental benefits.

Mr. Feldman went on to say that the environment work that had been done had raised so little comment, other than the water quality issue raised by Lahontan. He thanked Lahontan for working with the project proponents to develop a better level of design for water treatment, demonstrating that this project had really spoken to the full spectrum of the project proponent’s constituency. He recommended certification of the document by the APC.

Chairman Jepsen open the meeting for a public hearing.

Mr. Brian Stack, a private citizen, stated that he had driven over 400 miles round trip to talk for five minutes at the APC meeting. He stated that he had sent a letter in opposition to the environmental report, and he noted in the minutes of the APC meeting on April 10, 1996, that there were no comments on this document. Mr. Stack sent his letter Federal Express, and he questioned whether the members of the APC received the letter. He stated that the entire environmental document was predicated upon the fact that the coverage from the Kjer project that was being transferred down here is, in fact, a legal coverage and therefore it was within the limitations that were set forth in both the Compact, the Goals and Policies and the Ordinances. Mr. Stack further commented that the truth of the matter was that Mr. Kjer never received an allocation at all on the property. He circulated a document entitled "Responses of Defendant Tahoe Regional Planning Agency to Plaintiff’s Requests for Admissions." Mr. Stack quoted page 3, paragraph 3, which stated "That the Kjer project was subject to Article VI(c) (4) of the Compact", which meant that with the adoption of the Compact in 1980, there were limitations of development set. In other words, with the adoption of the Compact in 1980, there were limitations of development set which were approximately 53,000 square feet of commercial development a year in Douglas County. Mr. Stack further quoted paragraph 5, page 3 of the document, which stated "TRPA cannot admit this request because it has never reviewed a cumulative or annual audit of the allocations in Douglas County nor has TRPA made any findings or taken action with respect to such a determination". He stated the TRPA’s Ordinances clearly call for this. He further quoted the rest of page 3 of the document (attached hereto).

Mr. Stack stated that the proposed project was predicated upon the transfer of that allocation and that allocation was illegal; in fact, there was no allocation. This allocation system had been violated and it had been violated by a very powerful former member of the TRPA board and Douglas County Commissioner who took an active part in Douglas County’s decision not to comply with Article VI(c)(4) of the Compact which limited the development. Therefore, the TRPA had no idea that this development did not exceed the limitations set forth in the Compact, the Goals and Policies, and the Ordinances. It was rather astounding that the TRPA has know this for a very long time and continued to push forward this project which was a windfall for
a former TRPA Board Member, while the rest of the people waiting for allocations that would never approach 42,000 square feet wait in line patiently thinking that the system had some justice to it.

Mr Stack further stated that he was opposed to the project on other grounds that were not environmental which was the foundation constructed on the Kjer project was constructed with an expired TRPA approval.

In closing, two things happened to his letter; one is that Federal Express did not deliver the letter to TRPA; the second thing is that somebody within TRPA chose to withhold the information from the members of the APC. Mr. Stack stated that it was not right that the public responded and the response was not received by the members of the Board on a very important matter such as this issue.

Since no one else wished to speak, Chairman Jepsen closed the public hearing.

Agency Counsel R. J. Nicolle stated that in Chapter 11, the Governing Board had recognized the commercial floor area existence on the Kjer property. In addition, she pointed out that Mr. Stack had sued the TRPA. TRPA was involved in a summary judgment motion against Mr. Stack, and the trial court did dismiss his action concerning his lawsuit challenging this Chapter 11 provision. The lawsuit was on appeal at this point.

MOTION by Ms. Jamin, with a second by Mr. McCurry, to recommend certification of the EIR/BIS Park Avenue Development Project to the Governing Board. The motion carried unanimously.

(Mr. Haen returned to the dais.)

B. Amendment to Stateline/Ski Run Community Plan Relative to Permissible Uses

Chief of Long Range Planning John Hoole presented the staff summary amending the Stateline/Ski Run Community Plan Relative to Permissible Uses

Chairman Jepsen open the meeting for public comments on the planning matter.

Mr. Gary Midkiff, representing the Redevelopment Agency, stated that the changes in the use table were basically housekeeping. If you looked at the detailed map of the community plan, the boundary between the two use zones that were discussed ran approximately through the area of the skating rink. Mr. Midkiff further stated that what happened was the uses were listed in the reverse of the locations where they needed to be.

Since no one else wished to comment, Chairman Jepsen closed the public hearing.

MOTION by Mr. McCurry, with a second by Mr. Hust, to recommend to the Governing Board approval of the amendment to Stateline/Ski Run Community Plan Relative to Permissible Uses. The motion carried unanimously.
C. Amendment of Chapter 15, Redevelopment Plans, Relating to Projects Within Redevelopment Plan Area

Chief of Project Review Rick Angelocci presented the staff summary amending Chapter 15 to permit certain qualifying tourist accommodation projects within adopted redevelopment and community plans to use demonstration redevelopment plan provisions relating to transfer ratios and sources of existing units of use.

Chairman Jepsen open the meeting for public comments. Since no one wished to comment, Chairman Jepsen closed the public hearing.

MOTION by Ms. Baldrica, with a second by Mr. Barham, to recommend approval to the Governing Board amending Chapter 15, Redevelopment Plans, Relating to Projects Within Redevelopment Plan Area. The motion carried unanimously.

(Break taken at 10:30 a.m. Reconvened at 10:44 a.m.)

D. Certification of Final EIR/EIS for Heavenly Ski Resort and Adoption of Master Plan; Including Related Amendments to Plan Area Statements 086, Heavenly Nevada, and 087, Heavenly California, to Revise Special Policy #1 of PAS 086 and to Transfer Additional Developed Outdoor Recreation Capacity from PAS 087 to PAS 086

(Mr. McDowell abstained from participating in this item because his employer, the U.S. Forest Service, was involved with the Heavenly Ski Resort Master Plan.)

Deputy Director Jerry Wells announced that the TRPA staff member that was scheduled to present this item had not arrived at the meeting yet. He suggested that the project proponents present their comments first, open the meeting up to public testimony, and then have the TRPA staff member present the planning matter when they arrived.

Chairman Jepsen asked if the project proponents wished to comment on the item before he opened the meeting up to a public hearing.

Mr. Stan Hansen, representing Heavenly Ski Resort, stated that he had no further comments on the item and stated that he would like to respond to comments. Mr. Hansen stated that his comments from the previous meeting were provided in the record.

Chairman Jepsen thanked Mr. Hansen for his presentation at the May APC meeting and having his consultants stay for the duration of the meeting and be available for questions.

(Break taken at 10:46 a.m. Reconvened at 10:56 a.m.)

Ms. Rochelle Nason, representing the League to Save Lake Tahoe, stated that she had no objection to going forward with the meeting, but requested the right to rebuttal after the staff presentation.
Chairman Jepsen opened the meeting up to public comments.

Ms. Nason, representing the League to Save Lake Tahoe, stated that the League strongly supported a great deal of the plan. She was of the opinion that it was a good measure to build a gondola from the casino core area to the ski area from a planning perspective. The League was also supportive of the Park Avenue Project and the CTS system. There were still a few problems that the League had with the plan in which Ms. Nason would discuss after the TRPA staff summary was presented.

Chairman Jepsen closed the public hearing and brought it back to the TRPA staff presentation.

Senior Planner Andrew Strain presented the staff summary recommending Certification of Final EIR/EIS for Heavenly Ski Resort and on Adoption of Master Plan; Including Related Amendments to Plan Area Statements 086, Heavenly Nevada, and 087, Heavenly California, to Revise Special Policy #1 of PAS 086 and to Transfer Additional Developed Outdoor Recreation Capacity from PAS 087 to PAS 086. Mr. Strain reviewed the changes that had been incorporated since the last APC meeting.

Ms. Nason, representing the League to Save Lake Tahoe, believed that there were problems that remained and additional language that needed to be added in order to certify the EIR/EIS for Heavenly Ski Resort. The League believed that the Forest Service and Heavenly Ski Resort were committed to doing the right thing; but the League questions whether that was an appropriate basis for permitting the project simply because the existing management has demonstrated its commitment to "doing the right thing" at Heavenly. The League wasn't questioning this; the League was questioning whether this was an appropriate basis for permitting the project simply because the existing management has demonstrated its commitment to doing certain requirements. Ms. Nason stated that many unforeseen things could occur that would impede the appropriate implementation of mitigation measures by the project proponents and impede appropriate enforcement by the agencies responsible for enforcement. Therefore, it was necessary that the plan actually assures that the various things that were intended would actually occur if the intention, for any reason, foreseen or unforeseen, may slip.

Ms. Nason commented that the one of the things that had been argued was if something that was supposed to be done wasn't, the Agency had the option of closing the ski resort. But, realistically, that would not occur. The Agencies need a realistic plan for enforcement in the event that the things that were promised in the plan didn't occur. The plan was the largest, greatest impact project in the Lake Tahoe Basin probably since the construction of Harvey's or Caesars. We need to look down the road and see what would happen if the promised mitigation measures did not occur.

Ms. Nason urged to APC to recommend to the TRPA Governing Board and staff that some of the assurances given by Heavenly and their consultants be incorporated into the mitigation program, as well as the incorporation of some type of plan for enforcement in the event that the mitigation measures did not occur.
The League believed that the threshold of concern should be obtained before any additional construction that would have an impact on water quality was permitted to go forward. They realize that it would take several years to realize the threshold of concern and were not suggesting that all construction be delayed until this was achieved. They urged that the threshold of concern be achieved, or at least the work that was necessary to achieve the threshold of concern, be completed before the construction of the gondola began. Prior to construction of the gondola, at least a minimum of the threshold of concern should be completed. This should be incorporated into the plan to assure that this did occur so that the maximum threshold of concern could be realized at the earliest time, and the Agency was not placed in a situation of permitting a project and then having a problem acquiring the mitigation that was promised. The only enforcement as the document was currently written was that additional projects could not be permitted. But we didn’t know in advance whether the permittee desired any additional projects. Ms. Nason urged the APC members to discuss with Heavenly their actual plans and modify the final EIR/EIS to reflect that the planning that was being presented would, in fact, be required and occur prior to the first project going forward.

Ms. Nason was concerned over the lack of clear phasing or the various projects or the various mitigation in the document. She believed that phasing should be clearly stated as to what must happen on the mountain before certain other things occur; i.e., that all of the projects necessary to achieve the threshold of concern with proper maintenance would be at least started before construction began.

With regards to the issue of mountain bikes, all of the restoration work can easily be severely damaged if a lot of mountain bikes were permitted on restoration project areas. The League was of the opinion that at this time, Heavenly did not permit mountain biking usage at its lift facilities nor contemplated doing it in the future; however, a very potentially serious issue could develop if the mountain bike issue were to be pursued. Ms. Nason suggested that mountain biking be specifically prohibited during the life of the master plan in order to avoid conflicts and give a higher degree of assurance to the mitigation program.

Further, the offsite parking at the California base lodge was a problem in terms of the water quality and safety perspective. Ms. Nason stated that the Master Plan specifically reserved the right of Heavenly to continue offsite parking at the California base lodge after the gondola was built. The League urged the APC to change that so it was eliminated altogether.

Mr. Jim Hildinger, a resident of South Lake Tahoe, read a letter he wrote to the APC on his opposition to the proposed project (copy attached). He recommended the APC spend time reading the document, entitled "The Executive Summary of the Lake Tahoe Environmental Assessment", dated December 1979.

Since no one else wished to comment, Chairman Jepsen closed the public hearing.

Mr. Caterino asked that Mr. Hansen be given an opportunity to respond to
some of the League's comments.

Mr. Hansen, representing Heavenly Ski Resort, commented that with regards to the water quality issues that the League had and having worked back and forth in an attempt to resolve their concerns with the assurance that those water quality measures would be implemented in the timeframe proposed, he didn't know what else as the project proponent he could do. Mr. Hansen stated that Heavenly had been working with the Forest Service, TRPA, Lahontan, and the Nevada Department of Environmental Protection to develop mitigation programs that were associated with the implementation of the plan. He stated that the commitment to water quality started in 1971 and $760,000 had been spent since 1991. Heavenly had progressively started to implement the CWE program and monitoring program with the U.S. Forest Service two years ago. He didn't know how to get to the assurances that the League requested. The commitment on Heavenly's part was there in writing and signed. The BIS and master plan were programmatic, and the certification of the plan just gave Heavenly the opportunity to go forward to make an application to the TRPA for a project.

Mr. Hansen further stated that when Heavenly was sold in 1989, they didn't have a master plan or BIS to fall back on. Part of the condition of the sale which was put in by the Forest Service with a Special Use Permit, was that Heavenly implement a master plan. Heavenly then had to go to TRPA to get the guidelines to implement a master plan which was started in 1989. From that point forward, Heavenly had been aggressively pursing the master plan. The Forest Service had been an integral part in helping Heavenly work through this process, along with all the other various agencies. There was nothing like this monitoring program in the document in the Lake Tahoe Basin. Every impact that had been identified in the document had been set up with a monitoring program that would be followed. If we did not follow the guidelines, Heavenly would not get their projects approved and be able to go forward.

Mr. Bob Harris, U.S. Forest Service Supervisor, questioned what happened if there was no TRPA. The reason he asked this was because there was a look for leverage by TRPA. He stated that under the Clean Water Act, through the Environmental Protection Agency Federal and the California State Board, the Forest Service was a designated water quality managing agency. They have the responsibility under the Clean Water Act by law to meet the plan that was in the CIL. The Forest Service did not have a way to stop that. They were legally responsible under the Clean Water mandate to make sure that the work was performed. The mechanism the Forest Service used to get the performance to occur was the Special Use Permit with Heavenly Valley. There were mechanisms in the contract in the permit in which the Forest Service dealt with Heavenly Valley to insure that program was carried out. Mr. Harris stated that there were legal mechanisms in which the Forest Service could hold Heavenly Valley accountable through special use actions.

Mr. Hansen, representing Heavenly Valley, stated that mountain biking was not proposed in the EIS/BIR except by guided tours only, and he stated that Heavenly was willing to strike that. That was put in the BIR/EIS because at the time Heavenly was looking at different diverse summer activities. But Heavenly cannot preclude people from having access to the mountain if they came up from the bottom, from the Carson Valley, or from High Meadow.
Heavenly had their property posted with signs stating no mountain biking, no jogging, and no hiking was allowed.

Mr. Hansen commented that at the time the gondola was in operation, Heavenly would cease parking on the California side. At the present time, Heavenly had a permit from the City of South Lake Tahoe that allowed parking on the streets around the base facility.

Mr. Haan asked Mr. Hansen if the implementation of the plan increased the restricted areas to the public, and Mr. Hansen replied no.

Ms. Rochelle Nason suggested that the years in Table 8.3-3 dominated 1-7 be changed to 1996, etc., up to seven years. She suggested that the acreage of road segment for the year 3, which would become year 1998, No. 5.24, be replaced by 11.24, bring all of the projects that were forecasted for years 4-7 having them done in 1998 and therefore being done with that work when the construction of the gondola began. Ms. Nason didn't believe that this would be a burden on Heavenly. The League suggested that the language of the mitigation measure that was to be added to draft EIR/EIS which began at the bottom of page 8-6-6. "If restoration projects are to be performed out of schedule, the total acreage of restoration performed each year should still meet the totals shown in the Appendix I Tables", a modification be added that stated "the total acreage of restoration work performed each year should still meet the totals shown in the Appendix I Tables and shall provide equivalent water quality benefits to compensate for temporal losses in restoration."

Ms. Nason stated that the League did not want to be a regulatory agency and just wanted assurances that the water quality would be protected. She also noted that the permit should reflect that mountain biking would be prohibited. Ms. Nason questioned as to where in the EIR/EIS the parking issue was discussed. Mr. Strain replied that it was in Appendix B, which were revisions to the master plan, on page 2, item 9 of the Staff Summary in the Errata.

Mr. Hansen stated that offsite parking would be eliminated; not all parking.

Ms. Shari Hazelhurst, representing the U.S. Forest Service, commented on the Table 8.3-56, which met the TOC. In addition to meeting the TOC, the Forest Service planned to go beyond that. She stated that there would be other restoration projects going on to hopefully reduce the TOC even further. Ms. Hazelhurst believed that this program allowed for the phasing of each project in a timely manner. In response to changing the year numbers, the first year would actually be 1997 because it is contingent upon the approval of the master plan and all phases would begin a year after this this time.

Mr. Gill thanked Mr. Baetge for directing staff to get clarification from the Lahonton staff as to what they have been commenting on thus far on the cumulative impact analysis. He complimented Mr. Strain for getting feedback from Lahonton which resulted in language that was very precise and eloquent to address those concerns. He explained the significance of the language that had been added to. Mr. Gill also agreed with the League that any language that could be inserted into the EIR/EIS that ties the mitigation measures would be
a good idea.

Mr. Strain stated that an issue had been raised regarding provisions for an active and ongoing recycling program for packaging and other waste that were generated by the master plan. This was something that was not disclosed in the EIS but TRPA had been asked how they were going to address this issue and maybe we could ask Heavenly to implement and continue with an ongoing waste treatment reduction program.

Mr. Haen questioned if Heavenly would have to post a security when the first project was submitted to implement the BMPs. Mr. Strain stated that a security would be required for each project submitted.

Mr. Haen asked Mr. Hansen what the estimated cost of the CWE would be, and Mr. Hansen stated that the preliminary analyses was around $750,000.

Mr. Wells stated that when Heavenly submitted their first project, TRPA would review the BMPs that were required just for that specific application and those BMPs would be secured with a security. The other thing TRPA would be looking at was Heavenly's progress on the schedule on all the watersheds on the entire mountain towards the TOC. If they were not on schedule, then the gondola project didn't move forward. In a sense, Mr. Wells commented, that this was a security, at least that they were on schedule towards completion of all the watersheds on the mountain.

Mr. Caterino asked Mr. Hansen to comment on Heavenly's recycling program. He stated that Heavenly did recycle but not to the extent that should be required. Mr. Hansen said that Heavenly would be willing to move into a better recycling program, although this was a tuff issue.

Since no one else wished to comment, Chairman Jepsen closed the public hearing.

MOTION by Mr. Hust to recommend approval to the Governing Board of the finding of technical adequacy of the Heavenly Valley Master Plan EIR/EIS and the Heavenly Valley Master Plan, including revisions identified in the attachments to the staff summary, and approval of the Plan Area Statements as recommended by the TRPA staff, including changes to Plan Area Statements 86 and 87. Ms. Baldrica seconded.

Ms. Jamin question if the motion included the corrections made by the TRPA staff, and Mr. Hust responded yes.

Mr. Strain review the changed made by the TRAP staff:

1. Remove the summer guided mountain biking tours from the proposed action in the EIS.

2. Include a more aggressive recycling program for the entire mountain.

3. Changing the dates in Table 8.3-3 and associated text that goes
with it from year "1" equal to "1997".

4. Total the additional acreage and change the year "3" from 5.24 to 11.24.

5. Changing the schedule dates on page 8-66.

Ms. Nason commented that Heavenly had informed her that of the 31.15 acres of run segments scheduled for year 1, a portion was begun last year and would be completed this year. She didn’t believe that it would be problematic to make year "1" 1996. With regards to the additional language on page 8-66, the last sentence, "if restoration projects are to be performed on schedule, the total acreage of restoration work performed each year should still meet the totals shown in the Appendix I tables and that predicted benefits of restoration be equivalent to those set forth in the table to compensation for temporal losses of water quality benefits."

Mr. Wells stated that after the words "Appendix I Table, and shall provide equivalent water quality benefits to resolve temporal loss" would be added.

**MOTION** amended by Mr. Hust to reflect changes that it was clear that the amendment to Table 8.3-3 on page 8-67, and the beginning year would be 1996, and the additional wording after the words Appendix Table on page 8-67 "and shall provide equivalent water quality benefits to offset temporal loss", as well as the staff proposed changes, and finding of technical adequacy of the final EIR/EIS. Ms. Baldrica seconded.

**MOTION** by Mr. Hust that the TRPA Staff advise the Governing Board as to the feasibility of further revising Table 8.3-3 as to the compression of the road segments to include the total acreage of 11.24 in year 3, and the advice to the Governing Board should be based upon the business phasing plan of the master plan in terms of dealing with the snow making equipment installation and the road modifications. Ms. Baldrica seconded. The motion carried unanimously.

(Mr. McDowell returned to the dais.)

B. Draft EIS for the Lake Tahoe Shorezone Development Cumulative Impact Analysis

Chairman Jepsen open the meeting up for public comments.

Since no one else wish to comment, Chairman Jepsen closed the public hearing.

VI. REPORTS

A. Executive Director

Executive Director Jim Baetzge compliment and thanked everyone for their efforts on the Heavenly and Park Avenue proposals. He announced that Romany Woodbeck would be leaving the APC effective today and replaced by Sharon Kvas.
Ms. Woodbeck introduced Ms. Sharon Kvas, a planner with Washoe County, who would be taking her place on the APC.

Mr. Baetge commented that he was sorry to see her leave and appreciated all her hard work.

Mr. Baetge stated that TRPA had the Nevada Legislative Oversight meeting at the end of May. They were support of TRPA’s streamlining efforts and bringing all of the regulatory bodies together as much as possible. He stated that California was also interested in participating. He commented that TRPA’s and the Conservancy’s budgets had been 100% restored. Mr. Baetge commented that there was a lot of support for TRPA around the basin, as well as around the state, nationally and even at the level of Nevada working with California. The negative of taking a budget cut turned out to be an extremely positive situation because it got us into some of the offices of California to share TRPA’s message of what was taking place in Lake Tahoe. The Legislation inserted language in the budget that hasn’t been there before stating that TRPA should have a performance audit of the Agency on the project delivery and the process. The language stated that if TRPA did not process an application or project within their 120-day requirement, the project would be required to go before the TRPA Governing Board.

Mr. Baetge further stated that the performance audit would be brought before the Governing Board as a public hearing item so that we could get all the people in the Basin who have trouble with the Agency together. Once the Governing Board acted on it, TRPA went to a joint legislative budget committee in the State of California to present it. Mr. Baetge stated that this was similar to the Nevada Legislative Oversight Committee but a different committee. Our approach was to try to get the Committee to meet in Lake Tahoe.

Mr. McDowell asked Mr. Baetge what his guess was on Project Review approval and timeline, and Mr. Baetge replied that in the Compact, it was 180 days. He stated that the State of California wanted to see TRPA move projects faster. Mr. Baetge said that we are 90% within that timeframe now and he was confident that we could make the 120-day deadline.

Mr. McDowell asked if TRPA was stressing or facilitating more agency calibration with regulatory agencies and coordinating together more. Mr. Baetge stated that Nevada had been releasing money that California didn’t match to do partnership on getting projects online. The new budget had the same match from California and thus would become part of the partnership with Nevada. TRPA was also going after Federal monies.

Mr. Haen stated that it would be helpful to indicate to applicants whether or not their project was an easy one or would take a long time when they submit an application. Mr. Baetge stated that TRPA was considering turning around all the projects submitted in less than 120 days or have an extremely good reason why they would take longer. He commented that some of the projects submitted are not complete and so TRPA would have to put something together explaining what constitutes a complete application.
Mr. Haen stated that after you submit an application and it's not complete, Lahontan sends out a letter stating that it was not complete and once it was complete, then the application was complete and the clock started.

Mr. Baetge stated that once you set the criteria for what you want to have performed, which was the 120 days, and you say that was your budgeting priority, then TRPA can build on that, which is very positive. He also stated that the States had a strong commitment to water quality and water clarity.

B. Legal Counsel

Agency Counsel R. J. Nicolle complimented Executive Director Jim Baetge on all his hard efforts in Sacramento with TRPA's budget. In the case TRPA v. Barbieri, a summary judgement hearing was held on June 3, 1996 and being considered by the Judge at this time. In Hellman v. TRPA, the case is on appeal at this point. Mediation is continuing in the TSPC v. TRPA case as per the direction of the Governing Board. Ms. Nicolle stated that Susan Scholley would be leaving for a four-week vacation on June 25th.

C. APC Members

Mr. Combs thanked Romany Woodbeck for all her help at the Lake and with the North Tahoe Community plans, and he would miss her.

Mr. Caterino requested that the TRPA staff make a presentation on the water quality report. He also requested a response to Mr. Stack's letter regarding members of the APC. Agency Counsel R. J. Nicolle stated that the Agency makes every effort to get copies of letters sent to the APC members and staff would check to see what happened to Mr. Stack's letter.

Mr. Caterino thanked Romany Woodbeck for her hard work, and he would miss her.

Ms. Jamin expressed appreciation to the TRPA staff for the assistance on the Park Avenue project and assistance on the Meeks relocation. She thanked Romany for her hard work.

Mr. McDowell thanked Romany for her efforts on the Lake and the leadership she has shown for the Agency. He stated that helicopters would be flying over the East Shore project and also logging trucks going down the highway and salvage logging was underway. He thanked TRPA and Lahontan staff for making the Forest Stream profile chamber updated and construction would be starting this Summer.

Mr. Hust complimented Mr. Baetge, Mr. Wells and other staff members who worked on the Park Avenue and Heavenly Valley projects, which were very complete and thorough documents.

Mr. Gill stated that he enjoyed being a guest on the APC, and thanked Mr. Baetge for good communication between Lahontan and TRPA.

Ms. Woodbeck thanked the APC for the wonderful experience being on the
Commission and stated that she had met some very extraordinary people and was sure she would see everyone around.

Mr. Jepsen thanked Rochelle Nason for being at the meeting and participating. He thanked Romany for all her work.

VIII. ADJOURNMENT - Meeting adjourned at 12:30 p.m.

Sue Mikanovich
Clerk to the Commission

This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call for an appointment at (702) 588-4547. In addition, any documents submitted at the meeting may be reviewed at the TRPA office, 308 Dorla Court, Elks Point, Nevada.
April 6, 1996

Tahoe Regional Planning Agency
Planning Commission and Governing Board
P.O. Box 1038
Zephyr Cove, Nevada 89448-1038

Re: Draft EIR / EIS for Park Ave.
Redevelopment Project

Dear TRPA Planning Commission and Board Members,

I read with great interest the minutes APC Regular Meeting of the February 14, 1996. The outrage of Mr. Haen over Mr. Mudgett's alleged accusations that TRPA staff sells favors (page 16) was close to the mark. I disagree with the term "sell" which implies that a monetary value is exchanged for favors. At no time have I ever been approached or heard of anyone being approached for a direct exchange of cash for favorable TRPA staff consideration. It is a much more subtle situation. The TRPA Board is appointed and made up of elected officials appointed by their respective legislative bodies, or outright political appointees who serve at the pleasure of elected officials. The TRPA staff in order to insure continued employment needs to be sensitive to board members concerns, and board members need to be sensitive to the various special interests that form their political base. Nothing really new here as this is our political system, except that TRPA rations very scarce and very valuable building rights. A special interest that forms part of the political base of a small number of board members would be able through those members to intimidate staff into a favorable decision, where as a citizen at large would be denied the same favorable decision in a similar situation.

Regarding special favors, Mr. Baetge states on page 19 of the minutes,

"I always say give me an APN so that we can check it out. Tell us."

TRPA has been told the commercial allocation for APN 07-292-19 and 20 is illegal and TRPA's Counsel has confirmed the allocation lacks TRPA validity (See Attorney Scholley's Deposition), and yet TRPA has used all of its considerable powers to protect this special favor of an illegal allocation, which brings us to the point of this letter.

I am opposed to the Park Ave. Redevelopment Project on a number of grounds. Those grounds are well defined in current lawsuit pending Stack vs. TRPA. This letter concerns my objection based on environmental issues only. This project is dependent on a transfer of 32,000 square feet of commercial coverage from Mr. Kjer's alleged original allocation of 42,000 square feet mandated under Article VI (c) (4) of the TRPA Compact adopted on December 19, 1980. Article VI (c) (4) of the Compact limited Douglas County
to 57,354 square feet of commercial development for the 1980 calendar year. Mr. Kjer’s project received a Douglas County building permit (#2428) on December 3, 1980, some 13 days before the enactment of the Compact.

Knowing the lax rules TRPA used to govern Nevada development prior to the 1980 Compact, one would think TRPA would be conscientious, instead of negligent, in reviewing Mr. Kjer’s original project approval, in light of the 1980 Compact between the states. (See Mr. Rick Angelocci’s Deposition) One would expect TRPA to exercise its considerable powers in review of the original project approval, when Mr. Kjer applied for a Commercial Foundation Exemption because no TRPA file presumably existed for the project, because TRPA had never actually approved the project, and because of the project’s immense impact.

ORIGINAL FILES DO NOT EXIST at TRPA or DOUGLAS COUNTY:

Normally, TRPA files are fairly complete. In a few hours, one can determine if the project meets the guidelines of the TRPA Compact, and has followed the TRPA Code of Ordinances. What is so striking in this case is the absence of any files detailing the Mr. Kjer’s project. TRPA argues that it doesn’t have a file because Mr. Kjer’s project was exempt from TRPA review. Regardless of TRPA review, Douglas County was required, under TRPA Ordinances adopted on February 10, 1972 - Effective April 11, 1972, as the Permit-Issuing Authority to follow the adopted TRPA Land Use Ordinances of the period:

**Permit - Issuing Authority** - The local government within the territory of which the land use district, land capability district, proposed construction, use of land coverage is located, which government has the authority and obligation to enforce the standards established by this Ordinance. (page 6, TRPA land Use Ordinance Adopted February 10, 1972)

Further evidence that the TRPA Code of Ordinances applied to Mr. Kjer’s project can be found in Section 4.30 Agency Review of Permits:

4.31 Permits required pursuant to Section 4.10(1), and any other permit required by the permit-issuing authority but not required by this ordinance, shall be become final without the necessity of review by the Agency, provided, however, that the fact that a permit becomes final without the necessity of review by the Agency shall not foreclose any judicial action authorized by the Tahoe Regional Planning Compact to enforce the provisions of this ordinance. (Underlining Added)

The TRPA Land Use Ordinances in effect at the inception of Mr. Kjer’s project seem to indicate that Mr. Kjer’s project, while not subject to TRPA review, was subject conditions set forth in the TRPA Land Use Ordinances. It was the obligation of Douglas
County to administer and enforce the TRPA Land Use Ordinances in effect at the time. It
does appear that under the TRPA Land Use Ordinances in effect at the time that Douglas
County was to notify TRPA of Mr. Kjer's application for a permit to build. Section 4.33
provides the following:

4.33 When an application for a permit is received by the permit-issuing authority,
it shall immediately notify the Agency in writing if the following: (1) the
fact that an application has been received; (2) the type of permit for which
the application is made; and (3) the nature, scope and location of the
construction, use, or land coverage proposed. Upon receipt of such
documents, the Executive Director of the Agency and its staff shall
cooperate with the permit-issuing authority when requested to do so by the
permit-issuing authority in interpreting and applying the standards of the
ordinance to the construction, use or land coverage for which permit
application has been made.

There should be a TRPA file on the project that complies with and contains the
above required information, so that TRPA could determine from the information provided
by Douglas County that Mr. Kjer's project complied with the TRPA Land Use Ordinance
in effect at the time, and was exempt as provided for in Section 7.12 (4). TRPA Land Use
Ordinance requires such disclosure, and without such reporting TRPA would have no idea
what was occurring in its jurisdiction. I have reviewed the TRPA file on this project a
number of times, and to my knowledge the TRPA files reviewed begin with Mr. Kjer's
correspondence regarding his application for a Commercial Foundation Exemption. There
is no information from Douglas County detailing the required specifics of this project.

With no TRPA file to review, the only source of information regarding this project
would be contained in the Douglas County Application and Building Permit File (#2428).
On November 1, 1994, I wrote to Mr. Keith Ruben of the Douglas County Department of
Public Works, and asked to review Mr. Kjer's building permit file (#2428) for APN #07-
292-19 and APN #07-292-20. On November 9, 1994, I traveled the 125 miles and arrived
after confirming the file was available by phone - only to discover that Mr. Kjer's file
cannot be found. I am unable to find and review any information that pertains to this
project.

Without the Douglas County Application and Building Permit File (#2428), there is
no evidence, outside of Mr. Kjer's limited documentation, to support TRPA's conclusion
that Mr. Kjer had a valid Douglas County Building Permit exempt from TRPA review. In
the absence of a TRPA Building Permit File and a Douglas County Permit File, there is
insufficient evidence to conclude that Mr. Kjer is in compliance with Chapter 11 Section
11.11.B.
NO LEGAL COMMERCIAL ALLOCATION:

There is documented evidence that Douglas County chose to ignore Article VI (c) (4) of the TRPA Compact enacted into law on December 19, 1980. (See Attorney Scholley's Deposition) Article VI (c) (4) of the TRPA Compact restricts Douglas County for the calendar year 1980 to not issue building permits which authorize construction of a greater square footage for commercial buildings within the Lake Tahoe Region than 57,354 square feet. Mr. Kjer's project has 42,000 square feet, therefore Douglas County may not issue commercial building permits prior to, or after, Mr. Kjer's permit for the calendar year 1980 in excess of 15,354 square feet. In a telephone conversation with Mr. Jay Peterson and by a confirming letter dated May 20, 1994 to Mr. John Renz, who was employed in 1980 and is still employed by the Douglas County Department of Public Works, Mr. Renz replied through Mr. Petersen that Douglas County did not issue any allocations as required by Article VI (c) (4) of the TRPA Compact. Nor did Douglas County keep any records of square footage for commercial buildings for the years 1980, 1981, 1982, or 1983. The reason given and confirmed by my letter on May 20, 1994 was that political differences occasionally led to Douglas County's defiance of TRPA. This defiance of TRPA casts a deep shadow over the validity of Mr. Kjer's Douglas County Permit, pending an audit of Douglas County to see whether or not they have indeed violated the allocation system described in Article VI (c) (4) of the TRPA Compact, and enacted into law on December 19, 1980.

What can easily be confirmed is that Douglas County violated TRPA Ordinance 81-8, which implemented Article VI (c) of the TRPA Compact. Douglas County violated Section 4.43, 4.44 and 4.45 of Ordinance 81-8, which follows in part:

4.43 Within ten (10) days following the expiration of each calendar month, each city and county shall report in writing to the Agency the following information with respect to each such month:

3. The amount of square footage of new commercial buildings for which building permits were received during the month.

4. The amount of square footage of new commercial buildings for which applications for building permits were received during the month.

5. The names of persons to whom such permits were issued and from whom such applications were received, and the location, by street address, of the construction sites pertaining to such permits and applications.

4.44 The date of issuance of the building permit for a new residential unit or square footage of a new commercial building shall establish the year to which the permit is allocated for the purposes of compliance with the subsections 4.10 and 4.20. The numbers of units and the amounts of
commercial square footage set forth in subsections 4.10 and 4.20 apply exclusively to each individual year referred to in such subsection. A city or county may not allocate or carry-over to a subsequent year permits for new residential units or commercial square footage of new commercial buildings, which it was permitted to issue, but did not issue, during a preceding year. Permits issued in excess of the limitations of subsection 4.10 and 4.20 shall be revoked, but may be issued in the next year in which the may be lawfully issued under such subsections. (Underlining Added)

Were Douglas County to have issued, and its seems inconceivable that they did not, building permits for commercial construction in excess of 15,354 square feet from January 1, 1980 to December 3, 1980. Mr. Kjer’s Douglas County Permit (#2428), issued on December 3, 1980, is invalid. Mr. Kjer’s application would then have been subject to TRPA Review in 1981, because of the TRPA Compact adopted on Dec. 19, 1980.

Ordinance 81-8 Section 4.45 further states the following:

4.45 The Agency shall monitor the actions and reports of each city and county relating to this ordinance. Failure by a city or county to comply with the provisions of this ordinance or Article VI (c) of the Compact shall be cause for the Agency to suspend or declare void any permit or other action by a city or county that violated the provisions of this ordinance or Article VI (c) until such compliance is achieved.

The TRPA Land Use Ordinance adopted February 10, 1972, under Section 3.00 Definitions, describes the definition of “shall” as follows:

“The word “shall” is mandatory, not permissive, unless the context indicates that a directory meaning is intended.”

TRPA is required to suspend or declare void Mr. Kjer’s Douglas County Building Permit (#2428) because of Douglas County’s failure to comply with TRPA Ordinance 81-8 and Article VI (c) of the TRPA Compact.

Chapter 11, Section 11.11.B (8) provides for the transfer of Mr. Kjer’s commercial square footage in accordance with Chapter 34 Transfer of Development. Chapter 34, Section 34.4.C provides the following restriction:

“Limitations: The following limitations apply to the transfer of existing development:

(1) Units of use of transferred shall have been legally established.”

All of the affected communities in the State of California complied with Article VI (c) of the TRPA Compact. On February 6, 1981, the California Tahoe Regional Planning Agency adopted an Urgency Ordinance prohibiting the acceptance of new commercial project applications and prohibiting CTRPA Governing Board review of applications.
presently on file. On April 3, 1981, the City of South Lake Tahoe adopted Resolution 1981-45 allocating commercial square footage under the revised TRPA Compact for the years 1981 and 1982. Article VI (c) of the TRPA Compact was a major restriction on commercial construction in the Lake Tahoe Basin.

Mr. Kjer's 42,000 square feet of commercial allocation was never legally established because Douglas County never complied with Article VI (c) of the TRPA Compact that provided for limited commercial growth of 57,354 square feet for the 1980 calendar year.

ORDINANCE 94-3 IS AN ILLEGAL EXTENSION:

Douglas County's defiance of TRPA negate the findings TRPA was required to make in adopting Ordinance No. 94-3, which extended Mr. Kjer's TRPA Permit for a Commercial Foundation Exemption by extending the deadline to transfer the existing development for two years. Ordinance No. 94-3, Section 1.10 Findings states the following:

“It is necessary and desirable to amend TRPA Ordinance 87-9, as amended, by amending Chapter 11 of the Code of Ordinances relating to the deadline for transferring commercial floor area, in order to further implement the Regional Plan pursuant to Article VI (a) and other applicable provisions of the Tahoe Regional Planning Compact.”

Ordinance 94-3 fails to meet other applicable provisions of the Tahoe Regional Planning Compact. TRPA fails to monitor, Douglas County fails to comply, and Mr. Kjer, a Douglas County Commissioner and TRPA Board Member, fails to qualify for a commercial allocation under Article VI (c) (4) of the TRPA Compact, which restricts Douglas County from issuing building permits in excess of 57,354 square feet for the entire 1980 calendar year.

Ordinance 94-3 states in Section 1.30 Findings the following:

“The proposed amendments have been determined not to have a significant effect on the environment and are exempt from the requirement of an environmental impact statement pursuant to Article VII of the Compact.”

What was assumed here is that Mr. Kjer's allocation of 42,000 square feet was within the guidelines of the 57,354 square feet of authorized commercial construction allowed Douglas County in 1980 by Article VI (p) of the TRPA Compact. We have established that Douglas County defied TRPA during the 1980 calendar year and ignored the allocation system, thereby making Mr. Kjer's allocation illegal under TRPA Ordinance 81-8. Mr. Kjer's allocation is in violation of the TRPA Regional Plan, Chapter 11, Goal
#2, Section 5.C., implemented by Chapter 33, Section 33.3.C. which limits commercial development in the Lake Tahoe Basin. Mr. Kjer's project does have a significant effect on the environment, as the project is growth inducing because without a legal allocation the project would exceed environmental impacts of the TRPA Regional Plan. Article VII Environmental Impact Statements of the TRPA Compact requires an Environmental Impact Statement under Section (a) (2) (G) "The growth-inducing impact of the proposed project".

Ordinance 94-3 states in Section 1.40 Findings the following:

"The governing Board finds that, prior to the adoption of this ordinance, the Board made the findings required by Section 6.5 of the Code and Article V (g) of the Compact and the findings required by Section 2.40 of Ordinance 87-8. As to the Ordinance 87-8 findings, the Board finds that they are supported by a preponderance of the evidence."

Article V (g) of the TRPA Compact is as follows:

"The agency shall adopt ordinances prescribing specific written findings that the agency must make prior to approving any project in the region. These findings shall relate to environmental protection and shall insure that the project under review will not adversely affect implementation of the regional plan and will not cause the adopted environmental threshold carrying capacities of the region to be exceeded."

(Underlining added)

Section 6.5 of the TRPA Code of Ordinances states the following:

"Findings Necessary to Amend Or Adopt TRPA Ordinances, Rules Or Other TRPA Plans and Programs: To approve any amendment or adoption of the code, Rules or other TRPA plans and programs which implement the Regional Plan, TRPA must find, in addition to the findings required pursuant to Section 6.3, and in accordance with Sections 6.1 and 6.2, that the Regional Plan and all of its elements, as implemented through the Code, Rules and other TRPA plans and programs, as amended, achieves and maintains the thresholds."

Section 6.1 of the TRPA Code of Ordinances states the following:

"Applicability: Prior to approving any project or taking any other action specified herein, TRPA shall make the findings required by the provisions of the Regional Plan package, including the Goals and Policies, the Code and specifically this chapter and any other requirement of law. All such findings shall be made in accordance with this chapter."

Section 6.3. B (3) if the TRPA Code of Ordinances states the following:

"Confirm that any resource capacity utilized by the project is within the amount of the remaining capacity available, as that remaining capacity has been identified in any environmental documentation applicable to the project, including the environmental impact statement for the Regional Plan package."

If there is any argument that the TRPA Board was not required to follow all of the Articles of the TRPA Compact, the TRPA Regional Plan - Goals and Policies, the TRPA
Code of Ordinances and every requirement of law when it adopted Ordinance 94-3 further detailed linkage can easily be provided. Mr. Kjer’s project with its illegal allocation exceeds the environmental thresholds TRPA has adopted.

CONCLUSION:

Mr. Kjer, a former Douglas County Commissioner and TRPA Board Member, had a conflict of interest in his dual roles as a regulator and a developer. What plaintiff has witnessed here, and has seen in other cases - is TRPA’s selective enforcement of the law, predicated upon the applicant’s political stature. TRPA will vigorously enforce ordinances on citizens at large, and on the other hand will sanction and protect to the fullest possible extent conflicts of interest and unlawful actions of the most powerful. There are special favors, the extension of expirations in Chapter 11, involved in keeping an illegal allocation alive for 16 years. For the foregoing reasons, I opposed the certification of the EIR / EIS for the Park Ave Project.

Respectfully,

[Signature]

Brian Stack
To:  APC  
From:  Jim Hildinger  
Subject: Heavenly  
Date:  6/12/96

It is my understanding that one of the functions of the APC is to pass on the technical adequacy of the Final EIS/EIR. At your last meeting you received my comments in writing - you have had time to consider their merits and verify their accuracy. Meantime I have found the time to read most of the 13" of the EIS/EIR and find it to be the most beautifully constructed SNOW JOB I have ever come across.

It claims to show that you can invite 10,000 new people to the South Shore and reduce all of their impacts to less than significant. I still don’t believe that and I explained why in my written comments. In your response to my comments you simply restate my original observation that on page 8-128 the proponents admit that their base information is inadequate. Is it possible to approve a plan that is so flawed?

As a steward of the land Heavenly’s track record is definitely less than significant. They claim to be making progress there, but consider this: The master plan you are being asked to approve comes at a cost of about 2.7 million dollars, yet Heavenly has only spent $750,000 on erosion control projects (that are at this time less than 30% completed). To me that means they are willing to spend nearly 4 times as much money betting on the future than repairing past environmental errors. I think those two figures make a significant statement about Heavenly’s intentions and should be given careful consideration. Remember, the goal here is to keep Tahoe from turning green.

I think we all need to remember that Tahoe is one of only three lakes on the face of the planet that contains such clear water. The two other are Lake Baikal in Russia and Crater Lake in Oregon.

Tahoe is turning green and it no longer takes the specialists of the Tahoe Research Group to prove it to us. Anyone can walk out on any pier at the South Shore and see for themselves that the color is green. Take some color samples with you from the paint store and compare them until you find a match, then go over to Skyland or to Rubicon Point and see the difference.

We are losing it folks - and each and every one of us is a tiny little bit responsible for that loss. The 10,000 additional people that Heavenly’s master plan will bring to the basin may well be the trigger project that sends the Lake into a tail spin from which it will never recover. Its sort of like the master plan itself - once done it cannot be undone.

I would remind you too that the world is watching us. On June 2nd the Los Angeles Times ran a story with the title “Sierra on the Precipice”. I understand a similar article appeared since then in both the San Francisco Chronicle and the Sacramento Bee. And there is an even more powerful instrument out there called the Internet. There are many people like me that feed it information and there are eyes throughout the world now that keep track of what is going on at Lake Tahoe. This is not our lake anymore, it is a world treasure, and we are only the temporary designated caretakers.

We do not operate in a vacuum. We cannot hide from world-wide criticism. We cannot afford to sleep with the enemy. We absolutely must, no matter how many toes we step on, KEEP TAHOE BLUE. I think you should withhold approval of this master plan.
August 1, 1996

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Chapter 26, Sign Standards, to Adopt Substitute Sign Standards for the North Stateline Community Plan and Amendment of North Stateline Community Plan Design Guidelines to Add Historic Architectural Design Guidelines

Proposed Action: The Crystal Bay Casino Association is requesting TRPA to amend Chapter 26 of the TRPA Code of Ordinances to adopt substitute sign standards for the recently adopted North Stateline Community Plan Area (PAS 032), on the California-Nevada state line. The proposed sign standards are shown in Attachment A to this staff report.

Additionally, TRPA staff proposes to amend the North Stateline Community Plan Design Guidelines and Standards (Appendix B), to add architectural design guidelines related to historic building design. The proposed guidelines are shown in Attachment B. This is a clean-up item from April 1996 which staff committed to completing as part of the adoption of the North Stateline Community Plan.

Recommendation: Staff recommends that the APC recommend the Governing Board adopt the substitute sign standards based on the revisions shown in Attachment D. Discussion of staff’s recommended revisions is shown below. Staff further recommends that the APC recommend the Governing Board adopt the architectural design guidelines shown in Attachment B.

Background: Chapter 26 of the TRPA Code of Ordinances permits substitute sign standards to be adopted for certain areas within the Region, including Plan Area 032, North Stateline. Chapter 26 recognized that the three plan areas containing concentrations of casinos may have unique land use and site development characteristics which warrant consideration of unique sign standards (e.g., very large developed sites with multi-story buildings and extremely large parking areas). The recently adopted North Stateline Community Plan envisions that special sign standards will be adopted. With the exception of the Hyatt Lake Tahoe Resort, North Stateline contains the north shore’s only concentration of casinos.
Memorandum to Advisory Planning Commission  
Amendment of Chapter 26, Sign Standards  
Page 2

The Crystal Bay Casino Association (CBCA) which is made up of the four casinos in North Stateline has developed a set of proposed substitute standards which is expected to result in an overall decrease in signage within the Plan Area (refer to Attachment A, page 9). A visual impact evaluation has been prepared by an independent expert retained under a cooperative agreement between TRPA and the CBCA. The evaluation is shown in Attachment C.

Chapter 26 requires a special evaluation be prepared prior to consideration of adopting substitute signs standards. The evaluation is intended to analyze whether the substitute ordinance standards, in combination with other urban design improvements which would be implemented would be "equal or superior" to TRPA's standards (includes Chapter 26, Chapter 30 Design Standards and the Scenic Quality Improvement Program) with respect to attainment and maintenance of scenic resource and community design thresholds.

Because the sign standards proposed for casino cores typically are larger, taller and more numerous than those permitted under Chapter 26, the evaluation focuses on whether additional design improvements over and above TRPA's existing program elements are provided which can reasonably be expected to offset the visual impacts associated with the additional signage.

Discussion: The evaluation prepared by the consultant primarily focused on a specific sign and urban design proposal presented by the CBCA. It did not include a full evaluation of all the elements of the substitute standards. For the portion of the substitute standards and urban design project (known as the Beautification Project) which was evaluated, the consultant concluded that, with minor revisions, the proposed standards and design improvements will be equal or superior to the existing TRPA standards found in Chapter 26. The evaluation and supporting information is shown in Attachment C. In the interest of streamlining its implementation and ensuring consistency with other sections of the ordinance, TRPA staff recommends additional revisions to the proposed action. This also covers portions of the ordinance which were not evaluated by the consultant. The revisions are shown below and are summarized in Attachment D.

The substitute standards will apply to the entire Plan Area and not just the casino properties. The Plan Area is unique in that it crosses into both states. While the substitute standards were primarily developed with the casinos in mind, they will apply to all land uses in the Plan Area. At this time, TRPA administers sign permits in the Plan Area. It is anticipated that Placer County and Washoe County will ultimately administer sign permits in their respective portions of the Plan Area.

The proposed standards are based on the rationale that larger sites and floor areas (not project areas) should be allowed larger and taller signs. Please refer to page 8 of Attachment A for a summary of signs permitted under the ordinance.
Memorandum to Advisory Planning Commission
Amendment of Chapter 26, Sign Standards
Page 3

Building signs at the larger sites under the proposed standards could be from
150 - 200 square feet per building frontage, compared to 40 square feet under
Chapter 26. Buildings signs could be up to 40 feet above grade exclusively of
architectural features, compared to 15 feet under Chapter 26. Under this
provision, a building sign 40 feet above grade and 200 square feet in area
could be placed on the lake side of the Cal Neva Lodge tower.

Up to 50 percent of proposed building sign area (up to 100 square feet) could
be used in a projecting sign. Projecting signs are a type of building mounted
sign which hangs perpendicular to the street, generally on a building wall or
under a canopy. Both provisions as proposed are clearly out of scale with the
setting and are inconsistent with the Community Design goals.

Freestanding signs at the larger sites could be between 330 and 500 square
feet in area and could be up to 40 feet tall with only a five foot setback.
TRPA's existing standards would permit freestanding signs up to 12 feet tall
and 40 square feet in areas using a sliding setback envelope where smaller
shorter signs are permitted to be closer to the property line (5 feet minimum)
and larger, taller signs set further back (20 feet or greater). Smaller uses
such as the Nugget Casino and Garmi Lodge Hotel would be allowed 150 square
feet of freestanding sign area. Large signs with very little setback
generally causes adverse results to Scenic and Community Design thresholds.
The existing freestanding signs at the Crystal Bay Club Casino and the
Cal-Neva Lodge Hotel Casino appear to be within approximately 10 feet of the
property line. Moving them back when they are remodeled may diminish their
visibility but improve the design and aesthetic qualities. Permitting all new
and existing freestanding signs to be within five feet of the property line
would cumulatively adversely affect threshold improvement efforts. A solution
may be to permit existing freestanding signs to remain at their present
setback while requiring all new freestanding signs to be set back according to
the existing requirement found in Chapter 26. This is shown under item (12)
in Attachment D.

The proposed standards would permit monument signs in addition to the free-
standing signs discussed above. Refer to page 5 of Attachment A where monu-
ment signs are identified under letter (a) but no further descriptions or
regulations are given. They are a type of freestanding sign. Chapter 26 and
the design guidelines recommend using monument signs as the preferred type of
freestanding sign because of their design character. Unless additional detail
and supporting rationale can be provided, staff recommends revising the pro-
posed action to remove this provision, and replaced with the existing pro-
vision in Chapter 26 which permits multiple freestanding signs in unique cir-
cumstances.

Based on the area's compact size and scale, the presence of a low speed two
lane road, existing building setbacks along the corridor which are almost
negligible and a desired pedestrian orientation and scale advocated in the
community plan, staff and the consultant recommend against a policy of
permitting multiple freestanding signs in the Plan Area, except as already
provided for in Chapter 26.
Existing roof signs and historic signs (not identified or defined) would generally be allowed to remain. It is not clear how this would be applied or whether signs which were once located on historic buildings could be rebuilt and not be subject to the standards.

Electronic reader boards (message centers) would be allowed and would be permitted to change copy up to four times per hour. This is consistent with the standards used in the South Stateline Casino Core.

The proposed standards contain a set of definitions related to the ordinance which generally duplicate TRPA's existing definitions. With minor exceptions (shown in Attachment D), staff recommends that the existing TRPA definitions be retained rather than adopting an additional set of definitions to facilitate efficient permit processing and streamlining efforts. The substitute standards will be placed in TRPA's Code of Ordinances and in the North Stateline Community Plan Design Standards. It may be useful to reprint Chapter 26 in the latter document so the complete ordinance can be reviewed by users of the community plan.

The proposed standards do not appear to apply to uses in the Plan Area other than casinos, the Tahoe Mariner site (a former casino) and one hotel which is owned by a casino. This is a significant oversight which must be corrected in order to apply the ordinance throughout the Plan Area.

The proposed action includes both public and private design improvements. They are shown in Attachment A, beginning on page 12. As stated above, the Beautification Project is the major public improvement which the proposed action relies on to offset the visual impacts caused by the signs. It is recognized that the Beautification Project will likely enhance the appearance and the economy of the area. At this time, however, the project is unfunded and is only proposed for the Nevada side of the Plan Area. The CBCA has indicated an interest in contributing $200,000 to the $1.05 million Beautification Project cost sometime next year. The Nevada Department of Transportation (NDOT) has also indicated it would contribute up to $200,000, leaving the project funding approximately $650,000 short. The project should extend into California to provide mitigation for the additional signs located there (e.g., Garni Lodge, Cal-Neva Lodge) and to take advantage of additional funding opportunities.

Two other significant features of the public improvements are also unfunded and not programmed for future funding. They are the utility undergrounding along both sides of the Plan Area and the development of the Lake Vista mini-park and viewpoint at the state line. Both items are contained in the Community Plan but have no funding source.

Recognizing the uncertainty of short-term funding for nearly all of the offsetting projects, the concept of "provisionally conforming signs" has been introduced into the standards. It is shown on pages 5-6 of Attachment A and is generally modelled after a similar provision in the South Stateline Casino Core substitute sign standards.
Signs developed under the new ordinance would be considered to be conforming provided that the offsetting public and private design improvements are installed by certain interim target dates which coincide with the next two threshold evaluation dates. The interim target is intended to measure progress over time so that it is not left until the year 2007 to install all the offsetting improvements. If the first phase of the offsetting improvements are installed, the signs become conforming. If the first phase improvements are not installed by the first interim date (January 1, 2002), the signs are then declared not in conformance, and they must be revised or removed to conform with Chapter 26 standards.

Required Findings: The following findings must be made prior to adopting the proposed amendments:

A. Chapter 6 Findings:

1. Finding: The project is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code, and other TRPA plans and programs.

Rationale: The proposed standards and guidelines as revised were evaluated in a scenic evaluation and found to be equal or superior to the standards found in Chapter 26 of the Code.

2. Finding: That the project will not cause the environmental thresholds to be exceeded.

Rationale: The evaluation considered the proposed standards as revised in regard to threshold attainment and found them to be equal or superior. The coordination with local government should enhance implementation of the standards and guidelines.

3. Finding: Wherever federal, state and local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(d) of the Compact, the project meets or exceeds such standards.

Rationale: The evaluation considered the proposed standards as revised in regard to threshold attainment and found them to be equal or superior. The coordination with local government should enhance to implementation of the standards and guidelines.

B. Ordinance 87-8 Findings: Section 2.40 of Ordinance 87-8 requires the following findings prior to Code amendments. The proposed amendment provides for an equal or better means of attainment or maintenance of the thresholds. The required findings and their rationales are:

AS/rd
1. The amendments are consistent with the Compact and with attainment or maintenance of the thresholds. The evaluation considered the proposed standards as revised in regard to threshold attainment and found them to be equal or superior. The coordination with local government should enhance implementation of the standards and guidelines.

2. One of the following findings:

a. There is a demonstrated conflict between provisions of the Regional Plan package, and the conflict threatens to preclude attainment or maintenance of thresholds; or

b. The provision to be amended has been shown through experience to be counter-productive or ineffective and the amendment is designed to correct the demonstrated problem and is an equal or better means of implementing the Regional Plan package and complying with the Compact; or

c. Legal constraints, such as court orders, decisions or Compact amendments, require amendment of the Goals and Policies or Code; or

d. Technical or scientific information demonstrates the need for modification of a provision of the Goals and Policies or Code; or

e. The provision to be amended has been shown, through experience and time, to be counter-productive to or ineffective in attainment or maintenance of the thresholds; or

f. Implementation of the provision sought to be amended has been demonstrated to be impracticable or impossible because of one or more of the following reasons:

   (1) The cost of implementation outweighs the environmental gain to be achieved;

   (2) Implementation will result in unacceptable impacts on public health and safety; or

   (3) Fiscal support for implementation is insufficient and such insufficiency is expected to be a long-term problem.

Rationale: Finding b states the rationale for the proposed amendments, as revised.
Memorandum to Advisory Planning Commission
Amendment of Chapter 26, Sign Standards
Page 7

Environmental Documentation: The proposed amendments were the subject of a scenic resources/community design evaluation. The results of the evaluation and the staff-recommended revisions were used to complete an Initial Environmental Checklist (IEC). Based on adding the mitigation measures recommended by staff and the consultant, staff recommends that a Finding of No Significant Effect be prepared for the proposed action.

Staff will begin this item with a brief presentation. If you have any questions or comments concerning this agenda item, please contact Andrew Strain at (702) 588-4547.
DRAFT

PLAN AREA 032 NORTH STATELINE
CASINO SIGN STANDARDS SECTION


(i) **Definitions:** Except as provided below, the definitions of Chapter 2 of the TRPA Code shall apply.

(a) **Building Frontage:** For purposes of this section, "building frontage" shall include frontage on a street, parking lot, alley or driveway.

The two dimensional surface area of a building found within the perimeter bounded by the finished grade line, the cornice line, and exterior side walls in one plane not including intermediate walls perpendicular to such surface area and containing a door or other entrance open to the public which faces a street.

(b) **Building Sign:** Any sign attached to and supported by a wall of a building, or the wall of a structure, including a mansard roof. Any permanent sign placed on or behind glass or within a building and located in such a manner as to have an obvious intent to capture interest of those outside the building, shall be considered a building sign and shall be treated in the same manner.

(c) **Monument Sign:** Low profile single message sign made of stone in a monument style.

(d) **Conforming Sign:** A sign that is existing or approved, including exceptions, under Chapter 26 of the TRPA Code is a conforming sign.

(e) **Provisionally Conforming Sign:** A sign that complies with the applicable standards set forth in this section is a provisionally conforming sign. A provisionally conforming sign shall become a conforming sign once the
scenic improvements which are visible from Highway 28, as set forth in Appendix B attached hereto have been implemented.

(f) **Nonconforming Sign**: A sign that is existing as of the effective date of this chapter which has not been approved under Chapter 26 of the TRPA Code or which does not comply with the applicable standards set forth in this Section is a nonconforming sign.

(g) **Projecting Sign**: A sign other than a building sign which projects from and is supported by a wall of a building, and is not parallel to the plane of the wall.

(h) **Directional Sign**: Directional signs, which are no greater than four square feet in area, no greater than six feet in height, contain no advertising copy, and are not located within the yard setbacks required by the applicable local jurisdiction, may be allowed, and shall not be included in the total allowable sign area for each use. Directional signs which do not meet these standards may be approved provided they are counted as part of the total sign area allowed for building signs or freestanding signs, as applicable.

(i) **Pedestrian Oriented Signs**: Each use may be allowed one pedestrian-oriented sign per public entrance provided that the sign is displayed at or near the entrance, is not internally illuminated, has a maximum sign area of five square feet, and has a maximum height of ten feet above grade.

(j) **Historic signage, ie., Bal Tabrin and Cal Vada Lodge (roof signs to remain) (look for old photographs)**

(2) **Plan Area 032**: The following standards shall apply to signs located within Plan Area 032 or, when adopted, the North Stateline Community Plan.

(a) **General Standards**: Except as provided below, the standards set forth in Section 8.C shall apply.

(i) **Sign illumination**: No sign shall be illuminated by or contain blinking, flashing, intermittent, or moving light or lights except:

(aa) *The time and temperature portion of a sign, and*
(bb) The message portion of an electronic changeable message sign. The message and sign area illumination must remain constant except for that period of time when the message is being changed, which shall not exceed four (4) message changes per one (1) hour. Bulbs shall be 5 watts or less, fitted with color sleeves, and screened so as not to be visible when not in operation. The brightness of the sign shall be limited to the minimum necessary to accurately read the message.

(ii) Roof Signs: No sign shall be mounted on the roof of a building, except for signs mounted on mansard roofs and which do not extend vertically above the top of the mansard. Existing signs mounted on roofs of any structure adjoining a building which do not protrude above the adjoining building’s height may remain.

(b) Building Signs: Except as provided in Table 1 enclosed herein, the standards set forth in Subsection 8.K(1) shall apply to building signs:

(i)a Each primary use with a project area greater than 5 acres may be allowed one square foot of sign area for each one lineal foot of building frontage up to a maximum of 200 square feet of sign area per building frontage for each distinct use with a total floor area of 100,000 square feet or greater, and more than 100 lineal feet of frontage. Each parcel or project area may be allowed a maximum of two building frontages.

(i)b Each primary use with a project area greater than 1 acre may be allowed one square foot of sign area for each one lineal foot of building frontage up to a maximum of 150 square feet of sign area per building frontage for each distinct use with a total floor area of between 50,000 and 99,999 s.f., and greater than 100 lineal feet of frontage.

(i)c Each primary use with a project area greater than 1 acre may be allowed one square foot of sign area for each one lineal foot of building frontage up to a maximum of 40 square feet of sign area per building frontage for each
distinct use with a total floor area of 14,000 - 49,999 square feet. Each parcel or project area may be allowed a maximum of two building frontages.

(ii) Maximum height of building signs shall be 40 feet above grade or to the top of the wall on which the sign is located, whichever is greater.

(iii) Up to 50 percent of the maximum allowable sign area for building signs may be used in a projecting sign.

(c) Freestanding Signs: Except as provided in Table 1 enclosed herein, the standards set forth in Subsection J(2)(a) shall apply to freestanding signs.

(i) Each project which has floor area greater than 14,000 square feet, and lineal frontage greater than 100 square feet, and a project area size greater than 1 acre and which has an existing and/or approved freestanding sign fronting State Route 28 may retain one freestanding sign on State Route 28 provided the signage:

(aa) is not enlarged; and

(bb) is incorporated into a landscape planter or monument; and

(cc) does not exceed the square feet in area as delineated in Table 1; and

(dd) has a maximum sign height of 40 feet exclusive of appurtenances and/or architectural features above road grade as measured from Highway 28.

(ee) has a minimum setback of 5' from the property line.

(d) Direction Signs: Except as provided below, the standards set forth in Subsection 8.K(4) shall apply to directional and/or safety signs.

(i) The area of directional and/or safety signs may be increased up to 24 feet provided all such signs are designed and installed using a consistent set of colors and materials.
(ii) The height of directional and/or safety signs on buildings, parking garages and porte cochere entrances/exits may exceed 12 feet, but shall be the minimum necessary to identify the entrance/exit and safety facilitate pedestrian and vehicular circulation.

(e) Monument Signs

(iii) The use of corporate logos in directional and/or safety signs at entrances of driveways, parking areas and parking garages shall not be considered "advertising copy".

(4) Regulation of Existing Signs in PAS 032: Existing signs for purposes of this subsection area signs which are legally existing or approved on the effective date of this chapter. Existing signs may include conforming, provisionally conforming and nonconforming signs as defined in Subsection 8.L(1). Regulation of existing signs is as follows:

(a) Conforming Signs: Conforming signs may remain.

(b) Provisionally Conforming Signs: Provisionally conforming signs may remain provided the scenic improvements along State Route 28 as set forth in Attachment C are proceeding in accordance with the implementation schedule set forth therein.

(c) Replacement of Provisionally Conforming and Nonconforming Signs:

(i) Nonconforming signs may be replaced with conforming or provisionally, conforming signs.

(ii) The replacement or modification of existing signs with conforming or provisionally conforming signs shall be permitted without requiring the entire project area or building frontage or other signs to come into immediate conformance provided that the project area is proceeding in accordance with the scenic improvement implementations schedule set forth in Attachment C.
(iii) The replacement or relocation on the same frontage of conforming or provisionally conforming signs is permitted so long as the height, sign area and setback are not changed.

(d) **Removal of Nonconforming Signs:** Nonconforming signs shall be conformed, provisionally conformed, or removed in accordance with the following schedule:

(i) Where the cost of conforming the sign is less than $100 or where the sign is valued at less than $100, within one year after the effective date of this chapter.

(ii) If a nonconforming sign is destroyed or damaged to an extent in excess of 50 percent of the sign value, immediately.

(iii) If the sign is relocated, immediately.

(iv) If the sign is altered structurally, or if more than 50 percent of the copy as measured by the sign is altered, except for changeable copy signs and maintenance, immediately.

(e) **Conversion of Provisionally Conforming Signs to Conforming Signs:** By not later than ____, all signs shall conform to Chapter 26 of the TRPA Code of Ordinances or the applicable provisions of Section 8.L. Provisionally conforming signs shall become conforming signs on the implementation of the scenic improvements set forth in Attachment C. If all scheduled improvements have not been implemented by 2003, and a scenic analysis indicates inadequate progress in meeting scenic rating requirements, TRPA may reconsider the standards set forth in this Section.

(f) **Exceptions:** Exceptions to subparagraphs (a) through (e) of this Subsection 8.L(4) may be approved for existing signs provided the following findings can be made for a sign package for the entire project area. Exceptions approved under these provisions shall be considered as conforming signs.

(i) The exception is in harmony with the purpose and intent of the sign ordinance;

(ii) There are exceptional or extraordinary circumstances or conditions
applicable to the property involved, or to the intended use of the property that are not contemplated or provided for by this ordinance;

(iii) The approval of the exception will not be materially detrimental to the public health, safety, and welfare;

(iv) Alternative signage concepts that comply with the provision to which the exception is requested have been evaluated, and undue hardship would result if the strict adherence to the provision is required;

(v) A scenic quality analysis demonstrates that the exception, if approved, will be consistent with the threshold attainment findings listed in the Scenic Resources Management Package Final Environmental Impact Statement, 1989;

(vi) The exception which is approved shall not increase the number, area, and height of the existing sign or signs for which the exception is requested;

(vii) The exception which is approved for a building site shall not exceed the total permissible sign area for all signs;

(viii) The exception is the minimum departure from the standards.

(5) **Qualified Exempt Activities**: In addition to the provisions of Section 8.N, the following activities are considered qualified exempt.

(a) The replacement of a corporate logo, provided the dimension, configuration and location of the sign are the same.

(b) Any sign which is located within a building complex or under a porte cochere and which is clearly intended to be visible primarily to people located within the building area.
### Table 1
**BUILDING SIGNS**

#### Class A
*Cal Neva / Tahoe Biltmore*

<table>
<thead>
<tr>
<th>Acres</th>
<th>Linear Footage on 28</th>
<th>Project Area Floor Area</th>
<th>Building Sign Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>&gt; 5 acres</td>
<td>&gt; 100 feet</td>
<td>&gt;100,000 s.f.</td>
<td>200 s.f.</td>
</tr>
</tbody>
</table>

#### Class B
*Cystal Bay Club*

<table>
<thead>
<tr>
<th>Acres</th>
<th>Linear Footage</th>
<th>Project Area Floor Area</th>
<th>Building Sign Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>≤ 5 acres</td>
<td>&gt; 100 feet</td>
<td>50,000-99,999 s.f.</td>
<td>150 s.f.</td>
</tr>
</tbody>
</table>

#### Class C
*Jim Kelley's Nugget / Tahoe Mariner*

<table>
<thead>
<tr>
<th>Acres</th>
<th>Linear Footage</th>
<th>Project Area Floor Area</th>
<th>Building Sign Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt; 5 acres</td>
<td>&gt; 100 feet</td>
<td>14,000 - 49,999 s.f.</td>
<td>40 s.f.</td>
</tr>
</tbody>
</table>

#### FREESTANDING SIGNS

#### Class A
*Cal Neva / Tahoe Biltmore*

<table>
<thead>
<tr>
<th>Acres</th>
<th>Linear Footage</th>
<th>Project Area Floor Area</th>
<th>Sign Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>&gt; 5 acres</td>
<td>&gt; 100 feet</td>
<td>&gt;100,000 s.f.</td>
<td>500 s.f.</td>
</tr>
</tbody>
</table>

#### Class B
*Cystal Bay Club*

<table>
<thead>
<tr>
<th>Acres</th>
<th>Linear Footage</th>
<th>Project Area Floor Area</th>
<th>Sign Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>≤ 5 acres</td>
<td>&gt; 100 feet</td>
<td>50,000-99,999 s.f.</td>
<td>330 s.f.</td>
</tr>
</tbody>
</table>

#### Class C
*Jim Kelley's Nugget / Tahoe Mariner/Garnie*

<table>
<thead>
<tr>
<th>Acres</th>
<th>Linear Footage</th>
<th>Project Area Floor Area</th>
<th>Sign Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt; 5 acres</td>
<td>&gt;100 feet</td>
<td>14,000 - 49,999 s.f.</td>
<td>150 s.f.</td>
</tr>
</tbody>
</table>

*Floor Area: All square footage contained within the building structure on all levels*
**NORTH STATELINE CASINO
SIGN COMPARISON TABLE**

### EXISTING

<table>
<thead>
<tr>
<th>Casino</th>
<th>Bldg. Sign S.F.</th>
<th>Height</th>
<th>Freestanding S.F.</th>
<th>Height</th>
<th>Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crystal Bay</td>
<td>316 (100 Starburst)</td>
<td>30'</td>
<td>814</td>
<td>456 Billboard</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>334 CBC</td>
<td></td>
</tr>
<tr>
<td>Tahoe Biltmore</td>
<td>778 (192)</td>
<td>31'</td>
<td>994 (400 Billboard)</td>
<td>58'</td>
<td></td>
</tr>
<tr>
<td>Cal Neva</td>
<td>150</td>
<td>25'</td>
<td>717</td>
<td>51'</td>
<td>0'</td>
</tr>
<tr>
<td>Nugget</td>
<td>18.3</td>
<td>9'6&quot;</td>
<td>171</td>
<td>39'</td>
<td></td>
</tr>
<tr>
<td>Garni</td>
<td>275</td>
<td></td>
<td>198</td>
<td>33'</td>
<td></td>
</tr>
<tr>
<td>Tahoe Mariner</td>
<td>12</td>
<td>35'</td>
<td>365</td>
<td>30'</td>
<td>5'</td>
</tr>
</tbody>
</table>

### PROPOSED

<table>
<thead>
<tr>
<th>Casino</th>
<th>Bldg. Sign S.F.</th>
<th>Height</th>
<th>Freestanding S.F.</th>
<th>Height</th>
<th>% Reduction</th>
<th>to %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crystal Bay</td>
<td>129 (46 biggest)</td>
<td>25'</td>
<td>350 (200 shown)</td>
<td>28'</td>
<td>42</td>
<td>58 %</td>
</tr>
<tr>
<td>Tahoe Biltmore</td>
<td>179 (171.5 biggest)</td>
<td>28'10&quot;</td>
<td>661 (540 main)</td>
<td>41'</td>
<td>47</td>
<td>53 %</td>
</tr>
<tr>
<td>Cal Neva</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nugget</td>
<td>18.3</td>
<td>9'6&quot;</td>
<td>171</td>
<td>39'</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Garni</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>North Shore Resort</td>
<td></td>
<td></td>
<td>40</td>
<td>9'6&quot;</td>
<td>32%</td>
<td></td>
</tr>
</tbody>
</table>
DRAFT
NORTH STATELINE CASINO CORE
HIGHWAY 28 SCENIC IMPROVEMENT PACKAGE

The following is a list of improvements needed to improve the TRPA scenic threshold rating for Unit 20 Tahoe Vista to a 16 by the year 2007. (Currently Roadway Unit 20 is rated a 12) TRPA may approve revisions to the list for substitutions of equal or superior improvements at anytime. TRPA shall review this list and schedule at each of its five year threshold evaluation to eliminate that improvements proposed within this document are consistent with the Scenic Quality Improvement Program and make necessary adjustments to assure threshold attainment.

I. SIGN REDUCTION

All signs shall become provisionally conforming by January 1, 2003. A schedule for compliance for the entire project area shall be submitted consistent with this paragraph.

II. SCENIC IMPROVEMENTS

A. Improvements required as part of the Community Plan Process

The following is a list of improvements that are identified in the Scenic Quality Improvement Program that are required to be completed by 2003 to meet the interim scenic target score of 16. (Note that many of these improvements have been implemented.)

(a) Landscaping. The edges of the roadway through this area should include landscaping which conforms to Chapter 30 to create a visual edge to the roadway and to improve the appearance of adjacent uses. The Tahoe Biltmore should provide a substantial landscape buffer to screen views into their parking area and replace the existing cyclone fence with one made of natural or natural appearing materials. The casinos should install landscaping which conforms to Chapter 30 along their facades to reduce the visual prominence of paved areas, to improve the entry quality of each business, and to provide separation between pedestrian areas and the roadway. The addition of a landscaped bus shelter would add pedestrian-scaled elements to the scene and identify this important transit stop.
(b) Design Quality. Upgrading the overall architectural quality of the casinos (as has been done to some extent in South Lake Tahoe) would contribute significantly to the visual quality of the area. The use of materials, colors, and architectural styles that reflect the natural character of Lake Tahoe would be appropriate. Roof top mechanical equipment should be screened from the view of the roadway.

(c) Sign. Signs should be brought into compliance with Chapter 26 while allowing for the distinctiveness of the casino operations. The goal should be to provide a coordinated system of signs that clearly identifies individual enterprises yet minimizes the conflict between signs within the area and does not create visual impacts on surrounding non-commercial areas. Existing billboards should be removed.

(d) Landscape Screening. The secondary access to the Tahoe Mariner Hotel presents an unattractive feature for west-bound travelers on Highway 28. The alignment of the road is such that unattractive views are created into the parking area and rear of the facility. The treatment of this entrance should be upgraded since it is so visually prominent from the roadway. A combination of landscaping and an entry gate could resolve the problem.

(Improvements completed as of July 1, 1987)

- Tahoe Biltmore
  - Restaurant remodel (upgrade of building facade)
  - Removal of cyclone fence
  - Landscape of parking area fronting restaurant

- Crystal Bay Club
  - Restaurant remodel
  - Upgrade of building facade fronting on Highway 28

- Cal-Neva Lodge
  - New landscaped entrance to Cal-Neva from Highway 28
  - Re-grade and landscaped parking lot
  - Cal-Neva facade refaced with native stone
  - Removal of 20,000 s.f. of asphalt
  - Removal of 250 s.f. of freestanding sign
(Proposed Improvements required by the year 2003 as part of the Community Plan process)

- Bus Shelter/transit stops (location to be determined)
- Removal of billboards
- Landscaping and entry gate to the Tahoe Mariner
- Screen roof top mechanical equipment (Crystal Bay Club)
- Landscaping of roadway edges

B. Improvements proposed as part of increased signage from TRPA Chapter 26

The following is a list of improvements that are proposed to be completed by January 1, 2003 to obtain signage that is above what is allowed under Chapter 26 of the TRPA Code of Ordinances. The proposed signage includes electronic reader boards for the Crystal Bay Club, Tahoe Biltmore and Cal Neva Lodge.

1) Improvements within the Right-of-Way (applies to all casinos fronting Hwy. 28)

- Pedestrian sidewalks fronting Hwy. 28
- Lighting and treescape within sidewalk areas
- Street furniture

2) Improvements within the Project Area of each casino

Tahoe Biltmore

(Temporary, does not preclude future development)

- Remove and landscape footprint of Bal Tabrin-The Bal Tabrin site would not be precluded from future development
- Remove and landscape two houses fronting Hwy 28
- Remove cabins behind Cal Neva Tennis Courts
- Add sidewalk along Bal Tabrin property to tie into Cal Neva and White House property
- Lighting and treescape within sidewalk areas
- Re-do roof of building of main casino to match remodeled restaurant

Crystal Bay Club
- Future landscaping
- Remove and landscape White House (park and/or community wide parking lot)
- Add street lights and trees within sidewalk fronting main casino entrance along 28
- Improve sidewalk along White House property to tie into Hwy 28 (add trees)

Jim Kelley's Nugget

- Add trees, planters, lighting and street furniture
- Improve plaza
- Remove 2' of height from existing freestanding sign

(Jim Kelley's Nugget was re-built according to TRPA rules and regulations in effect in the early 80's)

Cal Neva

- Improve pedestrian access from Highway 28 to Cal Neva entrance

Garni Motor Lodge

- Install additional trees for screening and landscaping along Hwy. 28

Tahoe Mariner

- Demolish and reconstruct new project

Miscellaneous

- Undergrounding of utilities along Hwy. 28 in conjunction with Placer and Washoe Counties (both ends where visible by Cal Neva and by Tahoe Mariner)
- Relocation and/or removal of T-Shirt shop
- Work with Community Plan team for future development of Gateway parks to provide an entrance into Crystal Bay. (This may involve removal or relocation of existing uses)
5. Historical Theme Architectural Guidelines. A consistent architectural theme is a powerful means to create and convey a sense of place. This does not mean that all buildings will or should look alike. It is the use of variation on a theme which can be an asset to the community. The historical theme being sought is "Alpine Elegance" or "Old Tahoe". The historic architectural design theme which uses modern building technology is the preferred theme for both new and redeveloping buildings. The following architectural elements should be used to convey the historic theme.

a. **Building Form.** Buildings should generally use steeply-sloping gable end or gambrel roofs to break up the roof facade. Buildings with hip roofs are also appropriate. Second story dormers or shed dormers are generally consistent with the historic theme and may be used. Commercial uses such as casinos should have a monumental scale to reflect its use.
b. **Porches.** Covered front porches which run the entire length of the building facade or wrap around the whole building are a simple design element which helps to communicate the historic theme. The porch should be big enough for people to encourage use. Porches may be raised, recessed in the form of a vestibule or may extend outside of the building envelope covered by a separate shed roof.

![Diagram of a house with porches]

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c. **Entries.** Entries should be clearly identified and act as a visual clue to passersby. They should be made of stone or native materials and be covered.

![Diagram of a house with a covered entrance]

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**North Stateline Community Plan**

**August 1, 1996**
d. **Building Materials.** Building materials should consist of wood and/or natural stone sidings. Dimensional concrete products which look like wood may be used. Vertical and horizontal wood battens good materials but should be carried to the roofline. Plywood sidings (except for board and batten) and stucco are not appropriate. Treated fire retardant shake roofs are preferred.
e. **Roofs.** Roof design and their decorative features are important in defining the overall historical character. Appropriate roofs include the gambrel, hipped and gabled roof. The roofline should be broken by the use of second story and shed dormers. Breaking up the roofline will breakup the large roof plane and add visual interest to the building.
Scenic Threshold Evaluation:

NORTH STATELINE SIGNAGE PROPOSAL FOR PAS 032

Prepared July 1996 for
The Tahoe Regional Planning Agency

by
EDAW, Inc.
San Francisco, California
Background

The focus of this scenic threshold evaluation was the casino core portion of the North Stateline area within Roadway Unit 20. Thus, while the context of study includes visual conditions throughout Roadway Unit 20, the evaluation itself was confined only to the casino core - a strip along State Route 28 approximately 3 blocks long extending from the Tahoe Mariner site to the CalNeva entry road. There were two basic elements of the study. One considered what would be allowable under the ordinance contained in the Draft NORTH STATELINE SIGNAGE PROPOSAL FOR PAS 032, April 1996. The other examined in detail proposals for specific changes in casino signs and the proposed streetscape beautification plan for the casino core area. It was recognized that once approved the sign ordinance will apply to all signs within the North Stateline area, not just those of the casinos.

According to the North Tahoe Community Plans Environmental Impact Statement, Roadway Unit 20 is currently a non-attainment area for scenic thresholds. As stated above, the casino core area is only a portion of Roadway Unit 20. TRPA scenic thresholds are aimed at maintaining natural to natural-appearing landscape settings. Areas where urban development has occurred, such as the North Stateline casino core area, do not present a natural appearance.

The North Stateline casino core area along SR 28 is presently dominated by buildings and asphalt paving. There are a multitude of individual signs of various heights, sizes, shapes and colors that compete for the viewer’s attention. Distinctions between pedestrian and vehicular areas are often vague and confusing. There is a noticeable absence of natural elements such as shrubs and trees.

Evaluation Methodology

Following are the steps used to conduct the scenic threshold evaluation of the Draft NORTH STATELINE SIGNAGE PROPOSAL FOR PAS 032, April 1996.

- Reviewed pertinent reports and documents.
- Met with the North Stateline Signage Proposal team (casino representatives and their planning consultant) and TRPA representatives to review the project, review the scope of the evaluation, and confirm basic assumptions. Also selected camera stations for the preparation of two photo simulations showing proposed changes in place.
- Conducted on-site field observations and collected baseline photography.
- Prepared two photo simulations of the casino core area viewed from along SR 28 showing proposed changes to signs and the addition of elements contained in the proposed streetscape beautification plan.
- Distributed draft photo simulations for review and comment by the North Stateline Signage Proposal team and TRPA.
Revised photo simulations based on review comments.
- Performed scenic threshold ratings for the casino core area using the photo simulations and consideration of other views. Ratings were conducted using TRPA's Criteria For Evaluating Views from the Road. The six components of the roadway rating process were evaluated which include Manmade Features, Physical Distractions to Driving Along the Roadway, Characteristics of the Roadway, Views of the Lake, Landscape Views, and Variety.
- Developed findings based on the scenic threshold ratings.
- Met with the North Stateline Signage Proposal team and TRPA representatives to present and review study findings.
- Developed recommendations and prepared study reports.

Assumptions Used in the Evaluation

The following list of improvements were assumed by EDAW in evaluating effects on the scenic threshold rating of the North Stateline Signage and Beautification Plan Proposal within the North Stateline Casino Core portion of Roadway Unit 20.

Signs

- Sign changes described in the Draft NORTH STATELINE SIGNAGE PROPOSAL FOR PAS 032, April 1996 were assumed in the evaluation (it is expected that these changes will be implemented between 1996 and 2002).

- Removal of the existing freestanding sign at the Nugget Casino and replacement with a dark green awning extending from the west-side building entrance to the sidewalk along SR 28.

- Modification of the existing Crystal Bay Club freestanding sign as depicted in the visual simulations including the conversion of the existing message portion to an electronic reader board.

- Replacement of the freestanding sign at the CalNeva Lodge (not in the Draft NORTH STATELINE SIGNAGE PROPOSAL FOR PAS 032) with a new sign of approximately the same height and size. The new sign might feature a design that reflects the existing building sign above the main entrance. It should use natural-appearing materials and colors with light-colored letters against a darker background. It should consist of one main panel only and should not have additional smaller panels mounted on the same mast as the existing sign does.

- The evaluation assumed the presence of "monument" signs as described in the Draft NORTH STATELINE SIGNAGE PROPOSAL FOR PAS 032. However, the visual analysis supports a policy decision to restrict each property to one freestanding sign.
only (thus prohibiting additional “monument” signs) on the basis that it would have the beneficial effect of limiting distractions along the roadway.

- Removal of the two existing billboards within the casino core area.

**Beautification Plan**

- Ten feet minimum sidewalks with 6 inch vertical curbs on each side of SR 28 extending from Reservoir Drive to CalNeva Drive.

- Bike lanes on both sides of SR 28.

- Elimination of on-street parking along SR 28 within the casino core area.

- Passenger drop-off pockets, as shown conceptually in the Streetscape Plan shown on page B-7 of the North Stateline Community Plan, in front of the Crystal Bay Club, Tahoe Biltmore, and Nugget Casino.

- Street trees every 50 feet on average with shrub pockets every 25 feet on average as shown conceptually in the Streetscape Plan shown on page B-7 of the North Stateline Community Plan.

- Shrub borders or hedges that screen parking lots, e.g. the Tahoe Biltmore lot along SR 28.

- Decorative pavers in plaza areas in front of the Tahoe Biltmore, Crystal Bay Club, and Nugget Casino.

- Decorative pavers in the main crosswalk between the Tahoe Biltmore and Crystal Bay Club.

- Benches, trash receptacles, and bus shelters placed at appropriate locations (to be determined).

- Redevelopment or rehabilitation of the Tahoe Mariner site with special attention to the eastern end of the site and its visibility to west-bound motorists on SR 28.

- Removal of overhead utility lines along SR 28 at the east and west end of the casino core area.

- Building rehabilitation/restoration of the White House, the addition of sidewalks along the property frontage on CalNeva Drive, and appropriate landscaping of the grounds.
- Landscaping or appropriate development of the existing vacant, bare property immediately east of the CalNeva entry road.

- Future development of a public park that provides at least limited views of Lake Tahoe, as shown conceptually in the Streetscape Plan on page B-7 of the North Stateline Community Plan, at the west end of the casino core area near the intersection of SR 28 and CalNeva Drive.

**Findings**

Reducing and limiting the height of freestanding signs has the positive effect of keeping them generally within the roof lines of the surrounding buildings and prevents them from protruding well above other elements of the scene and into the sky. Reducing the overall number of signs eliminates many distracting elements. The addition of trees and shrubs at the recommended average densities introduces natural features to the scene sufficient to reduce the visual dominance of the buildings. Shrub borders that screen parking reduce visual clutter and replace views of vehicles with natural plant material. The addition of sidewalks gives clear definition to the edges of the roadway and creates a greater sense of visual order. The sidewalks, bike lanes and crosswalks also define where pedestrians, cyclists and motorists are expected to be, thus improving safety and reducing confusion and distractions. Elimination of on-street parking reduces visual clutter and distractions. These and other changes and improvements identified in this report help to create an attractive and visually appealing landscape setting within the casino core area that, while comprised mostly of manmade features, appears closer to a balance between manmade and natural.

Based on the assumptions listed above and implementation of additional improvements identified in the North Stateline Community Plan and North Tahoe Community Plans Environmental Impact Statement, the North Stateline casino core area will achieve the minimum performance established by the TRPA for scenic thresholds by the year 2007 and will contribute to attainment of a rating of at least 16 for Roadway Unit 20.

**Recommendations**

In addition to the changes and improvements specified in the *Draft NORTH STATELINE SIGNAGE PROPOSAL FOR PAS 032, April 1996*, the Washoe County Community Plan for North Stateline and summarized in the North Tahoe Community Plans EIS, the following equal or superior actions are recommended to help ensure the casino core area is brought up to a minimum level of scenic threshold attainment.

- Building signs should be a maximum of 15 feet above the ground as measured from the bottom of the wall on which the sign is mounted to the bottom of the sign’s letters. This will ensure that building signs are within the general sight lines of pedestrians or motorists while limiting potential visual distractions.
- Restrict each property to one freestanding sign only and prohibiting additional "monument" signs whose primary purpose is to communicate advertising copy or cooperate logos. Directional and safety signs on the basis that it would have the beneficial effect of limiting distractions along the roadway.

- Removal of the existing freestanding sign at the Nugget Casino and replacement with a dark green awning extending from the west-side building entrance to the sidewalk along SR 28.

- Replace the existing freestanding sign at the CalNeva Lodge with a new sign of approximately the same height and size. The new sign might feature a design that reflects the existing building sign above the main entrance. It should use natural-appearing materials and colors with light-colored letters against a darker background. It should consist of one main panel only and should not have additional smaller panels mounted on the same mast as the existing sign does.

- Redevelop or rehabilitate the Tahoe Mariner site with special attention to the eastern end of the site and its visibility to west-bound motorists on SR 28.

- Remove overhead utility lines along SR 28 at the east and west end of the casino core area.

- Rehabilitate/restore the White House, add sidewalks along the property frontage on CalNeva Drive, and provide appropriate landscaping of the grounds.

- Landscape or develop an appropriate use on the existing vacant property (currently exposed earth) immediately east of and adjacent to the CalNeva entry road.

- Develop of a public park that provides at least limited views of Lake Tahoe, as shown conceptually in the Streetscape Plan on page B-7 of the North Stateline Community Plan, at the west end of the casino core area near the intersection of SR 28 and CalNeva Drive.
NORTH STATELINE CASINO CORE SIGNAGE AND STATE ROUTE 28 ROADWAY BEAUTIFICATION PACKAGE

The following is a list of improvements needed to attain the minimum satisfactory TRPA scenic threshold rating for the casino core area of Roadway Unit 20 by the year 2007. The TRPA may approve revisions to the list substituting equal or superior improvements at any time. The TRPA shall review this list and schedule at each of its five year threshold evaluations, and make necessary adjustments to ensure threshold attainment.

I. SIGN REDUCTION

All signs shall become provisionally conforming by January 1, 2002. Exhibit 1 indicates sign changes that were considered in the evaluation. These are expected to be completed by 1997. Upon review of any sign project relying on the provisions of ____, a schedule for compliance for the entire project area shall be submitted consistent with this paragraph.

II. SCENIC IMPROVEMENTS

A. Phase I Improvements

The following improvements should be completed by January 1, 2002.

- Replace the existing freestanding sign at the CalNeva Lodge with a new sign of approximately the same height and size. The new sign might feature a design that reflects the existing building sign above the main entrance. It should use natural-appearing materials and colors with light-colored letters against a darker background. It should consist of one main panel only and should not have additional smaller panels mounted on the same mast as the existing sign does.

- Install ten feet minimum sidewalks with 6 inch vertical curbs on each side of SR 28 extending from Reservoir Drive to CalNeva Drive.

- Install bike lanes on both sides of SR 28.

- Install passenger drop-off pockets, as shown conceptually in the Streetscape Plan shown on page B-7 of the North Stateline Community Plan, in front of the Crystal Bay Club, Tahoe Biltmore, and Nugget Casino.

- Install street trees every 50 feet on average with shrub pockets every 25 feet on average.

- Install shrub borders or hedges that screen parking lots, e.g. the Tahoe Biltmore lot along SR 28.

- Install pedestrian-scale street lights.

- Install decorative pavers in plaza areas in front of the Tahoe Biltmore, Crystal Bay Club, and Nugget Casino.
• Install decorative pavers in the main crosswalk between the Tahoe Biltmore and Crystal Bay Club.

• Install benches, trash receptacles, and bus shelters at appropriate locations (to be determined).

• Landscape or develop the existing vacant property immediately east of and adjacent to the CalNeva Lodge entry road.

B. Phase II Improvements
The following improvements should be completed by January 1, 2007.

• Redevelop or rehabilitate the Tahoe Mariner site with special attention to the eastern end of the site and its visibility to west-bound motorists on SR 28.

• Remove overhead utility lines along SR 28 at the east and west end of the casino core area.

• Restore the White House, add sidewalks along the property frontage on CalNeva Drive, and landscape the grounds.

• Develop a public park that provides views of Lake Tahoe at the west end of the casino core area near the intersection of SR 28 and CalNeva Drive.
STAFF RECOMMENDED REVISIONS TO PROPOSED NORTH STATELINE SUBSTITUTE SIGN STANDARDS DATED APRIL, 1996

Note: The substitute standards, if adopted, will be added to Chapter 8, as Section L in the existing Signage, Parking & Design Standards and Guidelines for the Community Plans of Washoe County, dated April 1996, and to Chapter 26 of the TRPA Code of Ordinances.

ATTACHMENT A.

PAGE 1

Definitions:

(1) Delete Definitions Section (i). Relocate definition of Provisionally Conforming Sign to Section 4.

PAGE 3

Roof Signs:

(2) Delete last sentence in subparagraph (ii) which reads "Existing signs mounted on roofs of any structure adjoining a building which do not pro-
trude above the adjoining building’s height may remain."

Building Signs:

(3) Delete the reference to Subsection 8.K(1) as unnecessary. Note that Table 1 establishes maximum allowable building sign area as modified by the following sections based on the Class of Use.

Building Signs Maximum Area:

(4) Revise subparagraphs (b)(i)(a), (b), and (c) to delete the phrase "...for each distinct use...".

(5) Revise subparagraph (b)(i)(c) to apply to all other uses in the plan area which are not covered by subparagraphs (b)(i)(a) and (b).

PAGE 4

Building Signs Maximum Height:

(6) Revise subparagraph (b)(ii) to indicate a maximum allowable height for building signs of 15 feet above grade to the bottom of the sign.

Projecting Signs Maximum Area:

(7) Revise subparagraph (b)(iii) to establish a maximum area for projecting signs of 25 square feet.
Freestanding Signs:

(8) Revise subparagraphs (c) and (c)(i) to make the provisions applicable to all signs in the plan area, not just those fronting State Route 28 which are existing or have been approved. Remove the reference to Subsection J(2)(a) as unnecessary. Revise subparagraph (c)(i) to clarify that no more than one freestanding sign may be permitted for each parcel or project area, except as otherwise permitted under Chapter 26. Reference Table 1 which establishes the maximum allowable sign area based on the Class of Use.

(9) Delete subparagraph (c)(i)(aa) and renumber subparagraphs following it.

(10) Revise subparagraph (c)(i)(dd) to clarify that the maximum height of freestanding signs includes all appurtenances or architectural features.

(11) Revise subparagraph (c)(i)(dd) to establish a maximum height for signs for Class A uses of 40 feet; for Class B uses a maximum of 30 feet; and for all other uses a maximum of 12 feet in accordance with the existing maximum height provisions established in Chapter 26, Tables C and D.

(12) Revise subparagraph (c)(i)(ee) to identify the following setbacks from the property line for the closest portions of a new freestanding sign or sign structure:

<table>
<thead>
<tr>
<th>Class</th>
<th>Minimum Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>25 feet</td>
</tr>
<tr>
<td>B</td>
<td>15 feet</td>
</tr>
<tr>
<td>C</td>
<td>In accordance with existing provisions in Chapter 26, Tables C and D (based on sign area and height).</td>
</tr>
</tbody>
</table>

Revise the same subparagraph to specify that existing freestanding signs may remain at their present setback or ten feet from the property line, whichever is greater.

Directional Signs Maximum Area:

(13) Revise subparagraph (d)(i) to add the word "square" between "24" and "feet".

PAGE 5

Monument Signs:

(14) Delete subparagraph (e). Renumber subparagraph (e)(iii) to (d)(iii). It appears to be in the wrong location.

Regulation of Existing Signs:

(15) Add definition of Provisionally Conforming Signs.
Attachment D
Page 3
8/2/96

PAGE 6

Removal of Non-Conforming Signs:

(16) Revise subparagraph (d)(iv) to delete the phrases "...more than 50 percent...", and "...as measured by the sign...".

Conversion of Provisionally Conforming Signs to Conforming Signs:

(17) Add the date "January 1, 2002" to the first sentence where a blank date exists. Revise the date shown in the third sentence from 2003 to January 1, 2002.

Exceptions to the Standards:

(18) Delete Exceptions section (it will remain in effect in Chapter 26).

PAGE 8

Table 1, Maximum Allowable Sign Area:

(19) Revise the Maximum Allowable Building and Freestanding Sign Area for Class C uses to apply to all uses in the plan area other than those listed in Classes A and B.

(20) Revise the Maximum Allowable Freestanding Sign Area for Class B uses to 250 square feet and for Class C uses to 40 square feet.

(21) Note in Table A that the sign area column for freestanding signs is the total sign area for all freestanding signs which may be permitted.

(22) Correct the column headings to match those specified in subparagraph 2(b) and (c) on pages 3 and 4 including the column headings for lineal footage to clarify that it pertains to any public street, not just State Route 28.

PAGE 10

Sections I. and II.

(23) Revise dates of provisional conformance to January 1, 2002.

PAGES 12 AND 13

Improvements Proposed as Part of Increased Signage from TRPA Chapter 26:

(24) Replace Section B. with schedule and list of scenic improvements shown in EDAW report (found in separate attachment to the staff report).
Phase I Improvements

(25) Add a new bullet which will ensure all exterior strings of lights or perimeter lights will be removed, and that no exterior flashing lights will be visible.

B. Phase II Improvements

(26) Move bullet 3, "Restore the White House..." to Phase I. This project has been approved by TRPA and should be developed within the next year.
MEMORANDUM

July 31, 1996

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Goal #1, Housing Subelement of the Land Use Element of the Goals and Policies, and Chapter 2 of the Code of Ordinances relative to a regional median income level

Proposed Action: To amend the Goals and Policies and the Code of Ordinances relative to a regional median income level.

Staff Recommendation: Staff recommends that the Advisory Planning Commission recommend approval of the proposed amendments to the Governing Board.

Background: In December 1995, TRPA hired a contract planner to produce an affordable housing needs assessment of the Tahoe Basin to be known as the "Fair Share" report. This report is to identify affordable housing needs and to attribute responsibility for those needs among the six jurisdictions based upon demographics and employment. In the process of producing this report, it became evident that the current definition of affordable housing, as it now stands in both the Code of Ordinances as well as the Goals and Policies, impedes the ability to conduct an objective assessment of affordable housing needs and relative "fair share."

Discussion: The usage of the term, "... region's median income" creates difficulty in producing a housing assessment that will be both accurate and objective due to the vast disparity in income levels for different locales within the Tahoe Basin. A regional median income level (which would be skewed by the high income extremes) would incorrectly identify more affordable housing needed than is actual or realistic. Furthermore, the idea of a regional median income is highly ambiguous in itself. Calculating this number requires detailed extrapolation of 1990 Census figures and remains debatable. The most convincing reason, however, for amending the median income requirements for affordable housing is that each jurisdiction, in order to receive funding for affordable housing projects must utilize their respective county's median income level in assessing their housing needs. This is the recognized figure by most agencies responsible for providing funds to affordable housing, not TRPA's "regional median income." It is necessary that TRPA's requirements of the jurisdictions, relative to affordable housing remain consistent with those parameters already set forth by other State and Federal agencies. In this way, TRPA's efforts such as the "Fair Share" report will serve a more productive function in assisting the jurisdictions towards
assessing their housing needs and it will facilitate the process of making affordable housing a reality in the Basin. Finding in favor of these proposed amendments will serve to remove a potential barrier to future affordable housing projects.

This proposal is based upon a recommendation from the Housing Advisory Group that is reporting to the Local Government Committee on issues relative to continued affordable housing efforts in the Basin.

It is then proposed that the wording in both the Goals and Policies and the Code of Ordinances be changed as follows:

The proposed action would affect the Goals and Policies such that Goal #1, Housing Subelement of the Land Use Element would change to:

"Special incentives, such as bonus development units will be given to promote affordable or government-assisted housing for lower income households (80 percent of Regional Median Income respective county's median income) and for very low income households (50 percent of the Regional Median Income respective county's median income)."

A result of amending Goal #1 is the need to also amend Chapter two of the Code of Ordinances. The Code of Ordinances (Chapter two) would be amended to read:

"Residential housing for lower-income households (income not in excess of 80 percent of the Regional Median Income respective county's median income) and for very low-income households (income not in excess of 50 percent of the Regional Median Income respective county's median income)"

If you have any questions or comments regarding this agenda item, please contact David Atkins @ (702) 588-4547.
MEMORANDUM

August 1, 1996

To: Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Chapter 4, Project Review and Exempt Activities, to Adopt a Memorandum of Understanding Between TRPA and Contel/GTE

Staff proposes an amendment to Chapter 4 of the Code of Ordinances to exempt certain activities of Contel/GTE from TRPA review.

Description and Discussion

Pursuant to Section 4.8 of the TRPA Code of Ordinances, TRPA may amend Chapter 4 to exempt those activities of public and quasi-public entities as set forth in memoranda of understanding (MOUs) between TRPA and such entities. The format of the MOU is similar to that found in Sections 4.2 and 4.3 of the Code. Activities are separated into categories of exempt and qualified exempt. Those activities are described in the attached MOU. Contel/GTE may undertake exempt activities without contacting TRPA and may commence activity on qualified exempt activities provided they give written notice five business days prior to the activity commencing. All activities, whether exempt or not, must comply with the TRPA Regional Plan, including the Code of Ordinances and Handbook of Best Management Practices.

Contel/GTE has reviewed the proposed MOU and is in agreement with the provisions contained therein.

Environmental Documentation

Staff has completed the Environmental Checklist and has made an initial determination of no significant effect on the environment.
Chapter 6 Findings

Section 6.5 of the TRPA Code of Ordinances requires the following four findings be made prior to Code amendments:

A. The project is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code, and other TRPA plans and programs;

Section 4.8 of the Code allows for the development and implementation of MOUs to exempt certain activities not otherwise considered exempt or qualified exempt under Chapter 4. The activities described in the proposed MOU are minor in nature and are subject to all the provisions of the Regional Plan. The proposed MOU is consistent with, and will not adversely affect implementation of the Regional Plan.

B. The project will not cause the environmental thresholds to be exceeded;

Activities undertaken pursuant to this MOU are subject to the provisions of the Regional Plan. The activities are minor in nature, are subject to restrictions, and are geared toward essential activities and maintenance of existing facilities. Therefore, the activities will not cause the environmental thresholds to be exceeded. This finding is also based on the Article V(g) checklist completed for the proposed amendment.

C. Wherever federal, state, and local air and water quality standards applicable to the region, whichever are stricter, must be attained and maintained pursuant to Article V(d) of the Compact, the project meets or exceeds such standards; and

Activities undertaken pursuant to this MOU are subject to the standards of the Regional Plan and Code. This finding is also based on the Article V(g) checklist completed for the proposed amendment.

D. The Regional Plan and all of its elements as implemented through the Code, rules and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

As explained under findings A, B, and C, above, the Regional Plan will continue to attain and maintain the thresholds.
Memorandum to the Governing Board
Contel/GTE MOU
August 1, 1996
Page 3

Article VI(a) Findings

Article VI(a) states,

The Agency shall prescribe by ordinance those activities which it has
determined will not have a substantial effect on the land, water, air, space,
or any other natural resources in the region and therefore will be exempt from
its review and approval.

Section 4.8 of the Code allows for the implementation of MOUs with public
entities to exempt activities from TRPA review. The proposed MOU with
Contel/GTE exempts minor activities undertaken by public utility districts
charged with providing essential public services. Under the MOU, Contel/GTE
will be able to more effectively and efficiently provide these services. The
MOU has no impact on the regulatory structure and does not result in an
increase in development. The minor nature of the activities, and the
limitations elsewhere in the Code, assure the MOU will not have a substantial
effect on the land, water, air, space, or other natural resources in the
Region.

Ordinance 87-8 Findings

Section 2.5 of Ordinance 87-8 provides that findings under Section 2.40 are
not needed to add policies or ordinances designed to make existing policies
and ordinances more effective. The proposed MOU with Contel/GTE will
implement Section 4.8 of the Code which allows amendments to exempt certain
activities of public and quasi-public entities.

Staff Recommendation

Staff recommends that the APC recommend to the Governing Board approval of the
proposed MOU (attached) and adopting ordinance.

Please contact Jerry Wells, Deputy Director, at (702) 588-4547 if you have any
comments or questions on this agenda item.
MEMORANDUM OF UNDERSTANDING BETWEEN
TAHOE REGIONAL PLANNING AGENCY AND
CONTEL/GTE

AUGUST 1996

This Memorandum of Understanding is entered into this ___ day of August 1996, by and between the TAHOE REGIONAL PLANNING AGENCY (TRPA), through its Executive Director as authorized by the Governing Board, and CONTEL/GTE, by and through its Vice President of Network Design.

All activities described in this Memorandum of Understanding (MOU) shall be in accordance with the Regional Plan package of TRPA as adopted by Ordinance No. 87-9, as amended from time to time. Activities exempt under this MOU shall not result in the creation of additional land coverage, relocation of existing coverage, or an increase in vehicle trips in excess of that otherwise exempt pursuant to Subsection 4.3.B of the TRPA Code. All activities undertaken by CONTEL/GTE pursuant to this MOU shall comply with applicable Best Management Practices (BMPs), and all provisions of the TRPA Code of Ordinances (Code), as it may be amended from time to time, except for the procedural provisions replaced by this MOU, and such guidelines as may be adopted by TRPA.

I. EXEMPT ACTIVITIES

The following activities of CONTEL/GTE, in addition to those exempt pursuant to Section 4.2. of the TRPA Code, are not subject to review and approval by TRPA provided any related excavation or backfilling work does not exceed 10 cubic yards (unless modified below), occurs during the grading season (May 1 to October 15) in land capability districts 4 through 7 and/or within an existing paved area or compacted road shoulder, and the site is stabilized and/or revegetated within 72 hours to prevent erosion.

A. SERVICE CONNECTIONS

1. Repair and replacement of existing underground or overhead facilities such as vaults, pedestals, associated hardware, conduit, service boxes and other appurtenant facilities, provided there is no increase in size or capacity and the replacement facilities are similar in type and function.

2. Install new underground service connections for TRPA-approved projects, and for existing improved properties.

3. Locate existing underground facilities.

B. DISTRIBUTION FACILITIES

1. Reinforcement of existing distribution facilities, including aerial facilities or underground facilities in existing conduits. (Reinforcement is defined in Chapter 2 of the Code).
2. Extension of underground distribution facilities for new or additional service connections.

3. Pole replacements in place.

4. Replacement of existing aerial or underground facilities.

5. Location of underground facilities.

C. GENERAL OPERATIONS FOR OUTSIDE PLANT AND BUILDINGS

1. Repair or replacement of splice boxes, conduits, pedestals, cross-connect boxes, and other appurtenant facilities.

2. Gravel existing roadways provided that BMPs are in place, including dust control measures.

3. Traffic control and lane closures for installation and maintenance activities provided any lane closures are limited to the minimum amount of time needed to complete the activity and, with the exception of emergencies, do not occur during holidays or weekends.

4. Use of portable generators, pumps, and compressors for maintenance and repair operations.

5. Installation of roadside warning signs related to construction/maintenance activities or needed for safety purposes, provided signs are removed within 10 business days following completion of the activities, or within 10 business days of the removal of the safety hazard.

6. Demolition of structures provided the structure is not designated, or pending designation on the TRPA Historic Resource Map, as amended from time to time.

7. Structural repair or remodeling pursuant to Section 4.2.A of the TRPA Code.

8. Excavate and remove contaminated soil or other material resulting from petroleum product or chemical spills.

9. Install observation wells and soil borings for groundwater monitoring and soil investigations.

D. EROSION CONTROL AND RESTORATION ACTIVITIES

1. Installation of erosion control devices such as:
   a. Sediment basins not exceeding 150 square feet in size.
   b. Swales
c. Rock slope protection not visible from any TRPA-designated scenic roadway or shorezone unit, class I bike paths, or recreation area.

d. Rock-lined ditches.

e. Willow wattling.

f. Access barriers, i.e., bollards and split-rail fencing.

g. Installation of temporary erosion control devices.

2. Restoration of disturbed areas of one acre or less provided scarification does not exceed 6" in depth and excavation and filling does not exceed 20 cubic yards.

II. QUALIFIED EXEMPT ACTIVITIES

The following activities of CONTEL/GTE are not subject to review and approval by TRPA, provided CONTEL/GTE certifies, on a form provided by TRPA, that the activity does not result in the creation of additional land coverage or relocation of land coverage, excavation and backfilling does not exceed 25 cubic yards (unless modified below), occurs during the grading season (May 1 to October 15) in land capability districts 4-7 and/or within an existing paved area or compacted road shoulder, and the site is stabilized and/or revegetated within 72 hours to prevent erosion, and the activity is in conformance with the applicable provisions of the TRPA Code. The form shall be filed with TRPA at least five working days before the activity commences. For those activities involving in excess of 25 cubic yards of excavation (as provided below), CONTEL/GTE shall submit the form to TRPA at least 30 days before the activity commences. The following activities are in addition to those activities deemed "Qualified Exempt" pursuant to Section 4.3 of the TRPA Code.

A. SERVICE CONNECTIONS

1. Install new service connections for TRPA-approved projects and existing improved properties provided the service connection, if overhead, is not visible from any TRPA-designated scenic roadway or shorezone unit, and is not located within 300 feet of any designated scenic highway corridor right-of-way in urban corridors, within 1000 feet in rural transition corridors, and within one-half mile in rural corridors.

2. Repair or replacement of existing overhead or underground service connections.

B. DISTRIBUTION FACILITIES

1. Reinforcement of existing buried distribution facilities.

2. Extension of underground facilities for new or additional service connections.

3. Repair or replacement of existing aerial or underground facilities.

4. Realignment of existing pole lines due to construction of an
erosion control project or road improvement project provided that the realigned pole line is not visible from any TRPA-designated scenic roadway or shoreline units.

C. GENERAL OPERATIONS FOR OUTSIDE PLANT AND BUILDINGS

1. Repair or replacement of submarine cable.

D. MISCELLANEOUS ACTIVITIES

1. Convert from overhead to underground or replace and/or repair existing underground facilities including pipelines, conduit and conductor for a distance of not more than 2500 lineal feet, provided all excavation is within an existing road right-of-way, relocations or conversions of facilities to underground are within existing paved areas or compacted road shoulders, the amount of excavation is the minimum necessary, and all stockpiling of spoil material is accomplished in accordance with TRPA BMPs.

2. Installation of snow barrier walls to protect pad-mounted equipment, provided walls do not exceed 5 feet in height and 25 feet in length, are not visible from any TRPA-designated scenic roadway or shoreline unit, and are consistent with the TRPA Design Review Guidelines (Chapter 1, Section C(7) and Section 30.13.C(2) of the TRPA Code.

3. Tree removal for public health and safety pursuant to Section 71.4.E(2) of the TRPA Code.

E. EROSION CONTROL AND RESTORATION ACTIVITIES

1. Installation of retaining walls not exceeding 25 feet in length and 3 feet in height, provided that if located within a TRPA-designated scenic roadway or shoreline unit, the wall design is consistent with the TRPA Design Review Guidelines (Chapter 1, Section C(7) and Section 30.13.C(2) of the TRPA Code.

2. Restoration of disturbed areas not exceeding 2 acres, provided scarification does not exceed 6" in depth.

III. TREATMENT AND ACCOUNTING OF COVERAGE

It is understood by CONTEL/GTE and TRPA that the activities set forth herein may result in a requirement to mitigate existing excess coverage. Further, many of the activities involve removal of existing land coverage or restoration of disturbed lands.

Chapter 38 of the Code provides for the accounting, tracking, and banking of coverage in conjunction with Chapter 20. CONTEL/GTE shall report to the Executive Director of TRPA annually on the status of compliance with all excess coverage mitigation, coverage removal and restoration requirements as related to all activities undertaken pursuant to this MOU.
IV. LOSS OF EXEMPTION

Any exempt activity set forth herein shall be considered a project requiring TRPA review if the Executive Director determines that, because of unusual circumstances, the activity may have a substantial effect on the land, air, water, space, or any other natural resource in the Region.

V. TERMINATION

This MOU may be terminated by either party upon sixty (60) days notice in writing.

CONTEL/GTE

DATED: __________________________

Michael Burke
Vice President, Network Design

TAHOE REGIONAL PLANNING AGENCY

DATED: __________________________

James W. Baetge, Executive Director

2/1/93
MEMORANDUM

August 2, 1996

To: TRPA Advisory Planning Commission
From: TRPA Staff
Subject: Lake Tahoe Shorezone Development Cumulative Impact Analysis and Draft Environmental Impact Statement (DEIS)

This item is an ongoing issue that is placed on the Advisory Planning Commission and Governing Board agendas each month throughout the comment period. Because of the progress being made by the multi-stakeholder Shorezone Partnership Committee, Jim Baetge, with the Governing Board's support, has extended the comment period. The deadline for submitting comments to TRPA is now October 23, 1996. No further action is required on this item.

Please contact Coleen Shade at (702) 588-4547 if you have any questions or comments regarding this matter.
MEMORANDUM

July 31, 1996

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Final EIR/EIS for the U.S. Forest Service North Shore Project

Copies of the above-referenced document were previously mailed to you under separate cover. The 60-day public comment period began on October 20, 1995 and concluded on December 19, 1995.

The Final EIR/EIS contains comments received during the public comment review period and written responses to those comments. TRPA staff and the U.S. Forest Service staff will be presenting the Final EIR/EIS at the August 14, 1996 Advisory Planning Commission and at the August 28, 1996 Governing Board meeting.

Staff Recommendation: TRPA staff recommends the APC conduct a public hearing and based on the testimony recommend that the Governing Board certify the Final EIS/EIR. Certification is defined as a finding that the Final EIS is in compliance, procedurally and substantively, with Article VII of the Compact, Chapter 5 of the Code, and the Rules of Procedure.

If you have any questions or comments regarding this matter please contact Paul Nielsen of the TRPA staff at (702) 588-4547.
August 5, 1996

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Presentation of Annual Water Quality Report for Water Year 1995

Proposed Action: This is an informational item only. No action is required at this time.

Background: Since 1990, TRPA staff has prepared an Annual Water Quality report which summarizes current water quality conditions and long-term trends for each water quality threshold. In addition to current information, the report has evolved into a compilation of historical data collection by other agencies and analysis of previous studies. More recently, the report release date was changed to incorporate the most recent data available.

Discussion: The Water Quality Report for Water Year 1995 summarizes data collected primarily by the Tahoe Research Group, the U.S. Geological Survey, TRPA, and several local agencies, and is based on all of the water quality thresholds. Data from Water Year 1995 shows that Lake clarity matched 1993 as the lowest recorded value on record. Algal productivity reached the second highest recorded value on record, with the highest value occurring in 1993. Littoral Lake Tahoe (area less than 100 meters) turbidity values did not exceed the threshold. California and Nevada tributaries typically did not meet state standard limits for total nitrogen, total phosphorus, and total iron. Stormwater runoff typically does not meet state standards. California and Nevada Other Lakes typically meet state standards.

Staff will present recommendations on the future of water quality monitoring for the next five years and beyond. Generally speaking, the focus will be on formalizing a watershed approach to answer regulatory and process-oriented questions. By focusing our efforts on one or two watersheds, we will be able to learn much more information rather than by spreading monitoring throughout the Basin, often times learning little information. Additionally, there continues to be a need for development of a clarity model for Lake Tahoe to mathematically link algal growth rate, nutrient loading, and changes in water quality. Theoretically, this model would identify the total amount of nutrient loading per year required to achieve the Secchi depth or algal productivity thresholds.

If you have any questions regarding this agenda item, please contact Kevin Hill at (702) 588-4547.

/kjh
MEMORANDUM

August 6, 1996

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Discussion on Regional Plan Policies and Code Regulations Related to New Residential Subdivisions

Proposed Action: No action is proposed at this time.

Discussion: At the July meeting, the APC requested a staff presentation on the subdivision ordinances. Attached is a memorandum prepared for the Governing Board on subdivisions of post-1987 projects. Staff will be prepared to answer questions or address other subdivision issues which may arise.

If there are any questions concerning this item, please contact Susan Scholley, Legal Division at (702) 568-4547, Ext. 230.
August 22, 1995

To: TRPA Governing Board

From: TRPA Legal Division

Subject: TRPA's Two-Step Subdivision Process for Post-1987 Residential Projects

The Governing Board has requested a written analysis and explanation of TRPA's two-step subdivision process for post-1987 residential projects. TRPA's two-step subdivision process was one of the 1986 amendments to the Goals and Policies Plan, adopted as part of the consensus building workshops and the settlement of litigation with California and the League to Save Lake Tahoe. The implementing ordinances (Chapters 41 and 43) were adopted in 1990, with further amendments in 1991, 1993 and 1994.

The Land Use Subelement, Goal #2, Policy 7, of the 1986 Goals and Policies Plan reads: "No new divisions of land shall be permitted within the Region which would create new development potential inconsistent with the goals and policies of this Plan." A list of seven exceptions follow this prohibition. The so-called "two-step" subdivision process is the last exception listed and exempts the following category of projects from the general prohibition:

"[d]ivisions of land through condominiums, community apartments or stock cooperatives within an existing urban area in conjunction with the approval of a project associated with an approved transfer of development, or otherwise in accordance with the provisions of this Plan. In order to subdivide a project under this provision, the project itself shall be approved prior to the approval of the division and in no case shall the division result in a greater amount, a different location, or a greater rate of development than otherwise permitted by this Plan."

PURPOSE: One of the tenets of the 1987 Regional Plan was that development potential (e.g., residential development rights or allowable land coverage) would be limited to what existed in 1987. The Regional Plan permits the relocation or transfer of development potential but does not permit projects that would create new development potential. Subdivisions, which have the potential to create new vacant parcels and to increase the number of residential development rights, were prohibited, with some exceptions.

The two-step subdivision process was designed to be consistent with the policy of no new development potential while it served several goals of the Regional Plan. Those regional plan goals are: promoting the infill of development on high capability (non-sensitive) lands; redirecting development to more suitable areas; being consistent with the Bailey coverage coefficients; limiting IPES to single-family development; retiring sensitive parcels through development transfers; and avoiding the creation of new street networks.
Memorandum to Governing Board Re: Two-Step Subdivisions

August 22, 1995
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One of the management strategies for the 1987 Regional Plan is "redirection of development," which is designed to improve environmental quality through rehabilitation, redevelopment and relocation of development. The 208 Plan, adopted by TRPA in 1983, stated that TRPA's subdivision policies will "maintain the existing boundaries of the urban areas within the Region, and will generally result in the infill of property within land capability districts 4 - 7 with urban land uses, consistent with TRPA's plan area statements." The 208 Plan went on to point out that the subdivision policies do not allow new subdivisions in undeveloped areas and that no new street networks would be established.

The two-step subdivision process achieves these goals by:

1) Insuring that post-1987 subdivisions do not create the potential for more coverage than that permitted by the Bailey coverage coefficients;

2) Limiting post-1987 subdivisions to high capability lands (land capability districts 4 - 7);

3) Prohibiting subdivisions of land in non-urban areas;

4) Limiting subdivisions of post-1987 projects to PASs which permit multi-residential and single-family uses;

5) Creating receiving projects for transfers of development; and

6) Limiting development potential, as measured in residential development rights, to that existing in July 1987;

WHAT IS THE TWO-STEP SUBDIVISION PROCESS?: The two-step subdivision process requires a project to first be approved as a multi-residential project. A multi-residential project, in TRPA's Code, is any residential project with more than one residential unit per parcel. Multi-residential projects can be attached or free-standing units. Given the coverage limitations, it is assumed that there is no environmental difference between detached and attached units. Examples of multi-residential projects are duplexes, triplexes, apartments, and dormitories.

After receiving approval for a multi-residential project, the project can be transformed into a subdivision (either condominiums, community apartments, or stock cooperatives), in a subsequent project action.

There are several reasons behind this two-step process. The first is that a multi-residential project can only be approved in plan area statements that permit multi-residential uses. This requirement limits new subdivisions to the more densely urbanized areas in the Basin. Further, since a subdivided project is classified by TRPA as a single-family use, the plan area statement must be one which also permits single-family uses. There are approximately 45 PASs that permit both multi-residential and single-family uses and are thus eligible for subdivisions of post-1987 residential projects. Of these 45 PASs, multi-residential uses are limited to special areas in 23 of them.

Second, the requirement that a subdivision be approved first as a multi-residential project insures that subdivisions of post-1987 projects are in conformance with the Bailey coverage coefficients and are limited to high
capability lands (capability districts 4 - 7). This is a crucial point. If
the Code were to allow the subdivision of land, prior to multi-residential
project approval, then the resultant parcels could be permitted coverage
beyond the Bailey coverage coefficients using IPES or other transfer
provisions. Further, the two-step process insures that subdivisions will be
limited to high capability lands and will not be permitted on sensitive lands
using IPES.

Third, by limiting coverage under the Bailey coefficients and reviewing the
project as a multi-residential use, the developer of a subdivision for a
post-1987 project must utilize shared driveways and parking areas, consider
cluster-style development, engineer integrated BMPs and include an overall
landscaping plan. This type of integrated development and design achieves
community design goals, as well as environmental goals.

Fourth, by requiring a multi-residential project to go first, TRPA insures
that the developer already has allocations for the units and will be required
to transfer development rights before construction begins. This avoids the
creation of vacant parcels without allocations, which might create demand for
allocations beyond those permitted by Chapter 33.

Fifth, by limiting the available subdivision forms, the multi-residential
projects and the resultant subdivisions, include common area with common
facilities. Common area shared by several condominium owners is less likely
to be illegally covered or otherwise encroached upon. Further, the
condominium association provides a mechanism for joint maintenance of common
facilities, including BMPs.

Sixth, by having private access to the multi-residential projects, there is
less pressure to build new streets and roads to the "paper" subdivisions
discussed below.

THE TWO-STEP SUBDIVISION PROCESS ASSISTS IN THE RETIREMENT OF SENSITIVE LOTS
AND THE REDIRECTION OF DEVELOPMENT: The 1987 Regional Plan recognized that
many inappropriate and poorly planned subdivisions were created in the
non-urban areas and on sensitive lands (steep or SEZ areas) in the Tahoe
Basin. Many of these subdivisions are so-called "paper" subdivisions that
were created prior to the 1969 Compact or TRPA's 1972 Land Use Ordinance. A
"paper" subdivision is a subdivision for which a map was recorded but roads, utilities or other infrastructure were not constructed. Many paper
subdivisions are in sensitive areas and the parcels have low IPES scores.
Building access roads may be infeasible due to current coverage limitations,
restrictions on disturbance of sensitive lands or the local jurisdiction's
reluctance to build new public roads.

While the prior regional plan permitted multiple densities, the 1987 Regional
Plan limited density to one residential unit per parcel and required the
transfer of development rights for all multi-residential projects. Thus, the
1987 Regional Plan created a regulatory program to encourage individuals to
permanently retire sensitive lots or paper subdivision lots by selling and
transferring the development rights from those parcels to parcels which are
permitted multiple densities.
In other words, to build a four-plex (four residential units) requires four allocations and four development rights. Since a parcel only has one development right, the developer of a four-plex must transfer three development rights from vacant parcels in the Region. Thus, although there are then four units on one parcel, three parcels elsewhere in the Region are permanently retired from development. There is an alternative way to create a four-plex, which is transferring existing residential units by tearing down and relocating the units. In this way, parcels which are sensitive, or are otherwise inappropriate for construction, are retired from development and the densities are moved to existing urban areas.

The annual distribution of 30 allocations to parcels with scores below the IPES line and the provisions for coverage transfers, were also designed to encourage transfers from, and retirement of, sensitive parcels. Retirement of parcels below the IPES line is an important aspect of lowering the IPES line.

In order for the incentives in the Regional Plan to work, it is important that there be a market for the transfer of development rights, allocations, existing units, and the related assignment of multi-residential bonus units from Chapter 35. In investigating the market for such transfers, TRPA has learned that one of the markets for transferred development rights and allocations, and the related bonus units, is developers purchasing these commodities for use in subdivisions of post-1987 projects in urban areas.

The Governing Board should keep the two-step subdivision process in mind when it is asked to amend the urban boundaries or to add multi-residential or single-family uses to plan areas. In order to maintain the limitations on subdivisions of post-1987 projects, plan area statement amendments should be carefully scrutinized.

**SUBDIVISION OF PRE-1987 AND AFFORDABLE HOUSING STRUCTURES DISTINGUISHED:**
TRPA's subdivision policies treat the subdivision of pre-1987 (existing) structures and affordable housing projects differently from the subdivision of post-1987 projects. This distinction is based on the policies in the Land Use Subelement of the 1986 Goals and Policies Plan. This memorandum does not discuss these aspects of the Regional Plan or Code.

If there are any questions concerning this memorandum, please contact Susan Scholley or R.J. Nicolle at (702) 588-4547.