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 12, 1998, 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 3, 1998

[Signature]

By: ____________________________
    Jerry Wells
    Deputy 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.
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

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

August 12, 1998
9:30 a.m.

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 any 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. PUBLIC HEARING AND RECOMMENDATION TO THE GOVERNING BOARD

A. Amendment of Code Chapter 21, Density Relative to Tourist Accommodation Units and Redevelopment - PAGE 11

B. Amendment of Code Chapter 18, Permissible Uses, and Related Chapters to Add the Public Service Use of Environmental Improvement Program (EIP) Research Facilities - PAGE 21

C. Amendment of Code Chapter 33, Allocation of Development; Chapter 34, Transfer of Development; and Related Chapters to Allow the Transfer of Residential Units of Use to Sensitive Lands and to Allow the Conversion of Commercial Floor Area to Tourist and Residential Units - PAGE 27

D. Amendment of Code Chapter 33, Allocation of Development, to Redistribute Commercial Allocations From Outside to Inside Community Plans in Douglas County - PAGE 37

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E. Amendment of the Meyers Community Plan Relative to Residential Bonus Units and Density and to Transfer of Development Rights for Special Area #1 - PAGE 47

VI. REPORTS

A. Executive Director
   1. Status Report on Alternative Regional Revenue Feasibility Study

B. Legal Counsel

C. APC Members

VII. ADJOURNMENT
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

The Chateau
955 Fairway Boulevard
Incline Village, Nevada

July 8, 1998

REGULAR MEETING MINUTES

Chairperson Bob Jepsen called the regular July 8, 1998, meeting of the Advisory Planning Commission ("APC") to order at 9:35 a.m. and asked for a roll call.

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Members Present: Mr. Lohman, Mr. Doughty (arrived at 9:37 a.m.), Mr. Hansen (arrived at 9:46 a.m.), Mr. Barham (arrived at 10:00 a.m.), Mr. McDowell, Ms. Kemper, Ms. Rohr, Mr. Poppoff, Mr. Lawrence, Mr. Morgan, Mr. Haen, Ms. Kvas, Mr. Combs (arrived at 9:54 a.m), Mr. Marchio, Mr. Jepsen

Members Absent: Mr. Jolley, Mr. Morros, Mr. Porta, Mr. Joiner

II. APPROVAL OF AGENDA

Executive Director Jim Baetge stated that Agenda Item No. V.B. would be brought forth before Agenda Item No. V.A.

MOTION by Mr. McDowell, with a second by Ms. Rohr, to approve the agenda as amended. The motion carried unanimously.

III. PUBLIC INTEREST COMMENTS – None

Mr. Don Kornreich, of Incline Village, stated that Incline Village were finishing up on their free curbside woodchipping program this month. In addition, the Nevada Tahoe Transportation District would be receiving a $226,000 grant this week which would be complete in January 1999.

IV. DISPOSITION OF MINUTES

Ms. Rohr stated that in the April 8, 1998, minutes, on page 3, second sentence of the first paragraph, the word "not" should be deleted.

MOTION by Mr. Morgan, with a second by Ms. Rohr, to approve the April 8, 1998, APC minutes as amended. The motion carried unanimously.

MOTION by Mr. Haen, with a second by Mr. Morgan, to approve the May 13, 1998, APC minutes as presented. The motion carried unanimously.

V. PUBLIC HEARING AND RECOMMENDATION TO THE GOVERNING BOARD

B. Amendment to Chapter 93 to Provide for Procedure to
Participate in the Coordinated Transit System (CTS)

Associate Planner Bridget Cornell presented the staff summary amending Chapter 93 to provide for procedure to participate in the Coordinated Transit System (CTS).

A discussion ensued.

Chairperson Jepsen opened the meeting up for a public hearing. Since no one wished to comment, Chairperson Jepsen closed the public hearing.

MOTION by Mr. Doughty, with a second by Mr. Hansen, to forward the amendment back to the local jurisdictions and various committees that are involved with the comments from the APC and have TRPA staff bring it back to the APC members before being presented to the Governing Board for final adoption. The motion carried unanimously.

A. Amendment of Chapter 14, Community Plans, to Streamline the Planning Process

Associate Planner John Hitchcock presented the staff summary amending Chapter 14, Community Plan, to streamline the planning process.

A discussion ensued.

Ms. Kvas commented that language needed to be incorporated into the amendment involving public interest comments and their input.

Chairperson Jepsen opened the meeting up for a public hearing.

Mr. Jeff Cutler, representing the League to Save Lake Tahoe, stated that the League was in favor of the amendment. The only concern was that the community plans include all the same kinds of allocation systems for commercial development as previous community plans.

Mr. Don Kornreich, Incline Village resident and part of the Community Planning Team, suggested that in the update, the responsibility for most of the work over to the Community Plan Team and have TRPA and Washoe County review the community plan.

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

MOTION by Ms. Kvas, with a second by Mr. Hansen, to recommend to the Governing Board approval of amendment to Chapter 14 as proposed, with the additional language on Item 14.6.E after the word approved, “provided community input is included as a component of the modified process”. The motion carried unanimously.

(Break taken at 10:50 a.m.)

(Reconvened at 11:00 a.m.)

C. Amendment of Chapter 73, Livestock Grazing, and Chapter 2, Definitions, Relative to Grazing and Livestock Containment Practices

Senior Planner Joe Pepli presented the staff summary amending Chapter 71 (Grazing) and Chapter 2 (Definitions) of the TRPA Code of Ordinances.
A discussion ensued.

Mr. Gary Mickiff, representing the Park Cattle Company, stated that he was concerned about what the limitations on the annual grazing of woody growth associated with willows being limited to 20 percent. There should be a balance between scenic as well as nature.

Mr. Ken Jolson, an attorney with Scarpello & Alling representing a few homeowners and land owners in the South Tahoe area, commended Mr. Pepi for the amendments to Chapter 73, but stated that the amendment as written meets the goals that are trying to be accomplished and should not be recommended for adoption at this point. One of the issues he has concerns with is that there is no mechanism for enforcement. There are several landowners that won't be able to comply with the standards. He stated that the landowners and livestock owners need to know would happen if they do not comply with the standards. Mr. Jolson was also concerned with the Exhibit 1 target list. His main concern was with the language itself; not with the intent. There should be language included that states what would happen if the standards cannot be met and how landowners can meet some of the goals without having specific standards set for them. Lastly, it is very expensive to do BMPs and grazing management.

Mr. Cutler, representing the League to Save Lake Tahoe, agreed with Mr. Jolson's comments and suggested that the implementation schedule should also state that the amendments would be implemented. In addition, enforcement mechanisms should be included.

Mr. John Colburn, a hydrologist and water resource specialist with the University of Nevada Cooperative Extension, commented that the amendment as written was going in the right direction with regard to the protection of water quality. He urged the APC's support of the proposed amendment.

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

A discussion continued.

**MOTION** by Mr. McDowell, with a second by Ms. Kemper, to recommend approval of the amendment to the Governing Board with the incorporation of an implementation schedule somewhere in the management plan, along with the modifications pertaining to the monitoring plan and with regards to the annual report. The motion carried on the following votes:

- **Ayes:** Mr. Lohman, Mr. Hansen, Mr. McDowell, Ms. Kemper, Mr. Popoff, Mr. Lawrence, Mr. Combs, Mr. Marchio, Mr. Jepsen
- **Nays:** Mr. Doughty, Mr. Barham, Ms. Rohr, Mr. Morgan, Mr. Haen, Ms. Kvas
- **Abstain:** None
- **Absent:** Mr. Jolley, Mr. Morros, Mr. Porta, Mr. Joiner

Mr. Haen stated that he voted no because of the imposition of the water quality monitoring plan.

Ms. Kvas voted no because the chapter had been substantially changed which was premature, and this item would probably be a major contentious item at the Governing Board meeting and thus the amendment should be looked at before then.

Mr. Doughty was concerned about the significance of the issues in the amendment regarding monitoring occurring and the costs.
Ms. Rohr was unclear about the effectiveness of monitoring and where it was going to be and what the results were going to be unless it totally eliminated grazing down the road.

VI. PLANNING MATTERS

C. South Lake Tahoe Redevelopment Project 3 EIR/EIS, Technical Adequacy and Certification (Project Adjacent to California/Nevada Stateline)

Chief of Project Review Rick Angelocci presented the staff summary making the findings of technical adequacy for the Final EIR/EIS for Redevelopment Project Number 3.

(Mr. Combs left at 12:25 p.m.)

(Break taken at 12:25 p.m. for lunch.)

(Reconvened at 1:35 p.m.)

Mr. Lew Feldman, representing Project 3 proponent Harvey’s Resort Hotel and Casino, thanked Lahontan for their comments to the final EIR/EIS. He reviewed minor changes that had been made prior to the final draft.

Mr. Jim Jordan, with Balloffet & Associates, stated that the surface management system for Projects A and B components had been redesigned. The major changes were in the water quality and storm water drainage system.

A discussion ensued.

Ms. Kemper thanked Mr. Feldman and Mr. Jordan for being responsive to Lahontan’s comments.

Chairperson Jepsen opened the meeting up for a public hearing. Since no one wished to comment, Chairperson Jepsen closed the public hearing.

MOTION by Mr. Haen, with a second by Mr. Hansen, to recommend approval to the Governing Board to make the findings of technical adequacy for the Final EIR/EIS for Redevelopment Project Number 3. The motion carried unanimously.

A. Discussion on Conversion of Public Service to Commercial Uses

Principal Planner Gordon Barrett presented the staff summary discussing the conversion of public service to commercial uses.

A discussion ensued.

Chairperson Jepsen opened the meeting up for a public hearing.

Mr. Lew Feldman, a local attorney, discussed deed restrictions for commercial properties.

Mr. Gary Midkiff, representing Midkiff & Associates, stated that there are commercial properties that have leases with public entities. Mr. Midkiff further commented that there is a significant
amount of commercial floor area because of the limitations and there is not a lot of vacancies. He was in favor of the public service proposal.

Mr. Cutler, representing the League to Save Lake Tahoe, commented that the League is generally supportive of the proposal. The League was concerned about TRPA getting sued in the future; for example, where public service use is terminated, the commercial floor has been transferred out, the pool of 150,000 square feet of commercial space has all been allocated, and then the person holding the property that is deed restricted for public service and then can't find a tenant to rent out the property; consequently, they would sue the Agency.

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

MOTION by Mr. Doughty, with a second by Mr. Morgan, to recommend approval to the Governing Board to implement the public service proposal, with the inclusion that the lender be a party of the deed restriction. The motion carried unanimously.

(Mr. Hansen left at 2:37 p.m.)

B. Discussion on Fallen Leaf Lake/Emerald Bay Transportation Study

Associate Planner Jim Allison presented the staff summary discussing the Fallen Leaf Lake/Emerald Bay Transportation Study.

(Mr. Marchio stepped down from the dais because of personal involvement.)

A discussion ensued.

Chairperson Jepsen opened the meeting up for a public hearing. Since no one wished to comment, Chairperson Jepsen closed the public hearing.

(Mr. Marchio returned to the dais.)

A. Executive Director

Executive Director Jim Baetge stated that the first Hearings Officer meeting would be held on July 9, 1998, and be conducted by Rick Angelocci of the Project Review Committee. The local revenue study will be submitted in draft form next week by Arthur Bower, the consultant who was hired to do the study. In addition, the streamlining study done by Paul Sedway will be submitted in a couple of weeks. They both will be submitted to the Governing Board and APC. In addition, we are now designated as an MPO, which refers to a Metropolitan Planning Organization. A workshop will be held on July 13th to discuss the particulars of the organization.

B. LEGAL COUNSEL

Executive Director Jim Baetge stated that negotiations were held in the Lake Tahoe Watercraft Association, et al. v. TRPA. Unfortunately, the lawsuit was not resolved after three meetings. Mr. Baetge stated that the Air Research Board, State Board and Lahontan are working together to get a good discharge standard that would apply to both air and water to the two-cycle engine as one discharge standard, which would be adopted before the end of the year. A workshop will be held on July 9th in El Monte to discuss these issues. The Suitum trial is in full swing, along with the TSPC case. Both of these cases have been very costly to the Agency.
C. APC MEMBERS

Mr. Morgan requested that the Agency research the impacts on the Lake and/or air quality of the fireworks on 4th of July. Mr. Baetge stated that at this point, it is not on our priority list because of the legal issues, but we will put it on our list of things to do.

Ms. Kvas requested that the APC packets be mailed out earlier so APC members can have ample time to review the packet.

Mr. Doughty requested that original certificates of allocations not be sent out; only copies.

Mr. Barham stated that a press release was recently sent out stating that the impacts of running a two-stroke, carbureted jet ski for two hours was equivalent to driving a new car over 100,000. In addition, ARB was working with TRPA and Nevada to revamp the air quality monitoring system in Lake Tahoe.

Mr. McDowell stated that on Saturday, July 18th, Senator Reid is holding a one-year report card evaluation on last year's Presidential Forum.

Mr. Jepsen stated that he was glad to have Mr. Popoff back on the APC.

Mr. Haen inquired as to whether there was a cooling off period for former TRPA employees and believed there should be one. Mr. Baetge replied no.

Mr. Jepsen stated that Mr. Marchio will be conducting the next two APC meetings because he would be on vacation.

X. ADJOURNMENT - The meeting was adjourned at 3:15 p.m.

Respectfully submitted,

Sue Mikanovich
Clerk to the Commission

This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call (702) 588-4547 to make an appointment. In addition, written documents submitted at the meeting are available for review at the TRPA office, 308 Dorla Court, Zephyr Cove, Nevada.
MEMORANDUM

August 4, 1998

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Code Chapter 21, Density, Relative To Tourist Accommodation Units And Redevelopment

Proposed Action: Staff proposes to amend Chapter 21 of the Code of Ordinances to allow special projects located within Special Height Districts to deviate from the established Table of Maximum Densities. See Exhibit A for proposed language changes to Section 21.3.C.

Staff Recommendation: Staff recommends that the Advisory Planning Commission (APC) conduct the public hearing as noticed and recommend approval of the amendment to the TRPA Governing Board.

Discussion: This amendment is redevelopment project driven and is proposed to bring the approved Redevelopment Project Number 3 and Park Avenue Project into conformance with the Table of Maximum Densities in Chapter 21 of the Code. As you may recall, last month the Final EIS/EIR for Project #3 was brought before the APC for a public hearing and recommendation to certify the EIS/EIR to the Governing Board. On July 22, 1998, the Governing Board certified the EIS/EIR.

The EIS/EIR reviewed Project Number #3 for its compliance with the TRPA Regional Plan Package and listed potential impacts, nonconformance and mitigation measures. Impact 4-1 of the EIS states that:

"The proposed project would result in a density of dwelling units that is in excess of that allowed by the TRPA Code of Ordinances. This potential impact is considered to be significant."

As proposed, Project #3 will exceed TRPA's allowed maximum density established in Chapter 21. The EIS/EIR recommends that Chapter 21 be amended to reduce the impact to a less than significant level. (See Exhibit A)

The redevelopment Project Number #3 has three components: Project A, Project B and Project C. Project A is proposed to have 532 Tourist Accommodation Units (TAUs) that would function as a conventional hotel. Project B is proposed to have 116 units and would function on a timeshare basis or as a condominium hotel. Of the units in Project B, 55 would be one-bedroom units and 61 would be two-bedroom units. The two-bedroom units in Project B would have lockoff capability in which each would have a
Amendment of the Chapter 21, Density
August 4, 1998
Page 2

separate entrance to the hallway and be capable of being occupied as an independent unit. This split-use capability would result in the potential for separate occupancy of a one-bedroom unit with the kitchen as a single unit and the occupancy of the other bedroom without the kitchen as a second unit. Therefore, there would be a total of 177 TAU's in Project B.

Project C would contain 14 one-bedroom units with residential space for artists. These are considered to be multiple-family dwelling units for the purposes of analyzing density.

Currently, the existing project area has 711 TAU's and 23 residential units. The proposed project would replace those with 709 TAU's and 14 multiple-family dwelling units. This would result in a reduction.

Section 21.3.C allows residential timeshares (units with kitchens) uses in an adopted TRPA redevelopment plan area, such as the proposed Project B, to increase the permitted density by a factor of 2.5 if TRPA makes certain findings. These include that the proposed project provides transit service for its patrons, that it provides pedestrian and access amenities, and that the land coverage would be reduced to no more than 75 percent of the project area. As designed, the current project provides transit, provides for pedestrian amenities, results in land coverage reduction, and the findings can be made to increase the permitted density of Project B by a factor of 2.5. Using the proposed TAU's and multiple-family dwelling units, the Redevelopment Project would require 18.95 acres to achieve the proposed density.

<table>
<thead>
<tr>
<th>Project Component</th>
<th>Proposed Number of Accommodation Units (TAUs)</th>
<th>Maximum Allowed Density</th>
<th>Acreage Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project A</td>
<td>532 TAU's</td>
<td>40 units per acre</td>
<td>13.3 acres</td>
</tr>
<tr>
<td>Project B</td>
<td>177 TAU's</td>
<td>37.5 units per acre</td>
<td>4.72 acres</td>
</tr>
<tr>
<td>Project C</td>
<td>14 multiple-family units</td>
<td>15 units per acre</td>
<td>.93 acres</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>18.95 acres</td>
</tr>
<tr>
<td>Project Acreage</td>
<td></td>
<td></td>
<td>17.02 acres</td>
</tr>
</tbody>
</table>

The table above shows the acreage requirements for each project component based on the allowed maximum density. The proposed density would require more land area than the 17.02 acres that are the basis for the calculation density. Therefore, the proposed project does not comply with the existing density standards.

Because the proposed density would be greater than allowed, the EIS/EIR recommends amending Chapter 21 to apply to the redevelopment project. This type of amendment has been done before. In March 1996, the Governing Board amended Subsection 21.3.C to allow for greater densities, provided that the findings stated previously can be made. The amendment in March 1996 was applied to the Park Avenue Redevelopment Project. Rather than amending Section 21.3.C to fit every redevelopment project that is
proposed, TRPA staff suggest amending the language to allow the redevelopment projects to submit a density analysis for TRPA approval.

The amendment is needed because current TRPA density standards are set for normal development that have 30%-50% coverage, 2-3 story structures and meet the TRPA parking requirements. In the case of large redevelopment projects such as Project #3, the proposed project exceeds the normal development standards. Greater flexibility is needed in establishing densities for large redevelopment projects that have prepared transit parking analyses and Environmental Impact Statements. Although the redevelopment projects may exceed the allowable densities established in Chapter 21, the projects are required to provide transit oriented and pedestrian amenities. The rationale is that pedestrian/transit oriented designs require a higher density of mixed uses to be viable, and will likely generate better transit ridership and reduced use of individual automobiles. Individuals who are staying in the proposed redevelopment project are more likely to walk and shop in the area if pedestrian/transit access amenities are provided.

The proposed amendment will further refine Subsection 21.3.C to apply to all redevelopment projects located within Special Height Districts. The amendment is very focused and will only apply in very limited circumstances.

The proposed amendment will allow an increased density for tourist accommodation projects located within Special Height Districts, as defined by Subsection 22.4.D. The Special Height Districts are limited to TRPA adopted community plans and adopted redevelopment plans. These requirements are met by the proposed Project #3.

Findings: Prior to amending Chapter 21, Density, TRPA must make the following Findings.

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 amendment to allow projects located within Special Height Districts to meet the density requirements will not adversely affect implementation of the Regional Plan. The adopted Stateline/Ski Run Community Plan and the South Tahoe Redevelopment Demonstration Plan for the Ski Run and Stateline Areas (Redevelopment Plan) are consistent with the Regional Plan. These adopted plans are meant to supersede the Plan Area Statements and Maps for guiding land use decision in the Stateline/Ski Run area.

The two plans encourage that the land use pattern in the proposed project area continue as a major tourist center that provides visitor accommodations and services. Emphasis should
be placed on redirection through redevelopment, which will provide scenic, economic, and environmental improvements. The plans establish goals and policies that encourage concentrated commercial uses and intensification of tourist accommodation units in the proposed project area.

The amendment to Chapter 21 is consistent with the goals and policies of the Stateline/Ski Run Community and Redevelopment Plans and the Regional Plan by allowing a higher density of tourist accommodation units in appropriate areas, provided the findings for the Special Height District is made and the project provides transit and pedestrian amenities. With the provisions of transit and pedestrian facilities associated with the redevelopment projects, the higher permitted density will also likely generate better transit ridership, and reduced use of individual automobiles.

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

**Rationale:** Amendment of Chapter 21 will not cause the environmental thresholds to be exceeded. The proposed amendment, by concentrating tourist accommodation and retail services in community and redevelopment plan areas, will assist in the achievement of air quality and transportation thresholds. The Stateline/Ski Run Community Plan Conservation Element establishes the goals and policies that will ensure that physical development is consistent with environment and ecology of the area.

3. **Finding:** 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.

**Rationale:** See findings 1 and 2 above. The proposed amendment to the Code of Ordinance is administrative in nature and will apply to projects located within Special Height Districts in adopted community plans and redevelopment plans. The adopted documents have adopted goals and policies to achieve and maintain water and air quality standards.

4. **Finding:** 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.

**Rationale:** See above findings. The amendment will apply to projects that are located in Special Height Districts that must comply with all aspects of the Regional Plan, Code and the adopted
Stateline/Ski Run Community and Redevelopment Plan. Any project proposed will be required to meet all standards of the Code and implement environmental projects to achieve and maintain the thresholds.

**Ordinance 87-8 Findings**

1. **Finding:** That the amendment is consistent with the Compact and with the attainment or maintenance of the thresholds.

   **Rationale:** See Chapter 6 Findings. The proposed amendment is consistent with attainment or maintenance of the thresholds. All tourist accommodation units that may occur due to this amendment will be required to be consistent with Subsection 21.3.C. Those requirements include submitting a density analysis to TRPA, that the project provides transit service, provide pedestrian and access amenities, and a reduction in land coverage if applicable.

2. **Finding:** One or more of the following.

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

   b) That legal constraints, such as court orders, decisions or Compact amendments, require amendment of the Goals and Policies or Code;

   c) That technical or scientific information demonstrates the need for modification of a provision of the Goals and Policies or Code;

   d) That 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;

   e) That implementation of the provision sought to be amended has demonstrated to be impracticable or impossible because of one or more of the following reason:

      1) The cost of implementation outweights 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.

f) That the provision to be amended has 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.

Rationale: Staff proposes to make Finding (f). As noted in previous findings, the ability to permit a higher density in Special Height Districts located within adopted community and redevelopment plans should not adversely affect the attainment of the thresholds. In return for a higher density, the project will be required to provide transit and pedestrian oriented design, a goal of the adopted plans. In addition, the incentive will only apply to projects that meet the definition of Special Height Districts per Subsection 22.4.D.

Environmental Documentation: Based on the Chapter 6 findings, 87-8 findings and because of the nature of this amendment, and because the Code, the Redevelopment Project #3 EIS/EIR require mitigation of environmental impacts, staff recommends a Finding of No Significant Effect (FONSE).

Staff will begin this item with a brief presentation. Please contact John Hitchcock at 702-588-4547, or via email at trpa@sierra.net, if you have any comments regarding this item.

Attachments
21.2 Maximum Density: The table in Section 21.3 sets forth the maximum density that may be permitted in a project area. Plan area statements, community plans, master plans, redevelopment plans, and specific plans may establish more restrictive standards. Increases in density up to the maximum allowed in accordance with section 21.3 are subject to the following provisions:

21.2.A Residential Uses: Each parcel where residential uses are permissible is entitled to one residential unit. Higher densities, up to the limits in the table in Section 21.3, or as established in applicable plan area statements, community plans, master plans, redevelopment plans, or specific plans, whichever is most restrictive, may be developed by transfer of development rights, transfer of existing development, transfer of allocations, or multi-residential incentives in accordance with Chapters 34 and 35.

21.2.B Tourist Accommodation Uses: On parcels where tourist accommodation uses are permissible, density up to the limits in the table in Section 21.3, or as established in applicable plan area statements, community plans, master plans, redevelopment plans, or specific plans, whichever is most restrictive, may be developed by transfer of existing development in accordance with Chapter 34, or by obtaining tourist accommodation bonus units in accordance with Chapter 35.

21.2.C Recreation Uses: On parcels where developed campgrounds, recreational vehicle parks, or group facilities are permissible, density up to the limits in the table in Section 21.3, or as established in applicable plan area statements, community plans, master plans, redevelopment plans, or specific plans, whichever is most restrictive, may be developed through utilization of recreational development allocations in accordance with Chapter 33, or by transfer of existing development in accordance with Chapter 34. For other types of recreational uses, maximum densities or intensities shall be determined by the site development standards in Chapters 20 through 30, inclusive, and other applicable provisions of this Code.

21.2.D Density of Commercial, Public Service, and Resource Management Uses: Where commercial, public service, and resource management uses are permissible, the density or intensity shall be determined by the site development standards in Chapters 20 through 30 of this Code, inclusive, and other applicable provisions of this Code.

21.3 Table of Maximum Densities: Except where a plan area statement, community plan, master plan, redevelopment plan, or specific plan sets a more restrictive standard, no person shall create a density that exceeds the limits set forth in the following table, or as provided in Subsection 21.3.B
<table>
<thead>
<tr>
<th>Use</th>
<th>Maximum Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Uses</td>
<td></td>
</tr>
<tr>
<td>A. Single-family dwelling (parcels less than 1 acre)</td>
<td>1 unit per parcel</td>
</tr>
<tr>
<td>B. Single-family dwelling (parcels 1 acre or larger)</td>
<td>2 units per parcel, provided one unit is an authorized secondary residence</td>
</tr>
<tr>
<td>C. Summer home</td>
<td>1 unit per parcel or lease site</td>
</tr>
<tr>
<td>D. Multiple-family dwelling</td>
<td>15 units per acre</td>
</tr>
<tr>
<td>E. Mobile-home dwelling</td>
<td>8 units per acre</td>
</tr>
<tr>
<td>F. Multi-person dwelling, nursing and personal care, and residential care</td>
<td>25 persons per acre</td>
</tr>
<tr>
<td>Tourist Accommodations</td>
<td></td>
</tr>
<tr>
<td>A. Bed and Breakfast</td>
<td>10 units per acre</td>
</tr>
<tr>
<td>B. All other</td>
<td></td>
</tr>
<tr>
<td>1. if less than 10% of the units have kitchens</td>
<td>40 units per acre</td>
</tr>
<tr>
<td>2. if 10% or more of the units have kitchens</td>
<td>15 units per acre</td>
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<tr>
<td>Recreational Uses</td>
<td></td>
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<tr>
<td>A. Developed Campgrounds</td>
<td>8 sites per acre</td>
</tr>
<tr>
<td>B. Recreation vehicle parks</td>
<td>10 sites per acre</td>
</tr>
<tr>
<td>C. Group facilities</td>
<td>25 persons per acre</td>
</tr>
</tbody>
</table>

21.3.A **Conversion Factors:** For residential uses, 2.5 persons shall be equivalent to one residential unit. For recreational uses, four persons shall be equivalent to one recreation site.

21.3.B **Affordable Housing:** Affordable housing projects may be permitted to increase the density permitted in the table or the applicable plan area statement, community plan, master plan, redevelopment plan, or specific plan, whichever is less, by 25 percent, provided TRPA finds that: (1) the project, at the increased density, satisfies a demonstrated need for additional affordable housing; and (2) the additional density is consistent with the surrounding area.
21.3.C Timeshare Uses (Residential Design): A timeshare use (residential design) in an adopted community plan area may increase the permitted density in the community plan by a factor of 2 or a timeshare use (residential design) in an adopted TRPA redevelopment plan area may increase the permitted density by a factor of 2.6, provided TRPA makes the following findings: Density in Special Height Districts: The maximum densities established in the Table of Maximum Densities may be exceeded for projects located in designated Special Height Districts as defined in Subsection 22.4.D. The amount of deviation from the density standards shall be established by a density analysis report approved by TRPA. To approve any project relying on the increase in density specified in the report, TRPA shall make the following findings:

1. The special use findings in Subsection 18.1.B;

2. That the project provides transit service for its patrons directly or by contract with a transit provider;

3. That the project provides pedestrian and access amenities within the project area or within adjacent rights-of-way, consistent with the community or redevelopment plan; and

4. If the project area contains excess land coverage: that the land coverage will be reduced to no more than 75 percent of the project area; or, if applicable, the land coverage will be reduced in accordance with Subsection 15.9.A.
MEMORANDUM

August 4, 1998

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Code Chapter 18, Permissible Uses, and Related Chapters to Add the Public Service Use of Environmental Improvement Program (EIP) Research Facilities

Proposed Action: At the direction of the Governing Board, staff proposes to amend Chapter 18, Permissible Uses, to add a new use “EIP Research Facilities” to the TRPA list of permissible public service uses allowable in the Region. See Attachment A for the draft language for the proposed changes.

Staff Recommendation: Staff recommends approval of the proposed amendments.

Background: TRPA has been contacted by various research groups such as the Tahoe Research Group, The Desert Research Institute and the privately held Tahoe Basin Research Institute to amend our Regional Plan to allow “Research Facilities” as a permissible public service use in the Regional Plan Package. The research groups are interested in establishing permanent research facilities within the Tahoe Basin (See Attachment B for a summary of the Current Proposals. Currently, “Research Facilities” are only permissible if affiliated with a college or university under public service uses. Scientific and research institutes are permissible commercial uses where Professional Office uses are permissible and require commercial floor area.

The Tahoe Basin Research Institute, through Douglas County, has requested that TRPA amend the Regional Plan to add “Research Facilities” to the Table of Primary Uses as a public service use in Chapter 18 and to amend the Plan Area Statements to allow “Research Facilities” in plan areas that are appropriate. Currently, four plan areas are being considered as potential locations for research facilities and PAS amendments may be processed if the proposed amendment is adopted.

If amended, “EIP Research Facilities” would be added to the list of public service uses in Chapter 18. It is important to note that research facilities that would use this provision are exempt from commercial floor area allocation requirements per Section 33.5 of the TRPA Code of Ordinances. Scientific research institutes that use the Professional Offices definition in Chapter 18 will require commercial floor area.
Amendment of Chapter 18, Permissible Uses
August 4, 1998
Page 2

At the June Governing Board meeting, the Governing Board discussed this issue. Staff requested that the Governing Board assist in providing policy direction on this matter. Items for discussion included:

1. What types of research facilities should be considered in a new public service definition for Scientific and Research Facilities?

2. Upon discontinuation of use or changed research focus (other than EIP related), what happens to the existing building?

3. What findings have to be made to qualify as a public service research facility?

4. Should Scientific and Research Facilities that want to be considered Public Service and, therefore, not required to obtain commercial floor area, be limited to specific EIP research or monitoring projects?

The amendments proposed reflect the Governing Board input on the issues listed above.

**Required Findings:** Prior to amending Chapter 18, TRPA must make the following Findings.

**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 Regional Plan and Code provides for the development of the Environmental Improvement Program. Research and study projects are part of the EIP. The creation of this new use assists in the implementation of the EIP.

   All projects that may occur due to this amendment are still subject to the TRPA Goals and Policies, the Code of Ordinances and the adopted Community Plans and Plan Area Statements.

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

   **Rationale:** The amendments allow creation of a use that is linked to environmental research and will help assure the environmental thresholds are not exceeded.

3. **Finding:** 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.
Amendment of Chapter 18, Permissible Uses
August 4, 1998
Page 3

Rationale: See findings 1 and 2 above.

4. Finding: 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.

Rationale: See findings 1 and 2 above. The amendment assists in the implementation of the EIP whose stated purpose is threshold attainment.

Ordinance 87-8 Findings

1. Finding: That the amendment is consistent with the Compact and with the attainment or maintenance of the thresholds.

Rationale: See Chapter 6 Findings.

2. Finding: One or more of the following.

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

   b) That legal constraints, such as court orders, decisions or Compact amendments, require amendment of the Goals and Policies or Code;

   c) That technical or scientific information demonstrates the need for modification of a provision of the Goals and Policies or Code;

   d) That 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;

   e) That implementation of the provision sought to be amended has 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.
f) That the provision to be amended has 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.

Rationale: Finding e) is the most appropriate. The amendment is consistent with the implementation of the research projects deemed necessary by the EIP. The 1991 and the 1996 Threshold Evaluation recommended the need for the research/study projects.

Environmental Documentation: Staff has prepared an Initial Environmental Checklist (IEC) for the proposed amendment. Staff proposes a Finding of No Significant Effect (FONSE) based on the Chapter 6 and Ordinance 87-8 findings shown above.

Staff will begin this item with a brief presentation. Please contact Gabby Barrett at 702-588-4547, or via email at trpa@sierra.net, if you have any comments regarding this item.

Attachments
Proposed Changes to the Code of Ordinances, Chapter 18, Permissible Uses

1. Add new Subsection to Section 18.1., Applicability:

18.1.G EIP Research Facilities: Designation of facilities as EIP research facilities shall require the following:

(1) TRPA finds that the facilities shall be primarily used to implement research projects listed in the Chapter 31 Environmental Improvement Program (EIP);

(2) Structures and related improvements designated as EIP research facilities shall be required to post adequate securities to assure their removal or conversion upon discontinuance of EIP research; and

(3) EIP research facilities shall be located in community plan areas unless TRPA has found that there is a demonstrated need to locate them outside a CP area and that the proposed project area for the EIP research facility is not undeveloped.

2. Add "EIP Research Facilities" to the Table of Primary Uses under General Public Service

3. Add new definition to Section 18.4., Definitions of Uses:

EIP Research Facilities: Public or non-profit research establishments primarily engaged in research projects listed in the TRPA Environmental Improvement Program (EIP). Includes laboratories, monitoring stations, scientific interpretive centers and related support facilities. Does not include general college administrative offices and classrooms which are listed under Schools-College and government administrative offices which are listed under Government Offices. Overnight accommodation facilities other than caretaker facilities outside storage and display are not included as part of this use.
## Current Proposals

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<th>Est. Cost in Millions</th>
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<td>Fish Hatchery PAS 006</td>
<td>$12 ±</td>
<td>No Expansion</td>
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<td>University of Nevada</td>
<td>Whittel Estate PAS 055</td>
<td>$14 ±</td>
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<td>DRI, TRPA, State Lands</td>
<td>Round Hill Resort PAS 068</td>
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<td>Tahoe Basin Research Institute (TBRI)</td>
<td>Logan Shoals Marina PAS 061</td>
<td>$30 ±</td>
<td>12,000 sq. ft. Reduced Marina</td>
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MEMORANDUM

August 4, 1998

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Code Chapter 33, Allocation of Development, Chapter 34, Transfer of Development and Related Chapters to Allow Transfer of Residential Units to Sensitive Lands and to Allow the Conversion of Commercial Floor Area to Tourist and Residential Units

Proposed Action: At the request of some commercial property owners, staff proposes to amend Chapter 33, Allocation of Development, Chapter 34, Transfer of Development, and Chapter 35, Bonus Incentive Program to:

1. Allow the transfer of existing residential units of use into sensitive lands within community plan areas when there is a 1200 square foot per unit reduction in land coverage on the sending or receiving parcel.

2. Allow the conversion of units of use between residential units, tourist accommodation units, and commercial floor area for the following limited circumstances:
   a. When transferring from sensitive lands;
   b. When linked to an EIP project; or
   c. When the conversion results in the entire site meeting the TRPA and local standards for a new project.

3. Provide a commercial floor area bonus for projects that permanently retire a parcel for public purposes.

See Attachments A1-A3 for the draft language for the proposed changes.

Staff Recommendation: Staff recommends approval of the proposed amendments.

Background: During the 1996 Threshold Evaluation process, representatives of the South Lake Tahoe motel industry requested TRPA consider commercial conversion provisions for small motels. Due to the lateness of the request, it was agreed that TRPA would work with the Commercial Workshop Group in 1997-98 to address the issue.
Amendment of Chapter 33, Allocation of Development
August 4, 1998
Page 2

The group began meeting in the fall of 1997. The scope of the workshop was expanded to include the subjects listed in the proposed action and the issue of designating commercial/public service uses. The group (see Attachment B) represents a broad range of interests and has been very helpful in resolving the issues. The commercial/public service solution was presented at the last meeting.

In an attempt to move things along, staff has drafted ordinance language based on the consensus of the group. This staff summary has been mailed to the group and their attendance is encouraged at the TRPA hearings. It should be noted that these amendments represent areas where agreement was possible and do not necessarily meet all the needs of all the participants. The general needs or goals of the group are:

- The need to provide flexibility to encourage redevelopment of existing developments, especially old motels.
- The need to provide relief to certain motel owners.
- The need to implement environmental improvements to meet thresholds.
- The need to stay within the development constraints of the Regional Plan.
- The need to maintain the viability and stability of the existing transfer programs.

Analysis: The proposed amendments are divided into three concepts - the first is an amendment to the transfer rules, the second is an amendment to the use conversion rules, and the third is an amendment to the TRPA bonus program.

The first amendment is an addition to the TRPA exceptions that allow transfer into sensitive lands. During the 1996 Threshold Evaluation process, amendments were adopted that allowed such transfers in limited circumstances (See Attachment A-1). Some members of the workshop group thought that provisions for residential units transferred from sensitive lands to sensitive lands should be included. The group agreed to apply the sensitive to sensitive concept with coverage reduction to residential unit transfers. This provision is limited to community plan areas where development is to be concentrated. It is staff's conclusion the above needs can be satisfied with this amendment.

The second amendment allows conversion of commercial/residential/tourist units under limited circumstances noted above. Again, the 1996 Threshold Evaluation process resulted in conversion options for residential and tourist units (See Attachment A-2). Commercial floor area was not included in 1997 because of the complexity of converting commercial floor area to units.

Key to the conversion process is creating a factor that equates the impacts of the various units of use. In establishing the conversion ratio staff considered such factors as parking requirements, UBC occupancy rates, trip generation factors, costs, and water and sewer use. See Attachment C for some of the factors considered. It is important that the conversion process does not result in an increase in the overall impacts envisioned in the 1987 Regional Plan. Also, the group thought that simplicity was very important in this system. The conversion ratio recommended is:

1 Residential Unit = 1 Tourist Accommodation Unit = 500 Sq. Ft. Commercial Floor Area

GWB/dmc
The conversion builds on the existing program and is linked to environmental improvements. Although it meets the needs above, there are those who would like to emphasize the property owner relief over environmental improvements.

The third amendment was proposed by the South Lake Tahoe Chamber of Commerce Subcommittee. The intent is to encourage the transfer of tourist accommodation units from parcels that should be retired for public purposes. The purposes include protection of sensitive lands, protection of view corridors, creation of open space, the encouragement of redevelopment, and the encouragement of development concentration. The key is to establish a bonus that promotes retirement of a parcel after transfer instead of reuse after transfer from the parcel has occurred. This value of undeveloped commercial land varies. Conversations with appraisers at Johnson & Associates indicates that setting the value based on $7 per square foot of permissible coverage would be a good rule of thumb. The proposed bonus translates this dollar amount into the form of commercial floor area, which generally has a value between $20 and $30 per square foot. The conclusion is that 100 square feet of allocation per unit should cover the raw land cost (See Attachment A-3). Some of the workshop members feel this is too low.

**Permissible Coverage:** \[30\% \times 43,560 \text{ sq. ft.} = 13,068 \text{ sq. ft.}\]

**Coverage per Permissible Tourist Unit:** \[13,068/40 \text{ units per acre} = 327 \text{ sq. ft.}\]

**Value of Coverage per Unit:** \[327 \text{ sq. ft. per unit} \times \$7 = \$2,289 \text{ per unit}\]

**Conversion of $ to Commercial Floor Area Allocation:** \[\$2,289/\$25 \text{ per sq. ft. of commercial floor area} = 92 \text{ sq. ft. of commercial floor area per unit}\]

Since this bonus is additional (not transfer or conversion) it needs to be addressed within the limitations of the Regional Plan. This meets the needs listed above; however, the proponents of this would like to relate the bonus allocation to 150,000 square feet of reserve commercial floor area.

**Findings:** Prior to amending Chapters 33, 34, and 35, TRPA must make the following Findings.

**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 Regional Plan provides and encourages the development of community plans as a way to concentrate commercial development in appropriate areas. Incentives are created to encourage continued use and expansion while providing for environmental improvements to achieve the thresholds.

   All projects that may occur due to this amendment are still subject to the TRPA Goals and Policies, the Code of Ordinances and the adopted
Community Plans. All Standards of Codes shall apply to the transfer or conversion projects.

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

Rationale: The amendments to allow transfer or conversion of use are linked to environmental improvements and will not cause the environmental thresholds to be exceeded. The development permitted by these amendments is within the limits set forth in the 1987 Regional Plan.

3. Finding: 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.

Rationale: See findings 1 and 2 above.

4. Finding: 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.

Rationale: See findings 1 and 2 above. The transfer amendment does not permit additional units into sensitive lands and requires land coverage reductions. The conversion amendment does not permit additional development (impacts) beyond the 1987 Regional Plan and the conversions are linked to EIP projects, restoration of sensitive lands or coming into complete conformance with development standards. The bonus program is within the commercial limitations of the 1987 Regional Plan and promotes open space consistent with the Regional Plan.

Ordinance 67-8 Findings

1. Finding: That the amendment is consistent with the Compact and with the attainment or maintenance of the thresholds.

Rationale: See Chapter 6 Findings.

2. Finding: One or more of the following.

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

b) That legal constraints, such as court orders, decisions or Compact amendments, require amendment of the Goals and Policies or Code;

c) That technical or scientific information demonstrates the need for modification of a provision of the Goals and Policies or Code;
d) That 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;

e) That implementation of the provision sought to be amended has 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.

f) That the provision to be amended has 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.

Rationale: Finding f) is the most appropriate. The amendments are consistent with the recommendations of the 1996 Threshold Evaluation. Based on the rationales above, the amendments are a better means of implementing the Regional Plan Package and complying with the Compact.

Environmental Documentation: Staff has prepared an Initial Environmental Checklist (IEC) for the proposed amendment. Staff proposes a Finding of No Significant Effect (FONSE) based on the Chapter 6 and Ordinance 87-8 findings shown above.

Staff will begin this item with a brief presentation. Please contact Gabby Barrett at 702*588*4547, or via email at trpa@sierra.net, if you have any comments regarding this item.

Attachments
33.7 **Election Of Conversion Of Existing Use**: Existing residential units may be converted to tourist accommodation units or commercial floor area, and existing tourist accommodation units may be converted to residential units or commercial floor area, and existing commercial floor area may be converted to residential units or tourist accommodation units under the following conditions:

33.7.A **Transfer From Sensitive Lands**: Conversion may be permitted when a residential or tourist unit is transferred from a parcel classified as land capability districts 1, 2, 3, or SEZ, and the parcel is restored.

33.7.B **Removal of a Nonconforming Use**: Conversion of a tourist or residential unit may be permitted if the conversion results in the elimination of a non conforming use on the parcel on which the unit being converted is located. The converted use shall meet all standards for new construction.

33.7.A **Requirements for Conversion**: Conversion of residential, tourist accommodation, and commercial units of use shall be permissible only under one or more of the following conditions:

1. **Transfer From Sensitive Lands**: Conversion may be permitted when an existing residential, tourist, or commercial unit of use is transferred from a parcel classified as land capability districts 1, 2, 3, or SEZ, and the parcel is restored; or

2. **Uses Modified to Meet Development Standards for New Projects**: Conversion of an existing residential, tourist, or commercial unit of use may be permitted when the structures and uses within the project area containing the existing use are modified to meet the TRPA and local government standards applicable for a project proposed on an undeveloped project area; or

3. **Uses Linked to an EIP Project**: Conversion of an existing residential tourist, or commercial unit of use may be permitted if the use is included in a project that has linked status pursuant to Chapter 31 Environmental Improvement Program.

33.7.B **Conversion Rates**: Residential and tourist accommodation units may be converted on a ratio of one unit for one unit. Residential and tourist accommodation units shall be converted on a ratio of 500 square feet of commercial floor area for one unit.
35.5 Commercial Floor Area Bonus Program: Commercial floor area bonus units of use may be approved by TRPA when existing tourist accommodation units are transferred and the entire sending parcel is retired and restored for public purposes established in adopted TRPA and local government plans. The maximum cumulative commercial floor area bonus approved by TRPA shall not exceed the 150,000 square feet of floor area reserve set forth in Subparagraph 33.3.D(4).

35.3.A Assignment Of Bonus Floor Area: A maximum of 200 square feet of commercial floor area for each tourist accommodation unit transferred may be approved as part of the transfer. When assigning the commercial floor area bonus, TRPA shall find that the bonus is needed to facilitate the retirement of the sending parcel and the retirement of the parcel is consistent with applicable plans of TRPA and local government.

35.3.B Criteria: Projects receiving tourist accommodation units and commercial floor area pursuant to this chapter shall comply with the following criteria:

1. The proposed density shall not exceed the maximum density limits set forth in the adopted community or redevelopment plan.

2. Tourist accommodation and commercial uses shall be designated in the plan area or community plan as an allowed use, or a special use for which the findings required in Section 18.1 have been made.

3. The project shall be located on a parcel designated in an adopted community or redevelopment plan as being eligible to receive existing tourist accommodation units.

4. All commercial floor area units of use shall be allocated in accordance with Chapter 33.
34.4.B **Requirements:** Transfers of existing development may be permitted subject to the following requirements:

1. The transfer shall be limited to the units of use existing on the parcel from which the development is to be removed;
2. The use transferred shall be a permissible use on the receiving parcel as set forth in the plan area statement or adopted community plan;
3. The receiving parcel shall comply with the site development provisions established by this Code and the plan area statement for the receiving parcel;
4. The findings required for a special use in Chapter 18 shall have been made if the use transferred is a special use in the receiving area;
5. The approval of affected local governments shall be obtained;
6. The parcel from which the existing development is transferred shall be restricted pursuant to Section 34.5, no later than the time of commencement of construction of the related project;
7. All facilities, including building and structures, shall be appropriate for removal considering conformance with TRPA plans and the Code, such as the provisions for historical structures, and affordable housing;
8. The receiving parcel shall have a building site that is determined to be in Land Capability Districts 4, 5, 6, or 7; or, if applicable, in the top rank under IPES unless:
   i. There is a 25 percent or greater reduction in existing land coverage and restoration on the receiving parcel and there is no increase in vehicle trips, parking, cubic volume of the structures, or adverse impacts; or
   ii. The transfer of commercial, or tourist, or residential units of use to a site inside an adopted community plan area, is from sensitive lands to an equal or less sensitive land capability district inside adopted community plan areas, and a reduction of land coverage and restoration occurs at the receiving site or sending site, equal to 300 square feet of land coverage per tourist unit transferred, 1,200 square feet of land coverage per residential unit transferred, or one square foot per one square foot of land coverage of commercial floor area transferred; or
   iii. The transfer of commercial floor area to a site inside an adopted community plan area from nonsensitive lands results in a reduction of land coverage and restoration on the receiving site or like sensitive lands in the watershed at a ratio of one square foot of transferred floor area to two square feet of land coverage reduced.
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CONVERSION FACTOR CONSIDERATIONS

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<th>I. UBC OCCUPANCY LOADS</th>
<th>USE TYPE</th>
<th>SQ. FT./PERSON</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Dwellings</td>
<td></td>
<td>300</td>
</tr>
<tr>
<td>Apartments</td>
<td></td>
<td>200</td>
</tr>
<tr>
<td>Hotels/Motels</td>
<td></td>
<td>200</td>
</tr>
<tr>
<td>Offices</td>
<td></td>
<td>100</td>
</tr>
<tr>
<td>Stores</td>
<td></td>
<td>30</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>II. TRPA TRIP TABLE</th>
<th>USE TYPE</th>
<th>TRIP RATES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Dwellings</td>
<td></td>
<td>10.0 / unit</td>
</tr>
<tr>
<td>Apartments</td>
<td></td>
<td>6.47 / unit</td>
</tr>
<tr>
<td>Hotels</td>
<td></td>
<td>8.7 / unit</td>
</tr>
<tr>
<td>Motels</td>
<td></td>
<td>10.19 / unit</td>
</tr>
<tr>
<td>Offices</td>
<td></td>
<td>6.0 / &lt; 25 employees</td>
</tr>
<tr>
<td></td>
<td></td>
<td>5.32 / 26-50 employees</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4.74 / 51-100 employees</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4.22 / 101-200 employees</td>
</tr>
<tr>
<td>Stores</td>
<td></td>
<td>22.36 / employee</td>
</tr>
<tr>
<td></td>
<td></td>
<td>40.67 / 1000 sf GFA</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>III. TRPA PARKING DEMAND TABLE</th>
<th>USE TYPE</th>
<th>PARKING REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Dwellings</td>
<td></td>
<td>2 spaces</td>
</tr>
<tr>
<td>Apartments</td>
<td></td>
<td>1 space / 2 beds</td>
</tr>
<tr>
<td></td>
<td></td>
<td>½ space / bedroom</td>
</tr>
<tr>
<td>Hotels/Motels</td>
<td></td>
<td>1 space / full-time administrative employee, 2 other full-time employees, 3 part-time employees, guest room or unit, 250 sf meeting area, or 400 sf commercial-retail area</td>
</tr>
<tr>
<td>Offices</td>
<td></td>
<td>1 space / 250 sf GFA</td>
</tr>
<tr>
<td>Stores</td>
<td></td>
<td>1 space / 150 sf GFA (convenience store)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>IV. WATER CONSUMPTION</th>
<th>USE TYPE</th>
<th>GALLONS PER DAY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Dwellings</td>
<td></td>
<td>327</td>
</tr>
<tr>
<td>Apartments</td>
<td></td>
<td>189</td>
</tr>
<tr>
<td>Hotels/Motels</td>
<td></td>
<td>116</td>
</tr>
</tbody>
</table>
MEMORANDUM

August 4, 1998

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Code Chapter 33, Allocation of Development, To Redistribute Commercial Allocations From Outside To Inside Community Plans in Douglas County

Proposed Action: At the request of Douglas County, staff proposes to amend Chapter 33, Allocation of Development, to redistribute 5,000 square feet of commercial floor area allocations from outside to inside community plans in Douglas County. See Exhibit A for proposed changes.

Staff Recommendation: Staff recommends that the Advisory Planning Commission conduct the public hearing as noticed and recommend approval of the amendment to the TRPA Governing Board.

Discussion: TRPA received an application submitted by Douglas County to transfer initial commercial floor area allocated to areas outside the community plan areas to inside the community plan areas. The County currently has no specific project requesting the transfer, but intends to allocate the CFA pursuant to the Commercial Floor Area Allocation Guidelines established in the community plans.

Douglas County was initially allocated 54,050 square feet of commercial floor area for the planning year 1987 to 1996: 33,750 square feet of initial CP allocation, 4,500 square feet prior to the adoption of the community plan, and an additional 10,800 square feet held in reserve as bonus square footage to be assigned to the community plans upon their adoption. In addition to the CFA allocated to the community plan, Douglas County received 5,000 square feet for areas outside the community plans.

All three Douglas County Community Plans (Round Hill, Kingsbury, and Stateline) were adopted in November 1993 and the commercial floor area allocated. The initial 4,500 square feet set aside for projects prior to community plan adoption was never allocated; therefore, it was rolled into the overall pool and distributed among the adopted community plans. Below is the breakdown of commercial floor area allocation.
Amendment of the Chapter 33, Allocation of Development  
August 4, 1998  
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<table>
<thead>
<tr>
<th>CP</th>
<th>87-96 Allocation</th>
<th>TRPA Approved Projects</th>
<th>Remaining</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stateline*</td>
<td>35,000</td>
<td>0</td>
<td>35,000</td>
</tr>
<tr>
<td>Kingsbury</td>
<td>14,050</td>
<td>4,738</td>
<td>9,312</td>
</tr>
<tr>
<td>Round Hill</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total for CPs</td>
<td>49,050</td>
<td>4,738</td>
<td>49,312</td>
</tr>
<tr>
<td>Outside CPs</td>
<td>5,000</td>
<td>0</td>
<td>5,000</td>
</tr>
<tr>
<td>Totals</td>
<td>54,050</td>
<td>4,738</td>
<td>49,312</td>
</tr>
</tbody>
</table>

* The Stateline Community Plan commercial floor cannot be allocated until the irrevocable commitments are met.

Since the adoption, only the Kingsbury Community Plan has used its allocated commercial floor area. 4,738 square feet was allocated and approved by TRPA for two projects. There is a demonstrated need for commercial floor area within the community plans and not outside the plans. The 5,000 square feet allocated for outside has not been used since the adoption of the community plans. Therefore, Douglas County submitted an application to transfer the outside commercial floor area to the adopted community plans where it is needed.

Douglas County requested that the 5,000 unassigned CFA be transferred to a floating pool that could later be assigned to individual projects within the community plans. Unfortunately, the Goals and Policies and the Code of Ordinances do not provide a provision to create a floating pool. The Code does, however, provide a provision to transfer unallocated initial floor area assigned to a local jurisdiction to the adopted community plans. Subsection 33.3.C(1)(c) provides the local jurisdiction, with TRPA approval, the ability to transfer the unallocated commercial floor area. The ordinance states:

**After Adoption Of A Community Plan:** Upon the adoption of a community plan, the rate of utilization of square footage of additional commercial floor area shall be in accordance with the provisions of the community plan. When all community plans within a jurisdiction are adopted, any remaining unallocated initial floor area assigned to the jurisdiction shall be assigned by TRPA to the adopted community plan areas within the jurisdiction.

Since a demonstrated need has been shown within the adopted community plans, TRPA concurs with Douglas County and recommends that the 5,000 square feet be transferred back into one of the adopted community plans. Staff has discussed the issue with County staff and has agreed to transfer 3,000 square feet to the Kingsbury Community Plan and 2,000 square feet to the Round Hill Community Plan.

**Analysis:** The Round Hill Community Plan has been designated as a local service retail node and tourist center. The Kingsbury Community Plan has been designated as a regional commercial area. Both plans encourage continuation of the existing land uses: Round Hill as a local retail and service commercial node with opportunities for recreation and tourist accommodation in the area, Kingsbury as a commercial, tourist, and public...
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service node for Douglas County. Both plans recognize that a key part of the community plan is to provide the opportunity and incentive to upgrade and expand the existing uses, while providing environmental benefits and correcting past land use deficiencies.

This amendment will help achieve the policies of the community plan and TRPA Goals and Policies. The amendment will transfer unallocated commercial floor area into the community plans as additional incentive to develop and concentrate commercial and tourist accommodation uses within the community plans. The amendment will help concentrate commercial uses and discourage the maintenance or exacerbation of strip commercial in the basin.

Findings: Prior to amending Chapter 33, Allocation of Development, TRPA must make the following Findings.

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 Regional Plan provides and encourages the development of community plans as a way to concentrate commercial development in appropriate areas. Incentives are created to encourage continual use and expansion while providing for environmental improvements to achieve the thresholds. These environmental improvement projects are adopted as part of the community plans and are required environmental targets which the community plan must achieve.

All projects that may occur due to this amendment are still subject to the TRPA Goals and Policies, the Code of Ordinances and the adopted Community Plans. Community Plans may replace the Plan Area Statements for the areas within the community plan boundaries, but will retain certain features of the plan area statements. All Standards of Codes shall apply to the community plans, except that the community plan may establish standards that are equal or superior measures to achieve environmental thresholds.

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

Rationale: The amendment to Chapter 33 to transfer commercial floor area from outside the community plan to inside the community plan will not cause the environmental thresholds to be exceeded.

The Regional Plan recognizes that a key part of the community plan is to provide the opportunity and incentive to upgrade and expand the existing uses, while providing environmental benefits
and correcting past land use deficiencies. Transferring the unallocated commercial floor area into the community plan will provide the incentive to upgrade and expand existing uses. In order to use the incentives, Policy A.1.B and A.1.C of the Conservation Objectives and Policies of both the Round Hill and Kingsbury Community Plans require the implementation of environmental targets as conditions of approval on projects relying on community plan incentives where appropriate. A key goal of the community plan process is to provide incentives while achieving the environmental thresholds.

3. **Finding:** 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.

**Rationale:** See findings 1 and 2 above.

4. **Finding:** 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.

**Rationale:** See findings 1 and 2 above. Subsection 33.3.C(1)(c) provides a provision that allows for transfer of unallocated commercial floor area into community plan areas. The ordinance requires that all community plans in the jurisdiction be adopted. This finding can be made for the Douglas County Community Plans. Furthermore, all projects that may occur because of this amendment will still be subject to the Code, Goals and Policies, and the appropriate community plan and its guidelines for achieving and maintaining environmental thresholds.

**Ordinance 87-8 Findings**

1. **Finding:** That the amendment is consistent with the Compact and with the attainment or maintenance of the thresholds.

**Rationale:** See Chapter 6 Findings. The TRPA Code of Ordinances provides a provision that allows for transfer of unallocated commercial floor area to adopted community plans. The amendment will encourage the concentration of commercial uses, a goal of the Code and the Goals and Policies. Furthermore, the community plan has adopted policies that require environmental improvement projects including, but not limited to, water quality, transportation, and other remedial projects, so as to attain and maintain the environmental thresholds as condition of approvals when using the community plan incentives.
2. Finding: One or more of the following.

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

b) That legal constraints, such as court orders, decisions or Compact amendments, require amendment of the Goals and Policies or Code;

c) That technical or scientific information demonstrates the need for modification of a provision of the Goals and Policies or Code;

d) That 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;

e) That implementation of the provision sought to be amended has 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.

f) That the provision to be amended has 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.

Rationale: Finding f) is the most appropriate. With the adoption of the Douglas County Community Plans, the rate of utilization of square footage shall be in accordance with the guidelines set forth in each plan. Since that adoption date, there is a demonstrated need for commercial floor area within the community plans rather than outside of the plans. The amendment will encourage the concentration of commercial uses within the Round Hill and Kingsbury Community Plans.
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The Code provides the provision to transfer the unallocated portion from outside the community plans to inside the community plan and the amendment will update the commercial floor allocation table in Chapter 33 and not change the content or intent of the chapter. Based on the rationale above, the amendment is a better means of implementing the Regional Plan Package and complying with the Compact.

Environmental Documentation: Staff has prepared an Initial Environmental Checklist (IEC) for the proposed amendment. Staff proposes a Finding of No Significant Effect (FONSE) based on the Chapter 6 and Ordinance 87-8 findings shown above.

Staff will begin this item with a brief presentation. Please contact John Hitchcock at 702•588•4547, or via email at trpa@sierra.net, if you have any comments regarding this item.

Attachments
33.3.C Maximum Amount and Distribution of Allocations for Additional Commercial Floor Area for Years 1987 to 1996 and As Extended to 2006: A maximum of 400,000 square feet of additional commercial floor area may be permitted from January 1, 1987 to December 31, 1996, except as set forth in subparagraph (3) below. The allocation and distribution of this floor area shall be as follows:

(1) **Within Community Plans:** From January 1, 1987 to December 31, 1996, except as set forth in sub paragraph (3) below, the maximum amount of additional commercial floor area allocated to community plan areas is 371,340 square feet.

(a) **Administration:** The 371,340 square feet of additional commercial floor area shall be allocated by TRPA, distributing 284,340 square feet initially to the local jurisdictions. The 284,340 square feet shall be assigned to community plans pursuant to (i) below. TRPA shall retain 54,000 square feet in reserve as bonus square footage to be assigned to community plans upon their adoption pursuant to (ii) below. TRPA shall retain 36,000 square feet for approval of commercial projects prior to adoption of community plans. The foregoing allocations, including the division of the 284,340 square feet among local jurisdictions, is reflected in the following table.

### COMMERCIAL FLOOR AREA ALLOCATIONS
**WITHIN COMMUNITY PLAN AREAS ("CP")**

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Initial Allocation to CPs (75%)</th>
<th>Bonus Adopted Cps (15%)</th>
<th>Before CP Adoption (10%)</th>
<th>Total Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>So. Lake</td>
<td>79,100</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tahoe/El Dorado County</td>
<td>112,500</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Placer County</td>
<td>55,990</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Washoe County</td>
<td>33,750</td>
<td>54,000</td>
<td>36,000</td>
<td>376,340</td>
</tr>
<tr>
<td>Douglas County</td>
<td>36,750</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Square</td>
<td>284,340</td>
<td>54,000</td>
<td>36,000</td>
<td>376,340</td>
</tr>
</tbody>
</table>
(i) **Initial Allocation:** TRPA shall distribute the initial allocation of additional commercial floor area to a community plan by taking into consideration such factors as demonstrated need, the expected ability to achieve or maintain environmental thresholds, the reasonableness of projected time schedules, the degree of certainty for obtaining the needed funds for implementation, compatibility with other community plans, and other relevant factors. The amount initially allocated shall be from the 75 percent portion designated for local jurisdictions for planning purposes as shown in the above table in the first column. TRPA has reviewed a sufficient number of proposed community plans to adequately assess the cumulative impacts of development and proposed mitigation, TRPA shall distribute any remaining or additional commercial floor area retained pursuant to Subsection 33.3.C(1)(a). This distribution shall reward those community plans which best demonstrate the ability to achieve and maintain environmental thresholds, and have a clearly demonstrated need for the additional allocation. TRPA shall retain a sufficient reserve to adequately address the needs of community plans not yet presented for review. It is TRPA's goal, acting in partnership with local interests, to achieve completion of community plans by December 31, 1989, in all areas where sufficient local interest and initiative exists to do such planning. Accordingly, TRPA expects to allocate the remaining unallocated floor area by that date, so long as the allocation is supported by local needs assessments.

(b) **Before Adoption Of A Proposed Community Plan:** Projects having an aggregate commercial floor area not exceeding the 36,000 square feet set forth in (a) of subparagraph 33.3.C(1) and located within the boundaries of proposed community plans, may be approved by TRPA. The 36,000 square feet allocation shall be apportioned to the local jurisdictions as follows:

<table>
<thead>
<tr>
<th>County</th>
<th>Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Lake Tahoe/El Dorado</td>
<td>10,008</td>
</tr>
<tr>
<td>County</td>
<td>sq. ft.</td>
</tr>
<tr>
<td>Placer County</td>
<td>14,976</td>
</tr>
<tr>
<td>Washoe County</td>
<td>6,516</td>
</tr>
<tr>
<td>Douglas County</td>
<td>4,500</td>
</tr>
</tbody>
</table>
A local jurisdiction may transfer its above allocated commercial floor area to another jurisdiction pursuant to a memorandum of understanding between the participating jurisdictions and approved by TRPA. Within the limits set forth in this paragraph, the local jurisdiction shall select and recommend projects for TRPA consideration. No project shall be accepted for review by TRPA without a written recommendation from the local jurisdiction. No single commercial project shall be allocated more than 4,500 square feet of the 36,000 square feet in a ten year period for use within the project area.

(c) After Adoption Of A Community Plan: Upon the adoption of a community plan, the rate of utilization of square footage of additional commercial floor area shall be in accordance with the provisions of the community plan. When all community plans within a jurisdiction are adopted, any remaining unallocated initial floor area assigned to the jurisdiction shall be assigned by TRPA to the adopted community plan areas within the jurisdiction.

(2) Outside Community Plans: From January 1, 1987 to December 31, 1996, except as set forth in Subparagraph (3) below, the maximum amount of additional commercial floor area allocated to areas outside community plan boundaries is 40,000 square feet.

(a) Administration: A maximum of 40,000 square feet of additional commercial floor area shall be allocated and distributed by TRPA for commercial development outside community plan boundaries, proposed or adopted. The 23,660 square feet shall be apportioned to the local jurisdictions as follows:

| South Lake Tahoe/El Dorado County | 7,020 sq. ft. |
| Placer County                  | 16,640 sq. ft. |
| Washoe County                  | 0 sq. ft.     |
| Douglas County                 | 5,000 sq. ft. |

A local jurisdiction may transfer its above-allocated commercial floor area to another jurisdiction pursuant to a memorandum of understanding between the participating jurisdictions and approved by TRPA. Within the limitations set forth in this paragraph, the local jurisdiction shall select and recommend projects for TRPA consideration. No project shall be accepted for review by TRPA without a written recommendation from the local jurisdiction.
MEMORANDUM

August 4, 1998

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment Of The Meyers Community Plan To Add Nursing And Personal Care As A Permissible Use

Proposed Action: The amendment is being proposed by an applicant, Tahoe Properties LLC, to amend the Permissible Use List of Special Area #1, Yank's Station, to allow Nursing and Personal Care as a permissible use (See Exhibits A and B for proposed language changes to the Meyers Community Plan and location map).

Staff Recommendation: Staff recommends that the Advisory Planning Commission (APC) conduct the public hearing as noticed and recommend approval of the applicant’s proposed amendment to the TRPA Governing Board.

Discussion: The proposed amendment is an amendment to the TRPA Meyers Community Plan adopted in October 27, 1993 and amended again in May 1998. The amendment will apply to all of Special Area #1, Yank's Station, but is focused on two parcels located at the corner of Apache Street and U.S. Highway 50. The applicant is proposing to modify the existing uses on the parcel to allow for a Senior Assisted Living Facility. The applicant consulted with staff of both TRPA and El Dorado County and staff has informed the applicant that “Senior Assisted Living Facility” is not included in the TRPA List of Permissible Uses. Staff concurs with the applicant that this type of facility and associated uses would be good land use planning for the area. Staff informed the applicant that the facility fit well into TRPA's definition of Nursing and Personal Care. The definition is provided below:

Nursing and Personal Care: Residential establishments providing nursing and health-related care as a principal use with in-patient beds such as skilled nursing care facilities; extended care facilities; convalescent and rest homes; board and care homes.
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The applicant’s definition of Assisted Living Facility is provided below and taken from the business plan submitted by the applicant:

**Assisted Living Facility**: Assisted living facilities (ALF) are a comparatively recent evolution in senior housing, similar to senior apartments with the addition of services for frail elderly who require some assistance in one or more of the activities of daily living. Level One Care is for residents who require assistance with medication or bathing, or some other basic activity. These persons are unable to live independently, yet do not require nursing care, such as a health care facility. In the past they have been forced to enter a nursing facility prematurely. Level Five Care is the equivalent of semi-skilled nursing care. Persons requiring this level of assistance will likely be placed in a nursing or convalescent facility, with the prior approval of their families.

The positive result of the ALF is to permit frail elderly to remain in their community, close to family and friends. Even more important, couples remain together long after they would have been separated if one were required to enter a nursing facility.

The advantages of ALF are physical, psychological and economic:

- Maintaining wellness through planned programs and continuing education
- Keeping married couples together
- Social interaction with peers
- Providing for emotional comfort that health needs

The subject parcels requesting the amendment are located within the Yank’s Station Land Use District, Special Area #1 (See Exhibit B for a location map). This land use district allows residential, tourist accommodation, commercial, public service and recreational uses. The El Dorado County Building Department has subject parcels zoned Residential/Tourist Accommodation. Presently, the two parcels support a number of mixed uses including residential, commercial, and tourist accommodation. The parcels have approximately 85 percent total land coverage existing.

The County has evaluated the proposed TRPA use change and reclassification of the property, and supports the proposed amendment. The proposed amendment is consistent with the County’s General Plan and the project would require a special use permit. The proposed amendment could have various environmental benefits, such as SEZ restoration, VMT reduction and scenic improvements.

The Yank’s Station Special Area is one of two primary commercial cores of the plan area. The existing Yank’s Station complex is located on the site of the historic way station. The district’s land use theme is retail goods and services. The community plan encourages the continual use as present with expansion and intensification of existing uses.
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Since the existing development on the subject area is commercial, tourist accommodation and residential, the proposed amendment is consistent with the land use and economic development goal of the community plan: Maintain the long term economic health and stability of the plan area by providing a diverse mix of commercial, recreational and public service uses which serves both residents and tourists. In addition, the area has existing infrastructure with adequate public services and transportation linkages.

Findings: Prior to amending the Meyers Community Plan, TRPA must make the following Findings.

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 amendment to the Meyers Community Plan will not adversely affect implementation of the Regional Plan. The Regional Plan provides the provision to prepare and adopt Community Plans that supersede the applicable Plan Area Statements. The Community Plan is designed to guide land use development within community plans areas while achieving environmental thresholds. The adopted plan provides goals and policies to guide development in the community plan including land use and economic development to maintain the long term economic health and stability of the plan area providing for a diverse mix of uses. The amendment of the plan to allow for nursing and personal care is consistent with the goals and policies established in the adopted community plan.

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

Rationale: As supported by the discussion above, the proposed amendment will not cause the environmental thresholds to be exceeded. As stated in the staff summary, the proposed amendment could have net environmental benefits including VMT reductions, SEZ restoration, scenic improvements, and land coverage reductions in parking. Furthermore, the adopted Meyers Community Plan provides goals and policies that require environmental improvements as part of any proposed project that may occur because of this amendment.

3. Finding: 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.

JH/dmc
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Rationale: All projects proposed due to this amendment will require consistency with federal, state and local air and water quality standards.

4. Finding: 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.

Rationale: See above findings.

Chapter 13 Findings: Although the Chapter 13 Findings are not required to amend the Meyers Community Plan, staff use the findings to establish consistency of the amendment with the community plan.

1. Finding: Plan Area Designation

Rationale: The Meyers Community Plan is classified as a Commercial/Public Service Area. These areas are designated to provide commercial and public service uses. The purpose of this classification is to concentrate uses for public convenience, separate incompatible uses and allow other non-commercial uses that are compatible.

The proposed amendment and project is consistent with the land use classification. The amendment will allow for a residential use which is within close proximity to commercial and public service uses. This, in essence, will reduce the need for use of the automobile to get to commercial and public service uses.


Rationale: The management strategy established for the Meyers Community Plan is Mitigation. Areas designated with mitigation are areas that can accommodate additional development if the impacts are fully mitigated. Both onsite and offsite mitigation of environmental impacts from development will be required.

The amendment is consistent with the mitigation designation. The amendment will allow for a proposed project that will have a net environmental benefit including, but not limited to, VMTs, Scenic, and SEZ.


Rationale: The Special Designation for this area includes a TDR Receiving Area and a Scenic Restoration Area. The Scenic Restoration Area indicates that the plan area is not in compliance with the Scenic Thresholds rating and this area is therefore subject to the scenic quality provisions of Chapter 30.
The amendment is consistent with the established special designations. The proposed project that will use this amendment will be required to meet goals and policies established to improve the scenic quality of the area. These improvements are established in the community plan document as well as the Scenic Quality Improvement Program. The Community Design Goal established in the plan encourages implementation of a comprehensive community design program that will improve the visual quality of the commercial area and help Meyers establish a sense of permanence.

Environmental Documentation: Based on the Chapter 6 and 13 findings above and the Environmental Checklist (EIC) staff request the Advisory Planning Commission take the following actions:

1. Make the Chapter 6 and 13 findings; and

2. Make a Finding of No Significant Effect (FONSE); and

3. Make a recommendation to the Governing Board to adopt the amendment to the Meyers Community Plan.

Staff will begin this item with a brief presentation. Please contact John Hitchcock at 702-588-4547, or via email at trpa@sierra.net, if you have any comments regarding this item.

Attachments
Proposed language Changes to Yank's Station (Special Area #1) New language double underlined

Permissible Uses: Pursuant to Chapter 18 PERMISSIBLE USES, the following primary uses may be permitted within all or a portion of the Community Plan Area. The list indicates if the use is allowed (A) or must be considered under the provisions for a special use (S). Existing uses not listed shall be considered nonconforming uses with the Community Plan Area. The establishment of new uses not listed shall be prohibited within the Community Plan.

Yank's Station Land Use District (Special Area #1): The following list of permissible uses is applicable in the Yank's Station land use district.

Residential
- Employee housing (S), nursing and personal care (S), and multiple person dwelling (S).

Tourist Accommodation
- Bed and breakfast facilities (S), hotel, motel, and other transient dwelling units (S), time sharing (hotel/motel design) (S), and time sharing (residential) (S).

Proposed language Changes to Maximum Densities Table New language double underlined

Maximum Densities: Pursuant to Chapter 21 DENSITY, the following list establishes the maximum allowable densities that may be permitted for any parcel located within the Community Plan Area. The actual development permitted may be further limited by transfer of development rights limitations, residential density incentive programs, special use determinations, allocations limitations and general site development standards.

<table>
<thead>
<tr>
<th>USE</th>
<th>MAXIMUM DENSITIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td>Single Family Dwelling</td>
<td>1 unit per parcel</td>
</tr>
<tr>
<td>Multiple Family Dwelling</td>
<td>15 units per acre</td>
</tr>
<tr>
<td>Multiple Person Dwelling</td>
<td>25 persons per acre</td>
</tr>
<tr>
<td>Nursing and Personal Care</td>
<td>25 persons per acre</td>
</tr>
<tr>
<td>Employee Housing</td>
<td>15 units per acre</td>
</tr>
<tr>
<td>Tourist Accommodation</td>
<td></td>
</tr>
<tr>
<td>Bed and Breakfast</td>
<td>10 units per acre</td>
</tr>
<tr>
<td>Hotel, Motel and other Transient Units</td>
<td></td>
</tr>
<tr>
<td>• with less than 10% of units with kitchens</td>
<td>40 units per acre</td>
</tr>
<tr>
<td>• with 10% or more units with kitchens</td>
<td>15 units per acre</td>
</tr>
<tr>
<td>Time Sharing (Hotel/Motel Design)</td>
<td>40 units per acre</td>
</tr>
<tr>
<td>Time Sharing (Residential Design)</td>
<td>15 units per acre</td>
</tr>
</tbody>
</table>