TRPA
APC
PACKETS

JULY
2001
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 July 11, 2001, at The Tahoe Seasons Resort, Saddle Road at Keller, South Lake Tahoe, California. The agenda for the meeting is attached hereto and made a part of this notice.

June 29, 2001

Juan Palma
Executive Director

This agenda has been posted at the TRPA office and at the following post offices: Zephyr Cove and Stateline, Nevada, and Tahoe Valley and Al Tahoe, California. The agenda has also been posted at the North Tahoe Conference Center in Kings Beach, the Incline Village GID office, and the North Lake Tahoe Chamber of Commerce.
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

The Tahoe Seasons Resort
Saddle Road at Keller
South Lake Tahoe, California

July 11, 2001
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 HEARINGS (11:00 a.m.)

A. Amendment of Certain Sections of the City of South Lake Tahoe Substitute Sign Ordinance Pg. 1

B. Amendment of PAS 058 Glenbrook, to Create a Special Area #1 for Commercial Uses, Deletion of Special Policy #6, and Providing for Other Related Matters Pg. 17

C. Amendment of PAS 030, Mt. Rose, and PAS 040, Incline Village #1, Boundary Line to Incorporate Portions of Washoe County APN 125-211-01 into PAS 040 and Removal of Washoe County APN 125-211-02 from PAS 040 and Incorporated into PAS 030 Pg. 19

D. Amendment of PAS 070B, Rabe to Extend the Urban Boundary and Create Special Area #1 Wherein Multi-Family Dwellings are a Permissible Use, and Other Matters Relating Thereto Pg. 37
E. Amendment of PAS 067, Marla Bay/Zephyr Heights, to Amend Special Area #2 to Make Multi-Family Dwellings a Permissible Use, and Other Matters Relating Thereto

VI. PLANNING MATTERS

A. Workshop on Thresholds (9:30 a.m.)

1. Economic
2. Wildlife
3. Noise

VII. REPORTS

A. Executive Director

1. Report on Governing Board Actions Relative to APC Recommendations

B. Legal Counsel

C. APC Members

VIII. ADJOURNMENT
TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

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

June 13, 2001

REGULAR MEETING MINUTES

Chairperson Gary Marchio called the regular June 13, 2001, meeting of the
Advisory Planning Commission ("APC") to order at 9:37 a.m. and asked for
a roll call.

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Members Present: Mr. Wysocki, Mr. Cole (arrived at 9:40 a.m.), Ms. Kemper
(arrived at 9:50 a.m.), Mr. Porta, Mr. Lane, Mr. Poppoff, Mr. Plemel, Mr.
McIntyre, Mr. Morgan, Mr. Tolhurst (arrived at 9:56 a.m.), Ms. Krause, Mr.
Combs, Mr. Marchio, Mr. Jepsen

Members Absent: Mr. Kehne, Mr. Hust, Ms. Baldrica, Mr. McDowell

QUORUM EXISTS

II. APPROVAL OF AGENDA

No changes to the agenda were recommended. Chairperson Marchio
called for a motion to approve agenda:

MOTION: Mr. Jepsen moved.
SECOND: Mr. Morgan seconded.

MOTION CARRIED

III. PUBLIC INTEREST COMMENTS (No Action)

There were no public interest comments.

IV. DISPOSITION OF MINUTES

There were no minutes.

Chairperson Marchio moved to item A of the public hearings section on the
agenda, Adoption of the Tahoe Keys Marina Master Plan and Certification of the Related Master Plan Environmental Impact Statement (EIS)

Ms. Coleen Shade, Senior Planner Long Range Planning Tahoe Regional Planning Agency, presented a staff summary on the staff recommendation of adopting the Tahoe Keys Marina Master Plan. She reviewed Marinas and there addition to the Recreation threshold around the basin as well as the Tahoe Keys Marina history of violations, violation resolution and continued violations. She passed out a staff summary from March regarding settlement, specifically the removal of boat slips, fines and the continued docking of the Paradise and the Hot Air Balloon that costs approximately $3,000 a month and is remitted to the water quality program until such time as the master plan is adopted.

Ms. Shade discussed the issue of PAOT’s (people at one time) or what she more affectionately called BAOT’s (boats at one time) in the Marina. The original draft EIS offered a range of up to 263 boats maximum within the Marina at one time. However, the number of boats does not equal the same number of slips that will hold the boats because although a slip could hold two small boats it can only hold one large boat.

Ms. Shade then introduced Ms. Brady, the EIS consultant on the Tahoe Keys Marina Project who supplemented Ms. Shade’s presentation with a presentation that outlined how responses on the Draft EIS were resolved on the Final EIS. Ms. Brady covered the reduced development alternative, parking spaces, land coverage error in draft EIS as rectified in final EIS, the Tahoe Keys Property Owners Association requirement to now file a plan area statement amendment and obtain necessary allocation of commercial floor area, Hydro’s 1, 3, 4, 6 in depth, Vegetation 1, Milfoil, Traffic 1, Traffic 2, Traffic 3, Traffic 4 and Traffic 7.

Hydro 6 deals with an influx of potentially toxic materials, specifically PAH’s, into the lagoon due to higher boat traffic in the lagoon. The detailed mitigation for this issue was the establishment of a baseline as modeled by Dr. Oris’ (20 μ) done in conjunction with Lahontan via measurements taken throughout the year at different times of the year during different levels of use. If contamination levels indicate higher than Oris’ 20 μ, then that level will be determined as the baseline, if the contamination levels are lower then Oris’ 20 μ then Oris’ level will be used.

Vegetation 1 and the impact on the Tahoe Yellow Crest mitigation was the hiring of a qualified botanist to be contracted to establish presence and quantifies presence of Yellow crest. In addition, a Tahoe Crest Management Plan is required and will be coordinated with service agencies.
APC JUNE 13, 2001 REGULAR MEETING MINUTES

The vegetation issue of Milfoil was also discussed and is being currently taken care of within the Marina. There is no mitigation for this issue because there was no significant impact of the Marina expansion on the Milfoil expected.

There weren't any major changes in the mitigations with regard to Traffic 1, 2, 3, 4 and 7. Changes to the language with regard to specifics on funding for changes made to area of City of South Lake Tahoe were made and are at the discretion of the City. It is a requirement and when it happens will be determined by the city. City has initiated design for Hwy 50 and State Route 89 at the 'Y' so the mitigation has been reworded and is now more specific. Contributions are to be made to the City prior to the issuance of permits. With regard to the proposed boat dock islands under Traffic 7, one minor revision is the removal of the boat dock islands. Therefore the total boats included in the master plan would be 150 not 174. The island was seen as impeding circulation.

Visual impacts have not been changed. Barn 'B' was determined to remain at existing height. Required design and site plan for parcel three to accommodate boat storage barn that is compatible and does not have visual impact. With regard to long-term parking there were questions regarding definition of Long Term Parking. Determined to be anything over a few hours.

Chairperson Marchio asked for questions from staff and EIS consultant.

Paul Morgan asked Ms. Brady to clarify the issue of Milfoil. He understood that in the original EIS it was stated that the mechanical disturbances enhances the Milfoil. How will we control the smaller rhizome dispersal? Ms. Brady deferred to Ms. Shade. Ms. Shade stated that there is no mitigation because there is no other available mitigation that meets the 208 Plan or the Lahontan basin plan that will eradicate this plant. The TRPA has put the issue into the Fisheries Section and the Vegetation section for this threshold evaluation to develop methods for eradication. This is a regional issue and is not specific to the Marina. There needs to be changes made to the 208 Plan but not as a mitigation in this master plan.

Mr. Morgan asked if it was true or not that this plant started in this area. Ms. Shade could not answer this question. No one knows where started due to boats spreading the milfoil.

Paul Morgan asked Ms. Shade where oil spills are stored. Ms. Shade responded by saying that currently every marina is required to file a spill plan with Lahontan (in California). Sponges and buckets for hazardous spilled materials are available at the gas stop. Also, the TRPA and marinas are giving out free buckets and sponges for containment of spills.
Paul Morgan asked about the status of the Land Exchange. Ms. Shade said that the Tahoe Keys Marina is still in negotiations with the California Tahoe Conservancy (CTC) and deferred to Dick Horton. Mr. Horton, a co-owner of Tahoe Keys Marina (TKM), said that the negotiations are still “up in the air”. Mr. Horton explained the history of the negotiations and explained that as a part of the exchange, the CTC has said that if the exchanged land is not managed the way that the CTC wants it to be managed, then the CTC should be allowed to take the land back. Mr. Horton expressed that this is a “deal breaker” for the TKM and he does not see this working out.

Paul Morgan asked about the use of the infiltration trench with large rocks for the boat wash. He said that this system has not been identified as very efficient at protecting toxic paint materials from being released and wanted to know if a better system has been identified. Ms. Shade deferred to Sheila Brady.

Ms. Brady believed that the drainage plan was changed in the appendix of the Final EIS. The new drainage system was expanded and improved and leads to a large detention base. Mr. Morgan could not determine that this detention base included the boat wash. Ms. Brady deferred to the Laurie Kemper. Ms. Kemper referred to Hydro 1 (page 15) where it is stated that the boat wash system is under cover and the runoff will be directed to the sanitary sewer and not the storm water infiltration system.

Leo Poppoff asked about the PAOT system and how transient boats are counted in this system. Sheila Brady deferred to Coleen Shade. Ms. Shade explained that the PAOT system does not accommodate transient boats. In the master plan, slips do not equal boats. Looking at capacity of maximum number of slips do not account for all emissions. Looking at the boats only will accomplish this. Therefore the PAOT system only reflects the number of boats that can be tethered at one time not the number of slips available. Mr. Poppoff said that he read that there are 2000 PAOT’s for boats allocated to Marinas. Is this an additional 2000 or does that include what is in activity now? Ms. Shade said that that is in addition to what was seen as legally existing when the plan was adopted. Mr. Poppoff asked if sometime or another we will see an additional 2000 slips or buoys around the lake. Ms. Shade answered in the affirmative but only in marinas.

Leo Poppoff asked about the PAH limit of 20 μ per litter based on a study that was not done in the Tahoe Keys and therefore does not apply to the Tahoe Keys.

Ms. Shade responded that the 20 μ should not be used until studies are done around the lake. 20 μ is probably high in terms of concentration
because of the turbidity of the water inside that lagoon. There is no penetration of light and therefore you don't have the enhanced photo toxicity as you would in open water.

Mr. Poppoff clarified that he understood the level analysis but he did not understand that Dr. Oris came to Lake Tahoe and did a study. Ms. Shade commented that he did not. He took data from the Tahoe Keys. Mr. Poppoff understood that further research would be done. What happens if the 20 µ to the Tahoe Keys is too high? How will this affect the master plan? Ms. Shade referred to Hydro 6 where the language read "...or at such time that additional information is provided that would amend this standard." This information could come from Dr. Oris, State of California or some other standardization process. The baseline will be changed as the information changes.

Chairperson Marchio asked for other questions. There were none. Moved to public hearing.

Dick Horton, applicant for the Tahoe Keys Marina, commented on the marina and his commitment. Mr. Horton noted that many believe that the Marina is the largest activity that takes place in the lagoon but the marina is only about 1/3 of the total slips available in the marina. So when PAH's are discussed, it is important to keep in mind that there are several sources of PAH in the marina. He stated that the Marina provides fuel and holding tanks to Tahoe Keys Property Owners (TKPO) who probably have 1000 boats. Mr. Horton gave some background of the master plan and commented on the fact that it is required by the TRPA because it will hold more than 10 slips even though other groups within the lagoon have more than 10 slips and are not required to file a master plan because they are not marinas. Mr. Horton stated that even though the process is lengthy and costly, he hopes that the costs are offset by the income in the long run but he has come this far and would like to see it through.

Laurie Kemper asked in what order the new slips would go in. Mr. Horton answered utilizing the map and indicated that the first slips would go in on either side of the large dock and then depending on PAH studies, additional slips would be added in the least intrusive areas. Most likely in the South End because the North End does not have enough water. Ms. Shade interjected that because this is a problematic EIS you don't see where the slips are going in. However each phase of slip additions will be evaluated and an initial environmental checklist (IEC) will be completed when each one comes in.

Dave Roberts, League to Save Lake Tahoe, prefaced his comments with the disclaimer that comments on problems with the EIS do not necessarily represent opposition to the Marina expansion. As a matter of policy the League is not opposed to the boating Marina expansion provided that the
impacts associated with these activities and the required facilities can be fully justified and/or mitigated. The League is trying to make this a precise effort and exercise so we can establish impacts and resolve them better. Because this is a precedent setting EIS, it is important to adequately analyze all future and cumulative programmatic impacts. Mr. Roberts does not feel that there is enough information to accomplish the goal of establishing all precedent setting criteria or adequate analyses for projects associated with this specific EIS. This is why he also feels the need to distinguish between projects and program EIS’s. This is also, why the EIS needs to be held to a very high bar and provide proper procedural and analytical policies that are established now rather than at later dates. The problems the League sees with this EIS are: 1) Incorrect representations of actually existing physical conditions present at the Marina at the time of notice of preparation of this document, 2) The establishment of baseline conditions is yet to be completed and 3) Runoff of related discharge is concluded to be insignificant despite any accurate justification for such a determination.

The determination of baseline water quality data is critically important especially in consideration of violations already associated with Tahoe Keys Marina. Corrections in the final EIS do not contain enough specificity. There are no specific schematics for what the final Southern Expansion will look like. We don’t know what, if anything, can be developed in that area. The establishment of baseline guidelines will be compromised due to the illegal docks currently existing. The pre-project conditions are not met by mitigations and mitigations cannot be accomplished unless the pre-project conditions are accurately reflected. Although, the data that was collected last year gives an idea of what continued growth can do to the baseline levels themselves.

In regard to noise, the League feels two different noise standards were raised. Cumulative noise standards and single use noise standards. Mr. Roberts feels that the single event noise standard was discounted because it was confused with the long-term cumulative noise standard. Single use noise was dismissed as less than significant because it was determined that increased activity would not produce more than a 3-decibel increase in the long term. Mr. Roberts feels that this finding does not address the issue of single use but long term only. He feels that the single use will increase significantly due to more boats and bigger boats that make more noise.

With regard to storm water runoff, Mr. Roberts feels that the finding of less than significant was inaccurate. He feels that rather than looking at each component of the master plan individually, when taken together, there could be a significant impact.
The League is unclear what the mitigation regarding shore zone is.

Mr. Roberts urged APC to not consider the EIS final at this point. He asked that the baseline first be established and then the EIS could be finalized. There are too many inconsistencies in site plans and actual area and too many open ended questions and uncertainties. He feels that we need greater analysis.

Chairperson Marchio asked for questions.

Chairperson Marchio asked if all of the issues Mr. Roberts raised today were identified in a letter to the TRPA. Mr. Roberts responded in the affirmative saying that the EIS responded to the Leagues letter. Chairperson Marchio asked then if Mr. Roberts was disagreeing with how the EIS responded to these comments. Mr. Roberts answered in the affirmative.

Kevin Cole questioned whether what Mr. Roberts was saying was contradictory to the premise that this is a programmatic EIS. He thought what was being said was mitigations were based on build out. What he understood mitigations were supposed to do was mitigate impacts and if a particular project comes along that does not reach build out or doesn’t reach those maximums, then there will be different mitigations. It seems to him that what is appropriate is mitigations that mitigate the project and not mitigations that are generally applied to everything without regard to a specific project. Mr. Roberts disagreed with relation to storm water treatment because the runoff drains to one water quality mitigation site in the entire basin.

Mr. Cole thought Mr. Roberts thought it was appropriate to call each slip equal to one boat. But he thought Coleen thought this was not appropriate. Mr. Cole was confused because it seems that by looking at the slips only would allow more boats. Mr. Roberts commented that there was not an adequate way of judging using the slips. Mr. Roberts believes that you should call a slip a boat because if we don’t then a slip could be two boats.

There were no more questions of Mr. Roberts.

Jim Phelan, Tahoe City Marina, spoke in favor of the master plan process. He discussed how a marina provides a “controlled” environment as opposed to an open ramp or some other boat launch area. He explained that boating activity is only high about 4 months out of the year and that it is best to be ahead of off shore growth in terms of controlling the number of boats in the water prior to new residents with new boats in the water.

(Break at 11:20 a.m.)
(Reconvened at 11:30 a.m.)

Chairperson Marchio called for APC discussion.

Paul Morgan questioned TRPA staff with why TKPO and Tahoe Beach have unrestricted boat slips. Gabby Barrett responded that when in planning stages, the main issues were ski areas, marinas and community plans or commercial areas because of the need for control in these areas. Mr. Morgan wanted to know if we could go back and fix this. Mr. Barrett felt that we could and that would probably be the next issue with the lagoon but that the regulation of the community plans or commercial areas has helped. Mr. Morgan stated that the federal government has found a way to deal with this issue with 5-year permits.

Mr. Barrett agreed that this should be looked into later on. Coleen Shade asked if Mr. Morgan was referring to California State Lands’ permits. Mr. Morgan responded that no he was referring to water quality.

Laurie Kemper stated that Lahontan would be doing some sampling in the beach and harbor area and if they see that the numbers are high in that area, and then they will be able to take some sort of action in that area. She also stated that Lahontan is funding a comprehensive study on PAH in summers of 2001 and 2002 on toxicity impacts or emissions rates of certain boats for future action.

Ms. Kemper questioned the handling of the realities versus the 1998 version that was before them. Ms. Shade responded that in the Heavenly Valley Ski Area Master Plan, the original was incorporated in the final plan as well as what was included since the original the mitigation and the monitoring.

Ms. Kemper commented on Mr. Roberts’s comments about boat slips and asked if the more slips means more boats. Ms. Shade replied in the negative. Ms. Kemper asked then if we could make the language clearer in Hydro 6 and state that the boat number will not exceed 50 in the first phase. Ms. Shade pointed out that indeed this language is under V. 9. and said that they would be sure to add “...and not to exceed 50 boats.”

Ms. Kemper prefers that all bilge water go to some kind of treatment facility and then to a sanitary sewer. It did not seem that this was going to happen as it was written. She noted that at one place in the EIS, it seemed that it was going to a sanitary sewer, and at another it is saying that with boats that are being pulled from the lake the water is being pre treated with a sand oil trap before being released back into the ground. Ms. Shade reiterated Ms. Kemper’s preference asking if Lahontan would prefer that all
bilge water be sent to vault and then to the sanitary sewer. Ms. Kemper agreed but added that if not a vault then needs to be adequately pre-treated.

Ms. Kemper also clarified that under Hydro 6 where it discusses sample taking; the minimum sample will be 3 in June and 3 in August on days 1, 7 and 14.

Ms. Kemper also stated that she would like to change Hydro 6 where after the 3 phases and permit section, regarding the mitigation, she would like it to read, “if PH sampling after any phase of construction indicates that the additional boat slips has resulted in an upward trend in PAH concentrations...” She said that right now it looks like mitigation only applies to first phase. She stated that the wording could read “any” or “every” phase.

Also, under number one for the mitigation measure, her staff asked that the wording be changed from 4 stroke fuel injected rather that just 4 stroke engines.

Ms. Kemper noted that it mentions restricting boat launching and not the possibility of reducing the number of slips. She asked if there is an option to add that here (under mitigation 1). In terms of the storm water treatment, Ms. Kemper stated that Lahontan shares some of the same concerns as the League to Save Lake to Tahoe. There seems to be inconsistencies, such as the volume of the pond. Also not sure that the proposed basin is the best type of storm water treatment that can happen at the Marina and will be working with the applicant trying to incorporate any new and innovative treatment options when construction takes place. The Lahontan permit will require monitoring of the storm water treatment plan. But does suggest that the EIS does include a mitigation measure that the Tahoe Keys marina is committed to evaluating the storm water discharge and if found in violation of the Lahontan permit that they would be committed to the correction of these violations.

Leo Popoff asked Laurie Kemper if the plan for storm water treatment within the EIS is adequate as it stands now. Ms. Kemper said that she is concerned because the numbers are wrong and there is plan for a lined pond and they may inhibit vegetation and may not be the best BMP. There are alternatives to the lining of the pond, such as semi-permeable clay liners. Mr. Popoff then asked if Lahontan would require alternative storm water treatment before the project gets under way. Ms. Kemper answered in the affirmative.

Mr. Popoff expressed concerns with Mr. Roberts comments about vegetation that suggested that the requirements for vegetation cover is
only 1/3 of what is there now. Ms. Shade commented that there is currently quite a bit of cover that was there for fish cover. In putting more cover in, there would not be any benefit.

Mr. Poppoff asked then about mitigation for PAH. He stated that the treatment plant put in is impractical. Ms. Shade stated that if PAH exceeds any of those three mitigations, the plant is offered as an alternative thus making it a 4th potential mitigation. In terms of its impracticality, Toby Haines looked at the use of carbon in the plant to remove PAH. The process is very costly but it is still an alternative if the first three mitigations prove unsuccessful. Ms. Shade also elaborated that if none of the four measures work, then removal of slips from the entire lagoon would be looked at.

Ms. Kemper commented that page 4B, 6a and 7a are missing language. Ms. Brady clarified that if they were not revised, than the language was not included.

Ms. Kemper also asked about adding use inventory during the PAH sample. Ms. Shade asked for clarification on the idea of use inventory. She wanted to know if Ms. Kemper meant occupied slips or number of launches or both. She wanted to if she meant the whole lagoon. Ms. Kemper answered that she wanted both occupied slips and number of launches in the whole lagoon if that could be done.

Chairperson Marchio asked about the fifth mitigation measure that could possibly be added. Ms. Shade responded by saying that if the PAH mitigation is exceeded and the four mitigations were unsuccessful, then Tahoe Keys Marina may need to remove some slips. She stated that legal counsel is looking at requiring all of the lagoon inhabitants to remove slips. She stated that the wording needs to be added. Chairperson Marchio asked if APC wanted this wording added. Ms. Kemper stated that although the wording is not exactly here, it is clear that Lahontan and the TRPA will come together to require the whole lagoon to act. Ms. Shade expressed concern that if these four measures aren’t working, the fact that it does seems that the 4 stroke boats generally used in within Tahoe Keys Marina are cleaner than the boats used by Beach and Ski and Tahoe Keys Property Owners. Ms. Shade believed that if the wording is left to include the whole marina, then it is fine the way it is.

MOTION: Kevin Cole moved to recommend certification to Governing Board will be to adopt changes made to the EIS and approve the Master Plan. Specific changes to be made are to Hydro 1, Hydro 4, Hydro 6 and project requirements as discussed.

SECOND: Paul Morgan seconded.
MOTION CARRIED

Lunch break 12:10

Ron McIntyre and Laurie Kemper left for the day – Quorum Remained
Return from lunch 1:07

Chairperson Marchio moved to item E after lunch due to staff presence.

(Due to a personal conflict, Randy Lane removed himself from the dais.)

Paul Nielsen, Tahoe Regional Planning Agency Senior Planner, Project
Review, gave a presentation on his staff summary regarding allocation of
special project tourist accommodation units. The allocation outside of the
pool requires one to one tourist to resident ratio. The proposed project is a
110 unit timeshare project formerly known as Roundhill Vacation Resort
Project is now known as Worldmart: The Club at Lake Tahoe is located at
the North West Corner of Hwy 50 and Elks Club. The project requires the
demolition of Lake Park apartments on Kahle in order to transfer units and
relocate some land coverage as well as to create a storm water detention
basin system and restore part of the stream environment zone to its pre-
existing condition. The storm water detention basin represents an
environmental improvement that goes above and beyond the requirements
of the project. The building of a 64-unit affordable housing project on the
lower Kingsbury grade area is a third mitigation requirement due to the
loss of the affordable housing at the Lake Park building. The focus of the
staff summary and presentation is the fact that this project is going above
normal environmental improvement especially with the storm water
detention design, which was not required. The project was given a 79 of a
minimum 75 required and staff recommends the projects approval.

Chairperson Marchio asked for questions of staff.

There were none.

Chairperson Marchio asked for public hearing items.

Lew Feldman of Feldman, Shaw and Devore commented that he approved
of the score and liked the project and looks forward to moving forward. He
asked for questions. There were none.

Margo Osti of Our Lady of Tahoe Catholic church challenged the score of
79 because of the displacement of the Lake Park Tenants. Ms. Osti did not
believe that the tenants of Lake Park were being provided housing to the
displaced tenants. Mr. Cole asked Ms. Osti if substitute units had been
built. Ms. Osti answered that they had been built but that the Lake Park tenants are not being given first priority to the units. She stated that the units are being given to anyone in the public.

Mr. Cole asked if all of the new 64 units are set aside for affordable housing. Ms. Osti answered that that was in question as well. She stated that she would be meeting with HUD on June 13 because she believed that some of the units are market rate.

Mr. Cole asked if it was a requirement that all of the displaced tenants be replaced. Ms. Osti state that there was documentation in the special use permit that additional housing is suppose to be supplied for the existing tenants before the remaining units are demolished. Mr. Cole asked if all were required. Ms. Osti replied that it does not say all or none or those who qualify.

Randy Lane (member of public), owner of the affordable project at Kingsbury Grade, said that there are no market rate units in the new building. Mr. Lane said that they have made every effort to comply with the TRPA to the letter.

Tom Porta asked how many of the old tenants were relocated. Mr. Lane commented that the Lake Park units were not affordable housing units. They were just in such ill repair that they were affordable. Therefore, with the new units, the tenants have to qualify to live there. In addition, the new units are not the same size as the old units and can only legally hold 2 adults plus 1 for each bedroom. By attrition, the Lake Park units are very transient. Gave financial incentive to tenants to relocate either to Kingsbury building or to some either site.

Chairperson Marchio opened up the floor for discussion.

Mr. Nielsen asked to clarify that the project is under way and as is under any project, mitigations are not expected to be complete until the project is complete.

Chairperson Marchio asked Mr. Nielsen to respond to Margo Osti's comments.

Mr. Nielsen said that the critiquing the environmental improvements that were going to result in the project above and beyond what was required for mitigation. On Page 36 we gave one point for affordable housing not because the units were required by mitigation but because of the quality of the units. Computer services are going to be provided for the residents of these facilities. We felt a point was justified, however if the commission
feels it is not, then the resulting score will still be above the 75 needed for approval.

Mr. Combs asked if Mr. Nielsen could expand on the issue of priority treatment of displaced tenants. Mr. Nielsen deferred to Mr. Wysocki who stated that residents must meet the qualifications for affordable housing even if permit applicant is required to provide housing for residents, therefore some that are displaced may not qualify and therefore will not be given residence in the new units.

Chairperson Marchio asked Mr. Nielsen if they were to understand that even if the commission removes the point given for affordable housing, the permit would not be affected. Mr. Nielsen answered in the affirmative.

Mr. Tolhurst asked Mr. Nielsen to explain how it seemed we had a certain number of units available they applied for 28. How did they come up with that number? How do we decide this? Mr. Nielsen stated that we take all applications and all portions of the application into consideration. Whoever gets the highest score would be approved.

**MOTION** Mr. Wysocki moved to approve the staff recommendation.

**SECONDED** Mr. Porta

**MOTION CARRIES**

Chairperson Marchio moved on to item B, Amendments to Chapters 2, Definition of Affordable Housing; 33, Conversion Rules; 35, Substitution of Bonus Units, and Related Code Chapters to Promote Affordable Housing, of the public hearing items.

(Randy Lane returned to the dais.)

Ms. Shade presented her staff summary and stated that there was one set of findings for all three amendments. She asked for a positive recommendation for all three changes. She stated that all three proposals come from the local affordable housing committee. With regard to the definition of Affordable Housing, the committee added the phrase (located on Page 8) “deed restrictive” to be used exclusively. Meaning you are only eligible for the bonus units of affordable house if you deed restrict those units for affordable house and meet the criteria identified in the definition. Also added to the definition is the identification that within a multi-person dwelling, the individuals eligibility is determined by the individuals themselves not the accumulation of the individuals.
Also recommended under the definition is the amendment of the environmental checklist to reflect changes made to the definition. This would mean removing 12B and rewording 12A by adding sections 1, 2 and 3 under this section of the environmental checklist. Under 12A, section 1 would read, “Any project has the potential to affect existing housing if it decreases the amount of housing in the Tahoe region.” Section 2 would read, “The project has the potential to affect existing housing if it decreases the amount of housing in the Tahoe region historically or currently rented at rates affordable by lower and very low income house residents.” Section 3 would read, “A project has potential to create demand for additional housing if it requires the employment of 10 or more individuals.”

Ms. Shade went on to introduce amendments to Chapter 33 7 (c), 7 (d) and 7 (e). These have to do with conversions. Currently you cannot convert a tourist accommodation to a residential. We are recommending that we allow the wording to (c) to allow for residential uses to come from tourist accommodation units only when they are certified to meet the local jurisdictions health and safety standards for residents. This conversion does not include the ability to convert to single family. The same language is added to (d). Item 7 (e) is completely new. It is only for the conversion to affordable housing, if it is a modification project. This section also specifies the same as sections (c) and (d).

Ms. Shade also introduced a new chapter in Chapter 35 under a subheading of Bonus Units Substitution. When you have a residence unit that is not deed restricted, and you bring it up to public health and safety standards, get the building certified and you report a deed restriction on the property for affordable housing and then the TRPA assigns 20 bonus units to that building. You are then able to transfer off existing development rights to another project. The Code already allows this but this paragraph makes it stricter. Under this change, you can only transfer off to a multi-family or multi-person project. The traded to building does not have to be affordable.

Chairperson Marchio asked for questions.

Alan Tolhurst stated that he is not clear when a building is a rental, residence or a tourist accommodation unit. Ms. Shade deferred to Gabby Barrett. Mr. Barrett answered that under the Code, we have tourist accommodations under a major use category and then we have residential. Residential is designated under long-term residency. These definitions are not perfect but for right now it is what we have. The vacation home phenomenon is an anomaly. We will be able to determine between based on when someone wants to do a conversion and we go out and it is not what it is designated as. Mr. Tolhurst stated that 33.7 (c) is confusing. Mr.
Barrett explained that the conversions are from residential to tourist and/or tourist to residential.

Kevin Cole commended Ms. Shade and the Local Government committee on these changes. They are well thought out. Mr. Cole asked Ms. Shade to define multi person dwellings. Ms. Shade responded that a multi person unit is a unit where many people not related by marriage, blood or adoption reside. This definition is from Chapter 18.

Randy Lane asked Ms. Shade about the last sentence about projects receiving existing development rights under section 35.2. He wanted to know if the project is getting bonus units or does that mean that whatever you are scripting off can't be subdivided. Ms. Shade answered that whatever project receives existing development rights, that project can never be subdivided unless by some other allocation. However, an affordable project can be subdivided into another type of affordable project. Chairperson Marchio commented that the City was concerned about this issue several years ago and under today's rules you could not subdivide whether or not it is affordable.

Leo Popoff asked if you deed restrict, could you only rent to those who qualify? And if so, then what happens if they get a higher paying job? Ms. Shade answered that she believed a lot of jurisdictions have the rule that a person has 30 days after eligibility ends to move out. This is not a clear-cut rule though and it does not apply to everyone.

Mr. Popoff asked if affordable housing could be owner occupied. Ms. Shade answered that if it was a first time homeowner then yes but otherwise it would be rental. Mr. Popoff asked about the selling price of these owned home. Ms. Shade said that the CPI calculates the selling price.

Alan Tolhurst stated that cost is determined by the income of the county. He stated that Tahoe is not reflective of El Dorado County and probably not of other counties either. He is concerned those that can afford it will overshadow those who need the housing. Mr. Wysocki agreed but said that this is the only definition we have. Unfortunately is the best we can go on.

Randy Lane answered on the last two points brought up by Mr. Popoff and Mr. Tolhurst. He stated that yes if you no longer qualify than you need to move out. Also, what is not generally understood, besides being a maximum there is also a minimum requirement of 30% of income. The numbers are based on the percentages and family members.
Paul Morgan asked if the local government committee is still functioning. Ms. Shade answered in the affirmative.

Chairperson Marchio asked about Ms. Shade's reference to certification by local jurisdiction. He wanted to know what this means. Ms. Shade answered that an inspector who checks the size of the unit, the electrical, etc., certifies housing units. Basically he/she inspects all typical UVC needed for certification. Chairperson Marchio asked about the exterior of a unit. During conversion process is exterior of units under investigation as well? Ms. Shade answered that under Chapter 33 a conversion permit is required to come up to TRPA standards. We could include this same language in Chapter 35.

Chairperson Marchio asked about sewer allocation. Ms. Shade stated that some may need extra sewer allocation and some may not. Chairperson Marchio stated that the potential exists and Ms. Shade agreed.

Alan Tolhurst asked if each jurisdiction had a certified requirement? The UVC requirement is very stringent and if just basic needs then UVC doesn’t need to be. Mr. Cole answered that the government committee is speaking about a basic life safety inspection not current UVC standards.

Chairperson Marchio answered that the city of South Lake Tahoe has standards that applies to this, the legalization of illegal unit program. Mr. Cole asked where the standard ends. Ms. Shade answered that the city standards program is something that was looked at. The rules for brand new versus modification and will look more at modification rules and leave it to the jurisdiction. The TRPA is not in this business and wants to leave it to the jurisdictions.

Chairperson Marchio opened the Public Hearing.

Margo Osti, Our Lady of Tahoe Catholic Church, commented that the exterior is as important as interior as far as regulations are concerned. She commented that this importance was discussed and is implied in the wording of this.

Ms. Osti addressed the fact that the board has intentionally neglected of the vacation rentals of residential rentals. She stated that this is a serious issue and one of the reasons we have a housing crisis. She feels that it is now a time to regulate this as an allocation.

Ms. Osti also responded to Randy Lane’s previous comments and said that she gets her information from Mary Lu Bentley, the director of Nevada Rural Housing who has different information then Mr. Lane. She also stated that she gets her information from Lane Waight, the Nevada director of HUD. She feels that she is informed.
Ms. Osti then responded to Alan Tolhurst's comments about government programs for people who do not meet the minimum to get into affordable housing. It is called Section 8.

Leo Poppoff asked how a person who has a second home up here and does not rent it out part time affects the housing stock. Ms. Osti did not feel that this type of person who does. It is the person who rents that house out as a way of paying for the mortgage. Mr. Poppoff also asked then if those people who rent out those homes don't provide business for local businesses that provide services/products for tourists and thus building a job need for more locals. He asked how this hurts the locals and stated that he doesn't see why they should then be made illegal. Ms. Osti responded that these units are not tourist allocations. There are only so many tourist allocations that are to be used in the basin as a means of controlling population. Therefore they are not being used in the way they were allocated and are already illegal. She also stated that this not only negatively affects the residential areas with more traffic, noise, etc., but it negatively affects the true tourist industry by taking away from their business.

There were no further questions of Ms. Osti.

Mr. Feldman came forward and commented that the amendments are going in the right direction. He stated though that these amendments are a small step and are trying to create more deed-restricted stock. The hard part lies ahead with regard to coverage and height restriction.

Chairperson Marchio then opened up APC Discussion.

Chairperson Marchio asked if some one could temporarily deed restrict. Ms. Shade stated that the only temporary deed restriction is in Chapter 35 under bonus units. Which states that a unit will remain as affordable until such time an allocation is transferred to that site and the bonus unit is given back. However, the deed restriction is going to depend on the funding source. If someone is funding on their own, then yes it can be temporary. Chairperson Marchio asked if they could give back their bonus units. Ms. Shade stated that this was not the intent.

Chairperson Marchio then stated that he is worried there is enough incentive to get these conversions. He wanted to know if the CFA would give more people an incentive as long as it is kept to TRPA standards. Ms. Shade stated that the League had concerns over chapters 35 and 33.7(e). Negotiations have led to the maintenance of coverage. Mr. Marshall also stated that there were the Bonus Units to work with to provide incentives under the existing pool of allocation. Mr. Barrett stated that you give up
the tourist units to make it commercial. We aren't solving the affordable housing we are just taking a step.

Randy Lane stated it wasn't possible to create a CFA and do a bonus unit. You can transfer off a TAU but when you do this, the amount of CFA if predicated to what the TAU was. He asked then if it was possible under the Affordable Housing Program you could say you are not going to do your project as a TAU but going to convert to a CFA and then still use existing structure. APC stated that no you can't do this. Mr. Lane then stated that that was his understanding; you can only do one or the other.

**MOTION:** Kevin Cole moved to accept staff recommendation and amend the chapters that have been modified.

**SECOND:** Mr. Jepsen seconded.

Discussion: Chairperson Marchio asked if the language could be added regarding exterior standards. Mr. Cole stated that he would like to see the language first. Mr. Tolhurst stated that it sounded as if Ms. Shade was suggesting that in 33.7(c) the language already exists and it should just be inserted in 33.7(e). Ms. Shade agreed.

Chairperson Marchio presented the Motion and Second and point of clarification.

**MOTION CARRIED**

Chairperson Marchio moved to item C under public hearings, Amendment of Chapter 81, and Water Quality Sub element of TRPA Goals & Policies, to Allow an Exception to No New Wastewater Discharge Standards for Emergency Fire Protection.

Larry Benoit, Senior Water Quality Program Manager for Long Range Planning, gave a presentation on the staff summary concerning amendment of chapter 81, and water quality sub element of TRPA Goals & Policies, to allow an exception to no new wastewater discharge standards for emergency fire protection. Mr. Benoit proposed the recognition of the potential use for catastrophic fire protection of the South Tahoe Public Utility District (STPUD) pump station as a unique situation and prevent the destruction of that station. This will help avoid a much larger discharge of wastewater to the Upper Truckee region. The potential use area is 200 feet of either side of Grass Lake road and the use would be only for wild fire. The language limits the use to a last resort situation. The fire commander would have to certify to the TRPA that the use is last resort.

Chairperson Marchio asked for questions.
Leo Poppoff asked if Lahontan is in agreement. Mr. Benoit answered in the affirmative. Mr. Benoit stated that this supersedes the basin plan and in a catastrophic instance supersedes Lahontan’s water quality standards.

Kevin Cole stated that he was confused as to the use of the water. In the staff summary it states the water is to be used in protection of the pump station and in Mr. Benoit's presentation, the water is to be used for wild fire only. Mr. Benoit stated that the protection of the pump station is to be from wild fire.

Mr. Tolhurst asked if the water undergoes any more treatment after it leaves the plant. Mr. Benoit deferred to Dennis Cocking from STPUD. Mr. Cocking stated that the water is advanced secondary treated and meets all the requirements for wildlife suppression. The fire fighters are confused regarding turbidity versus chloroforms. It was written so that turbidity units are secondary. The water is disinfected and is essentially the same as the water used to irrigate. Mr. Tolhurst asked if it was just the Nitrogen and Phosphorous that was the issue. Mr. Cocking answered in the affirmative.

Tom Porta asked if the 6 proposed hydrants are protected from destruction. Mr. Cocking stated that they have been protected to the best of their ability. There is a special valve installed that requires a special tool to open and only STPUD, Lake Valley and the Forrest Service have this tool. The valve is shut off so that the hydrants are not charged all of the time. There is a seal over the valve so that if the seal is broken STPUD would be alerted. In addition, each hydrant was equipped with an inline flow meter that will allow for the hydrants to be periodically checked. In addition, the hydrants are painted distinctive lavender and there is a signage that indicates not to drink the water. There is also some additional signage that will denote recycled water.

Mr. Poppoff stated that it is curious that the water can’t be used on a structure because of turbidity. Mr. Cocking agreed.

Robert Jepsen asked about the permission to use the hydrants. Mr. Benoit explained that it is a certification process. This way the TRPA will know that these conditions prevail. The process would be a letter after the fact or within the process.

Chairperson Marchio opened the public hearing. There was none.

Chairperson Marchio opened for APC discussion and / or recommendation.

MOVED: Mr. Poppoff moved for approval of staff recommendation.
SECONDED: Mr. Jepsen seconded.

MOTION CARRIED

Chairperson Marchio moved to item D of the public hearings portion of the agenda, Amendments to Chapter 28 and Related Chapters to Further Define the 100-year Floodplain

Tim Hagan gave a Power Point Presentation on his staff summary regarding amendment to chapter 28 and related chapters to further define the 100-year floodplain. Mr. Hagan specifically focused on section 28.3 and the problem of needing inclusive and conservative maps of the floodplain. There are conflicts of information right now between the two major types of maps provided by the Federal Emergency Management Agency (FEMA) and the Army Corps of Engineers (ACE). Mr. Hagan and feels that the major difference between the two map types is approximate vs. detailed studies with FEMA being a more detailed study and ACE being a more approximate study. Mr. Hagan proposed that the TRPA utilize FEMA maps because they are much more updated and detailed. Mr. Hagan recommended that the TRPA utilize FEMA where there is no map, submit ACE to FEMA for FEMA update when only ACE exists and use FEMA where FEMA exists.

Chairperson Marchio asked for questions of Mr. Hagan.

Mr. Combs stated that it was his understanding that before you get a LOMR you get a CLOMR. Once a CLOMR is done, you do the improvements that are required and then you get a letter of map revision (LOMR). Mr. Hagan deferred to Ken Naumen, FEMA Region 9 San Francisco. Mr. Naumen explained that a conditional letter of map revision (CLOMR) is an optional event. A CLOMR can be submitted if someone needs immediate approval of a building project. A CLOMR is submitted and approval is given and then you can go ahead and build as outlined on the CLOMR prior to the LOMR being completed. Otherwise you would have to wait for a LOMR to be completed without the specifications of a specific project.

Mr. Naumen further explained that all the communities that are supported by the TRPA have participated in the FEMA national insurance program and are therefore obligated to perform certain actions and by consolidating this mapping process, which is what this study group has been trying to do, you are going to have standardization throughout which will facilitate your mapping process and your servicing you constituents in a more efficient process.

Mr. Combs asked if we hired a local PE as a study contractor who certifies that flooding will not occur and that parcel should not be within a 100-year
floodplain, would FEMA accept? Mr. Naumen said that yes you could probably use the letter of map amendment (LOMA) process which tells FEMA they have not made the map right. If conditions have changed after the map has been made a LOMR process is required that tells FEMA that conditions have changed and FEMA needs to change it. You just need a licensed PE to send a statement showing the TOPO and the necessary legal validation that the Lake is not going to exceed a legal limit than he is inclined to believe that FEMA will change it.

Leo Poppoff asked if most of the urban areas around the lake are mapped by FEMA now for floodplain. Mr. Hagan answered that ACE has generally antiquated information on 7 basin drainages. ACE has approximate studies on 44 of 63 drainages in the basin. FEMA has approximate studies on 17 of the 63 drainages. So in most of all South Lake Tahoe, Incline and Tahoe City have ACE or FEMA studies on them. Mr. Poppoff then asked how a project proponent should know to hire someone to tell him he is not in a floodplain. Mr. Naumen stated that the permitting process on any construction or remodels requires that the participating community to review the permit when it comes in to determine whether the structure is in or out of the floodplain. At that time if it is not mapped, it is not a designated floodplain by FEMA’s standards with the exception of the West side of the Lake (Map Zone D) which area we believe might flood but we haven’t done anything about telling anybody how it will flood. Essentially it is an anomaly to our mapping process. It is hard to determine how the water will flow in this area. FEMA would like to do a detailed study on this area but it has not been identified as needing mapping. If an area has not been identified as needing mapping, then the mapping isn’t going to get done. This usually occurs in undeveloped area. Mr. Poppoff asked then if the entire West side of the Lake is then a floodplain. Mr. Naumen answered that yes on the South end of the West side it has been designated as Zone D and we think it might flood. Mr. Hagan added that at the TRPA’s discretion we could initiate a study if the area warrants.

Pete Wysocki asked if the TRPA has a PE on staff. Mr. Hagan responded that a PE might not be the best candidate to determine need. TRPA staff is often times more qualified but a PE will need to be hired.

Paul Morgan asked why there was not representative from the El Dorado County on the board of the committee. Mr. Hagan said that they were invited but did not show up. Mr. Morgan then asked what the issue is in El Dorado with Sierra Pacific. Mr. Hagan answered that he was not clear but that El Dorado is financing the Georectification process. Mr. Hagan commented that partnering among many at the GIS level is preferred and has been initiated.
Mr. Wysocki commented that Douglas County has all the field maps on the GIS system, which are parcel specific and would be willing to give those maps for the Tahoe Basin.

Eva Krause asked about the wording of 28.3 A1. She said that it sounded as if they could second-guess FEMA. Mr. Hagan asked then if she wanted the wording to read, "...if a floodplain exists in an unmapped area." Ms. Krause said that is what she believes it should read. Mr. Hagan said that the TRPA does retain discretion whether or not a map exists. Ms. Krause then said that she thought there should then be a list of criteria for why the TRPA is submitting a change or request for a new map. Mr. Hagan agreed that there is and should be criteria regarding whether or not it exists.

Ms. Krause asked why if FEMA hires a PE does the TRPA also need one. Mr. Hagan answered that we wouldn't always but there will be a need to document and Baker and Associates is whom FEMA uses and the TRPA may need another opinion. Ms. Krause stated that this was an excess cost to the applicant. Mr. Hagan said it would only be a cost when it is needed. Ms. Krause said then this cost should be a TRPA cost. Mr. Hagan took note of this concern.

Ms. Krause asked if there is a time limit for the review by the TRPA. Mr. Hagan answered that we should conform to the same 30/120 rule as all other processes.

Mr. Naumen responded to Ms. Krause's concerns regarding the use of PE's by both TRPA and FEMA. He stated that Baker and Associates' responsibility is to make the maps, not to do the engineering to validate so the process requires the study contractor to develop the engineering, come up with the information and submit it to Baker. Baker then validates and then will print the map. LOMA/LOMR process is designed for smaller mapping. Also, it is important to know that FEMA has a set of standards and FEMA encourages communities to be more restrictive and if an agency chooses to be more restrictive they should retain that right.

Mr. Gabby Barrett commented that it is important to deal with the floodplain issue. It is consistent for the TRPA to use FEMA. We need a process to deal with obvious areas that are mapped as a floodplain and are not. FEMA has this process and the TRPA should be using this process because it is easier than dealing with ACE.

Leo Poppoff asked if an applicant could hire a PE to challenge the TRPA. Mr. Barrett said yes but an applicant has to challenge FEMA not the TRPA. Mr. Naumen reiterated that for gross misinformation, an applicant just needs a TOPO and a survey. An engineer is only needed where information has changed or is not obvious. Mr. Hagan added that the
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redundancy is in place for expert comparison and explanation. Ms. Krause restated that if FEMA adopts a change then TRPA should not hire a PE. Mr. Hagan said that TRPA may need either way. Ms. Krause questioned why then all parties do not agree upon one engineer. Mr. Barrett interjected that the intent is not to argue the floodplain delineation. The intent is to be able to delineate without FEMA if needed. Mr. Naumen added that FEMA has a procedure that is called Best Available Data that says that if you in the community think that you have better information than two things happen; 1) You should use that better data in accordance with our policies, 2) The community has a responsibility to report changes in the floodplain. But, what is being talked about here is not likely if communication is good.

Chairperson Marchio asked for public hearing.

There was none.

Chairperson Marchio asked for a recommendation.

MOTION: Mr. Wysocki moved to accept staff recommendation.

SECOND: Mr. Morgan seconded.

Mr. John Marshall asked to clarify the language of the 3rd sentence of 28.3 A1. It should read "...if 1) no FEMA or ACE map exists and TRPA reasonably believes that an unmapped floodplain does exist or 2) if existing maps are reasonably believed to be inaccurate, the limits of the 100-year flood plain will then be determined by a licensed..."

Mr. Wysocki and Mr. Morgan accepted the amended staff recommendation.

AMENDED MOTION CARRIED.

Chairperson Marchio moved to item A. under Planning Matters of the agenda, Notice of Preparation (NOP) for the Tahoe City Marina Master Plan Environmental Impact Statement (EIS).

Ms. Shade reported that EDAW has been assigned as the consultant in this matter and the schedule as it appears now is an initial EIS/EIR draft will be ready in March of 2002 to initiate 60 day circulation. Ms. Shade asked that all issues the commission wishes to be addressed in the EIS/EIR be submitted to her in writing. She reiterated that this is a four party contract. She thanked Jordan for working with TRPA, EDAW, Placer County and Tahoe City Marina to get all of the contracting needs met in one document.

Chairperson Marchio asked for questions.
Bill Combs thanked Mr. Phelan from the Tahoe City Marina. He then stated that a notice of preparation procedure under CEQA was not followed and was concerned that there was not any coordination on this. He further stated it is not a big problem. It can be addressed. Ms. Shade answered that she would like to meet with Mr. Combs on this because Tahoe City Marina was preparing the CEQA document.

Leo Popoff asked about PAH and Marinas with regard to two stroke engines. He wanted to know if they are being phased out. Ms. Shade answered that all 2-stroke carbureted are almost gone. The 2-stroke 10 or less horsepower for auxiliary on sailboats will be gone in October of 2001. Then all 2-stroke carbureted will be gone. The 2-stroke electronic regulated engines will be around until October of 2001. The 2-stroke direct inject engines are and will remain legal on the lake. Mr. Morgan stated that he thought it was only a two-year extension. Ms. Shade explained that that was over this year.

There were no more questions of Ms. Shade.

Chairperson Marchio moved to item A under the reports section of the agenda, Executive Director Report.

Mr. Palma had to excuse himself early and left his report with Gabby Barrett. Mr. Barrett reported that the excess coverage issue passed the Governing Board and the dollar value was $12 for Nevada (the low end of the average side) and $6.50 in California with an appraisal due this winter that cannot exceed the $12 this first year. In the second year, both sides could go up but if the price goes down it could go down. The TRPA staff is trying to stabilize the market and get the price down to apply to entire basin.

The old growth issue passed the Governing Board.

The August event (Federal Meeting) is to be held the 20th, 21st, or 22nd for a day. This event is in the planning stage and all of the issues are being compiled. This event will bring attention to Tahoe.

The TRPA is working on a project review streamlining of infrastructure. We are working with advisory groups on this issue. In the last month or two we are getting a surge in back log and we would like to get that back down.

Kevin Cole asked if APC would get invited to the Federal event? Mr. Barrett stated that that was a question for Juan Palma.

Chairperson Marchio moved to item B of the reports on the agenda, Legal Counsel Report.
MEMORANDUM

July 3, 2001

To: TRPA Advisory Planning Commission
From: TRPA Staff
Subject: Amendment of Certain Sections of the City of South Lake Tahoe Substitute Sign Ordinance

Proposed Action: Staff proposes to amend certain sections of the City of South Lake Tahoe Substitute Sign Ordinances, adopted by the City and TRPA in 1994. See Exhibit A for proposed language changes.

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

Background: In the development of the Regional Plan, it is the policy of the TRPA Governing Board, in cooperation with local jurisdictions, to ensure that height, bulk, texture, form, materials, colors, lighting, signing and other design elements of new, remodeled and redeveloped buildings are compatible with the natural, scenic and recreational values of the Region. This is accomplished through the Community Design Subelement of the Goals and Policies, which established policies relating to the built environment. It states that the built environment should be brought into compliance with the established threshold, including the thresholds and policies found in the Scenic Subelement.

This policy is implemented through the regulation of regional outdoor advertising to ensure that commercial communication in all sectors of the community are compatible with the natural, scenic, and recreational values of the Region. The regulations are established in Chapter 26 of the TRPA Code of Ordinances. The purpose of the chapter is to promote and protect the public health, welfare, and safety of the general public by implementing regional outdoor advertising regulations pursuant to Article VI of the Compact, to protect property values, create a more attractive economic and business climate, enhance the aesthetic appearance of the physical community, preserve scenic and natural beauty and provide an enjoyable and pleasing community.

The provisions of Chapter 26 apply throughout the Region, with the exception where the standards may be replaced by equal or superior substitute sign standards. These standards are considered “substitute” because they replace all or portions of TRPA ordinances adopted to regulate the same subject. This process has been used extensively throughout the Region to provide community-specific sign standards.
Memorandum to TRPA Advisory Planning Commission
Amendment of the City of South Lake Tahoe Substitute Sign Ordinance
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Improvement to the Region’s signage has long been considered a key feature in creating desirable commercial districts and attaining threshold standards. Since adoption of the TRPA Sign Ordinance in 1989, the quality, size and placement of signs have steadily improved. However, signage continues to contribute to the scenic quality problem throughout the Region. Specifically, signage continues to produce unacceptable levels of clutter, which is inconsistent with appreciation of the area’s natural values. This includes signs that are too large, too close to the road, and with colors and materials that compete to such an extent as to cause confusion.

Many jurisdictions and community plan areas have adopted substitute sign ordinance standards that allow variations in regulations, intending to produce equal or superior scenic results. In June 1994, the City of South Lake Tahoe (CSLT) adopted the City of South Lake Tahoe Sign Ordinance, which TRPA adopted as an equal or superior substitution to Chapter 26 of Code. In September 1997, the City Council approved amendments to the Sign Ordinance that would facilitate self-enforcement and, due to staff reduction, remove reliance on CSLT planning staff for enforcement (See Exhibit 1). TRPA staff preliminary reviewed CSLT’s draft amendments and found many of the amendments to be an improvement to their ordinance and recommended TRPA support the changes. However, some of the amendments did cause some concerns and staff recommended modifications to CSLT’s proposed language. The City did not receive TRPA comments in time for inclusion and the draft amendments were adopted without TRPA’s recommendations. Subsequently, CSLT amended the Sign Ordinances in February 2001 to include TRPA’s Threshold Evaluation recommendations.

However, TRPA has not taken action on this item and, therefore, an inconsistency exists between TRPA and CSLT’s sign ordinances. Since adoption, TRPA has conducted the 1996 and 2001 Threshold Evaluations which included an assessment of the strengths and weaknesses of many of these substitute ordinances. In summary, it found all the ordinances producing some improvement in signage, particularly in the south Stateline casino area. It also found the substitute ordinances included provisions that allowed some sign types or sizes that are out of conformance and generally lack adequate improvement or amortization schedules. The 2001 Evaluation finds all the previously noted concerns still relevant. In addition, a steadily increasing use of temporary signage and banners is occurring. Without improvement in the pace of sign conformance and enforcement of sign restrictions, many areas of the Region are unlikely to reach threshold attainment.

Discussion: Since adoption of the amendments by the City Council in 1997, TRPA staff has been meeting with city staff, and Sign Committee representatives to discuss our concerns with the amendments and necessary modifications for TRPA to take action on CSLT’s 1997 amendments. These modifications are the result of the 1996 Threshold Evaluation and are listed below with CSLT’s response.

1. **Directional Sign in the Public Right-of-Way:** Amend the City’s Ordinance to use the existing provisions in Chapter 26 of the TRPA Code of Ordinances.

   CSLT found the language to be consistent with the intent of the 1997 Sign Ordinance and has adopted the existing Chapter 26 language.

JH/dmc

AGENDA ITEM V.A
2. **Sign Exemption Requests:** Use the provision in the original (1994) CSLT Sign Ordinance Section 7.07 that requires a scenic analysis for signs visible from the TRPA Scenic Resource Threshold Travel Unit or Recreation Area.

The suggestion relates to the 1997 change in which CSLT removed the requirement to conduct a scenic analysis for all signs requesting an exemption. TRPA suggestion is to re-instate the scenic analysis as was required in 1994, with the limitation that it would only apply to those signs on a TRPA Scenic Resource Threshold Travel Route or Recreation Area. CSLT has revised the ordinance to add a requirement for a scenic analysis for certain exemptions.


CSLT concurred with TRPA’s recommendations to add the additional triggers with the exception for item 1 and a minor modification to item 5. Item 1 requires non-conforming signs that are valued at $100 or less, or those where the cost to bring the sign into conformance would cost $100 or less, be brought into conformance within one year of the effective date of change. City staff feels that this provision does not encourage owners to bring their sign into conformance and additionally violates state law that allows for a 15-year time limit.

Item 5 of the Code requires non-conforming signs to come into compliance if an existing business is expanded or modified, and the value of the expansion or modification exceeds 50% of the value of the existing improvement. CSLT expressed concerns with the ambiguity as to whether this language applies to exterior and/or interior modifications. CSLT’s amendment adopted TRPA’s Code language but added additional language that clarifies exterior and interior modifications.

4. **Definition of a Sign:** Change the definition of Signs to the TRPA definition. This recommendation would allow the definition of signage to be applied consistently throughout the basin.

The concern of CSLT and the Sign Committee in crafting the 1997 definition was to insure that athletic scoreboards do not come under the provisions of the Sign Ordinance. Therefore, the CSLT Sign Ordinance states that the ordinance does not apply to scoreboards on athletic fields. City staff indicated that ball fields and scoreboards were not intended to be visible (readable) from a street, public recreation area, and bicycle trail or from Lake Tahoe. Therefore they should not be considered as signs. TRPA conceptually agrees with this interpretation; however, if a scoreboard can be viewed from a street, public recreation area, and bicycle trail or from Lake Tahoe, then it should be considered a sign.

CSLT amended the 1997 Sign Ordinance to adopt the recommended TRPA definition but added additional language, which excludes scoreboards that are oriented to recreation use.
5. **Temporary Banner**: Confirm CSLT has amended the ordinance to use the existing TRPA provisions for banners.

The 1997 amendments did remove the existing banner provisions and replaced it with TRPA provisions. No change was required.

6. **Partial Compliance to Non-Conforming Signs**: The 1997 amendments for the Partial Compliance did not get transferred to the Code. City staff initiated this amendment to further clarify the definition of the five-year compliance.

This is a city staff-initiated change to the 1997 Sign Ordinances. The 1997 amendments for Partial Compliance did not get transferred into the Code. City staff amended the Ordinance to clarify the definition and the five-year compliance timeline.

The Ordinance allows for approval of partial compliance for exceptions, provided the property owner agrees in writing to bring the subject sign and all other non-conforming signage in the project into full compliance within 5 years.

City staff has reviewed the suggested modifications and found them to be very minor in scope. In addition, City staff has met with the Chambers of Commerce Manager and Aesthetics Chairman, Lodging Association President, and a member of the former sign committee to discuss the modifications. They concurred that the modifications were minimal, and recommended CSLT proceed with adoption. Subsequently, the City Council adopted the modifications to the City Sign Ordinance at their February 20, 2001 meeting. CSLT has requested that TRPA agendize this matter for presentation and adoption by the TRPA Governing Board.

Although these amendments are minor in nature and provide clarification to the existing City Sign Ordinance, as a group they help make progress towards attainment of the scenic resources and community design threshold. The amendments will allow for a consistent definition of signs throughout the Region and allow for a reasonable amortization of non-conforming signs. Lastly, adoption of the amendment will allow the Chamber of Commerce and Lodging Association to begin a voluntary compliance program to address temporary signage through a mailing program. A brochure was developed in partnership with the Chamber, the Lodging Association, and the City that explains the prohibited temporary signage. Furthermore, the City will be in a position to begin an inventory of all permanent signage this summer. The inventory will be the first step in a process to correct signage that has been constructed without permits.

**Findings**: Prior to amending the substitute sign ordinances, 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 City of South Lake Tahoe Substitute Sign Ordinance will not adversely affect implementation of the Regional Plan. This amendment supports recommendations in the 1996 and 2001 Threshold Evaluation and are necessary to make progress towards Scenic and Community Design Threshold attainment in the City.

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

Rationale: The amendment will not cause the environmental thresholds to be exceeded. The amendment will result in achieving environmental thresholds established in the 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, as amended, achieves and maintains the thresholds.

Rationale: See findings 1 and 2 above.

5. 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.

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 87-3 findings shown above.

Staff will begin this item with a brief presentation. Please contact John Hitchcock at 775-588-4547, or via email at jhitchcock@trpa.org, if you have any comments regarding this item.

Attachment Proposed Language Changes
Language to be deleted is struck through; New language is underlined.

SECTION TWO
DEFINITIONS

Banner Sign: For the purpose of this ordinance, a banner may be constructed of an all weather, non-reflective fabric or any rigid all weather, non-reflective material. Examples of banner shall include "for sale", "under new management", "grand opening", "going out of business", "California lotto", "Christmas tree sales", "arts and crafts events", "carnivals" and the like. See Temporary Signs.

Master Sign Plan for Multiple Business Complex: Within a single architectural plan and/or parcel of land, housing two or more commercial units of operation, the master sign plan shall be developed and approved by the City. The master sign plan shall, to some degree, provide a thread of uniformity with regard to two or more of the following:

1. background color
2. lettering style/graphics
3. size or shape (such as, square or rectangle)
4. location on building
5. material
6. frame color, shape or size

Said plan shall have written approval from the landowner. No deviation can occur unless it conforms to this Ordinance, has written authorization from the property owner, and the deviation is processed as an amendment to the Master Sign Plan. Note: A master sign plan shall not be interpreted to mean all signs shall be the same.

Political Sign: A temporary sign used in connection with a local, state or national election or referendum, not located in public right-of-way.

Sign: Any device, structure, fixture, or placard using graphics, symbols, and/or written copy for the primary purpose of identifying, providing direction, of advertising any establishment, product, goods, services or event and which is visible and readable from a public street, recreation area, bicycle trail or Lake Tahoe. Any character, letter, figure, symbol, design, model or device or combination of these used to attract attention or convey a message and which is visible from a street, public recreation area, bicycle trail or from Lake Tahoe. The term includes banners, pennants, streamers, moving mechanisms and lights. The term does not include scoreboards or ball field signs where the sign is oriented to the recreation use.

Temporary and Advertising Sign: Any sign not intended for long-term use. The temporary and advertising sign is composed of three categories: Exempt from obtaining a permit; not exempt from obtaining a permit; and prohibited.

The following chart lists the temporary and advertising signs that are exempt, not exempt and prohibited.

A. Exempt
   1. Temporary Government Signs
   2. Temporary window signs, provided they are within the 25% allowable window area for signs
   3. Temporary on and off premise real estate signs.
4. “Community Benefit” Temporary activity signs at the Chamber of Commerce area and those “Community Benefit” temporary activity signs placed off premise as a part of the approved master plan for streetside signage.

B. Not Exempt
1. Banners
2. Political

C. Prohibited
1. Snipe
2. Penants
3. Festoons
4. Portable
5. Ballons

D. TRPA Temporary Signs: Temporary signs shall conform to the following standards:

1. Temporary Signs For Temporary Activities: Temporary signs for temporary activities may be allowed, provided they conform to the standards set forth in Section 26.6, and to the following standards:

   (1) **Area And Height Limit:** Individual temporary signs or a series of temporary signs intended to be read or viewed as one sign, which are part of a temporary activity, shall not exceed 60 square feet in area or six feet in height. Temporary signs which are placed in a temporary activity sign location designated as part of the adopted community plan shall not exceed 240 square feet of sign area per temporary activity.

   (2) **Time Limit Generally:** Temporary signs which are part of a temporary activity may be installed up to 14 days prior to the activity and shall be removed at the end of the activity.

   Note: per the adopted Bijou Community Plan, the Chamber of Commerce area may display 3 temporary “Community Benefit” signs at one time and the size is limited to the physical limits of the display area.

2. Temporary Signs For Temporary Uses: Temporary signs for temporary uses may be allowed as part of a temporary use approval. Standards for temporary signs associated with temporary uses shall be the applicable standards of the plan area in which the temporary use is located as set forth in Sections 26.7 through 26.12, inclusive. All temporary signs shall comply with the standards set forth in Section 26.6. Temporary signs which are allowed as part of a temporary use shall be removed when the permit for the temporary use expires.

**Window Sign:** All signs placed in a window which are intended to be primarily visible from a public right-of-way, i.e., if the window is not visible from a public right-of-way, then there are no restrictions. Window signs includes permanent and temporary signs.

**SECTION THREE**
**GENERAL PROVISIONS**

It shall hereafter be unlawful for any person to erect, place, or maintain a sign in the City of South Lake Tahoe except in accordance with the provisions of this Ordinance.
Section 3.01 Signs Prohibited

16. The display of sculpture, murals and the like, unless it is approved as an outside display unless approved by the city Arts Commission, consistent with the standards of the City Arts Master Plan.

Section 3.03 Signs Not Requiring Permits

6. Directional and Information signs on private property, 12" x 18" or smaller, which limit access, provide direction, parking admittance or pertain to security provisions; signs 18" x 18" or smaller, defining entrance or exit; and octagonal stop signs, 24" or smaller. Any larger than the limits described shall be counted as either freestanding or building sign as appropriate.

Larger signs may be allowed in those instances where a business is located on a public street which is being repaired or reconstructed that negatively affects the economic viability of a business(s). Size of sign shall be subject to City review on a case by case basis. At a minimum, the sign shall not exceed 6 feet high and be setback a minimum of 5 feet from all property lines and be outside a defined corner clear zone.

7. Replacement of street signs and other regulatory or directional signs when the area or height of the replacement sign does not exceed the area or height of the sign to be replaced, and when the sign conforms to the applicable standards of the Manual on Uniform Traffic Control Devices, 1978. Installation of new street signs and other regulatory or directional signs or the replacement of such signs where the area or height of the replacement sign is greater than the area or height of the sign to be replaced, shall be reviewed by the TRPA. Highway signs, street signs and other regulatory and directional signs which are located on a public right-of-way shall conform to the applicable sign standards set forth in the Manual on Uniform Traffic Control, 1978, or other standards which may be contained in a memorandum of understanding between the TRPA and a public agency with jurisdiction over the travel way.

SECTION FOUR
REGULATION BY ZONE

Section 4.01 Signs Permitted in all [Zones] Plan Areas

Unless otherwise noted, the following signs requiring [Planning Department] permits, are permitted in all [zones] Plan Areas, and they shall conform with all standards of this Ordinance:

1. Political signs which conform to the following:
   A. Are placed on private property; and For each parcel, one temporary sign per street frontage which is not greater than 12 square feet in area, is not internally illuminated, and is not displayed for more than 30 days in a calendar year, except that for 60 days preceding a general or special election more than one such sign may be placed on each parcel, provided they are removed immediately after the election.
   B. Are placed no earlier than 42 days prior to the election date and removed within ten (10) days after election day (a primary and the general election are considered separate elections);
C.—A sign removal deposit (see City fee schedule) shall be given to the Planning Department prior to sign placement. The deposit shall be refunded upon request provided the signs have been removed. Failure to remove all signs shall result in the forfeiture of the deposit, and
D. The signs shall not exceed thirty-two (32) square feet in area.

2. Area identification signs...
3. Construction Signs: One sign...
4. All public use...
5. Directional signs on public property which provide direction to public and semi public uses, such as recreation uses, churches, hospitals, schools and the like. Said signage shall be no larger than 16" x 18". If located on Caltrans right-of-way, a Caltrans encroachment permit is required before issuance of a sign permit. If located on City right-of-way, a City encroachment permit is required before issuance of the sign permit.

Section 4.03 Signs Permitted in [Tourist Commercial, General Commercial, General Commercial Industrial, and Planned General Industrial zones] Commercial/Public Service and Tourist Plan Areas

The following signs do not require [Planning Department] TRPA permits:

1. All signs not require permits (Section 3.03).

The following signs require [Planning Department] TRPA permits and are allowed in the above commercial zones and they shall conform with all other standards of this ordinance.

1. All signs permitted....
2. Under canopy....
   A. Placed at right...
   B. Located at...
   C. Not internally...
   D. Do not exceed...
3. Banners—the following banner provisions are effective one year from the date of adoption. For the purpose of this ordinance, it shall be measured from the latest date of adopting by the TRPA or the City
   A. Single Business (not with a M.B.C.):
      1) Maximum area shall be 24 sq. ft.;
      2) Maximum number of days which a banner may be displayed shall be sixty (60) days per calendar year;
      3) There shall be no minimum time interval between banner displays;
      4) Banners shall only be placed wholly onto a building façade, or in those instances where there is no building, the banners shall only be allowed to be placed on a tent, artis and crafts booth, trailer, and the like in connection with a lawfully permitted use. Banners shall not be placed on a roof, or freestanding signs or other support systems (such as fences) or between trees; and
      5) Banner height shall not exceed sign height allowed on buildings (refer to Section 9.06);
   B. Single Business (within a M.B.C.): Banners for these businesses shall only be permitted at such time as a Master Sign Plan is approved for the M.B.C.
      1) Maximum area shall be 24 sq. ft.;
      2) Maximum number of banners that may be displayed at one time and the maximum number of days a banner may be displayed:
a. Any business or group of businesses located between 0'—30' from face of curb:
   
   (1) Only one banner may be displayed for the business or group of businesses within this setback for 60 days maximum.
   
   (2) Any use of joint banners, the days the banner is displayed shall be deducted from each participating business’s allowable 60 days.

b. Any business or group of businesses setback greater than 30' from face of curb:

   (1) Only one banner per business for 60 days maximum, provided that for each of these banners, 4-square feet is deducted from the buildings computed BRB. Should the computed BRB exceed the physical limitations of the business’s computed BRB, the 4-square feet shall be sign area that can be accommodated on that business façade. Note: The business shall be wholly outside the setback.

3) There shall be no minimum time interval between banners.

4) Banners shall only be placed wholly onto a building façade, or in those instances where there is no building, the banners shall only be allowed to be placed on a tent, arts and crafts booth, trailer, and the like, in connection with a lawfully permitted use. Banners shall not be placed on a roof, or freestanding signs or other support systems (such as a fence) or between trees; and

5) Banner height shall not exceed sign height allowed on buildings (refer to Section 9.08).

C. At no time shall any individual business exceed 60 days whether through joint use or through an individual business use.

Special Regulations for Tourist Accommodations uses are as follows:

1. The maximum sign area is for Tourist Accommodations use area:
   
   A. For properties with...
   
   B. For properties with major entrances on two, three or four streets (excluding service drives), the maximum...

SECTION FIVE
NON CONFORMING SIGNS

Section 5.02 Continuation and Maintenance

A nonconforming sign may be continued and may be maintained for the purpose of preserving its existing condition, retarding or eliminating wear and tear or physical decrepitation or complying with the requirements of the law. A nonconforming sign that is structurally altered shall bring the entire sign into compliance with this Ordinance.

Section 5.04 Structural Alterations—Partial Compliance to Nonconforming Signs

No persons shall make any alterations to a nonconforming sign, including copy/color, structural, methods of illumination, sign height and location, except when such alterations bring the sign into total conformance with this ordinance. All sign alterations require permits.
Partial compliance alterations are changes to signs, or any nature which in and of themselves meet the requirements of this ordinance, but may not bring the entire subject sign into full compliance.

Partial compliance alterations are those alterations which in and of themselves only partially bring the nonconforming sign into compliance by removing a portion(s) of the sign's nonconformity, including but not limited to copy/color, structural, methods of illumination, sign height and location.

Partial compliance may be approved subject to: Staff making the required findings of Section 7.07 (Exceptions), and the property owner agreeing in writing to bring the subject sign and all other nonconforming signage in the project into full compliance with this Ordinance within 5 years.

The above approval requirements are applicable to each and every request for partial compliance. For each request on the same property, additional progress toward compliance is required, i.e., you cannot use previous partial compliance measures as a basis for meeting subsequent partial compliance requests.

Full compliance time limit shall be 5 years from the date of the staff approval; or the time limit imposed under Section 5.08 (Amortization of legal non-conforming signs); or the time frame currently required on the property from a prior sign permit approval, which ever occurs first.

Said agreement shall be recorded against the property by the El Dorado County Recorder and it shall be the responsibility of the property owner to notify the tenants.

Section 5.06 Reconstruction of Damaged Nonconforming Signs

A nonconforming sign damaged by fire, calamity or accident may not be reconstructed other than in accordance with the provisions of this article, provided; Section 5.04 (Partial Compliance Alterations), unless the damage is less than 50% of the sign value.

1. The damage is less than 50% of the replacement value of the sign;
2. An application is made to the [City] TRPA within ninety days of the damage; and
3. The sign as reconstructed shall not increase its nonconformity prior to being damaged.

Section 5.09 Expansion or Modification of a Building which Contains Nonconforming Signs

If a building, which has non-conforming signage, is expanded or modified and the cost of the expansion or modification exceed 50% of the value of the existing improvement, all the non-conforming signage shall be brought into compliance with this Ordinance. Expansion or modification costs shall include exterior construction as well as interior and exterior structural changes. Any modifications within a 12-month period shall be treated cumulatively.

Section 5.10 Relocation of a Nonconforming Sign

A nonconforming sign that is relocated shall be brought into full compliance with this Ordinance.
SECTION SEVEN
[ADMINISTRATION] AND ENFORCEMENT

Section 7.07 Exceptions

A. No variances or exceptions are allowed except as described below. The only exceptions allowed are those design standards contained in Section 9, provided the following findings can be made:

1. Design standards
   A. Exceptions may be granted to any of the design standards contained in Section 9, except for:
      1) A sign height (building over 26 feet or freestanding);
      2) Frontage landscaping less than 10 feet in depth, or less than 100% of frontage, except for driveways, in order to allow a freestanding sign;
      3) A sign color if internally illuminated;
      4) The number and setback for freestanding signs; or
      5) Maximum sign area.
   A. These design standards not prohibited in 1 above, may be permitted provided the following findings can be made:
      1) An extraordinary situation clearly exists whereby strict application of the standard is manifestly unfair and infeasible to the applicant; and
      2) The exception is in harmony with the purpose and intent of this Ordinance; and
      3) The approval of the exception will not have a significant effect upon other property owners or occupants of property in the vicinity; and
      4) A scenic analysis demonstrates the exception produces benefits equal to the benefits contained in this Ordinance. For illustration, the following benefit package shall be required for the specific design standard exceptions noted:
      a. All exceptions to the full 20' landscaping width must provide an equal or greater amount of landscaping elsewhere on the property. The minimum benefit package shall include:
         (1) All areas of additional landscaping shall be in excess of that otherwise required by the Design Manual.
         (2) All planting beds created to allow this exception shall include one conifer tree.
         (3) All planting beds created to allow this exception shall be located in an area visible from the roadway and screen a man-made feature currently-visible.
         (4) The amount (in square feet) of landscaping out of the frontage area necessary to allow this exception shall equal at least that otherwise provided by a full 20' of frontage width, times 100% of the frontage length not required by the allowed driveway widths. If provided more than 50' from the roadway, the area shall be multiplied by 1.5 times.
         (5) In all cases where this exception is allowed, a maximum of 25% of the planting area can be ground cover (anything less than 24 inches in height).
         (6) The maximum sign width shall be determined by the minimum landscape setback obtainable throughout the frontage, less the required 5' sign setback. Should the sign be placed outside this minimum landscape setback obtainable, the width may not be increased beyond the determined maximum sign width. Said sign
shall still be placed wholly within a landscape area (see Section 9.03).

B. In granting each exception the [Planning Department] TRPA staff may attach additional conditions necessary to carry out the spirit and purpose of this chapter in the public interest, including, but not limited to:
   1) Removal of other nonconforming signs.
   2) **Copyrighted Colors on Logos.** Those logos which do not conform to the standard with regard to color contrast would be allowed if the logo is placed on a dark background which would not be less than 40 percent of the sign area.
   3) **Reduction in Sign Area.** This may involve the reduction in sign area for freestanding or building signs. The proposals which reduce the sign area for those signs that are visible from the scenic corridor shall provide more mitigation than those which are not.

C. **A scenic analysis shall be required for any exception on a Scenic Threshold Travel Unit or Recreation Area. Those exemptions not on a Scenic Threshold Travel Unit or Recreational Area may require a scenic analysis.**

In granting any exception, the staff may attach additional conditions necessary to carry out the spirit and purpose of this Ordinance in the public interest including, but not limited to, removal of other nonconforming signs.

**SECTION NINE**

**SITE DESIGN STANDARDS**

The following design standards are applicable to all signs, erected, relocated, or change of copy or color within the City, including the community plan has a standard specific to the area.

These standards have been developed to improve the scenic quality ranking of the scenic corridor.

**Section 9.01 Copy**

(1) **Standard:** This Ordinance shall...

(2) **Standard:** The minimum size letter on any sign face shall be 6" in height, except for motor fuel price signs which are regulated by Sec. 13531, et seq. of the State Business and Professions Code.

(3) **Standard:** The motor fuel price sign shall be included in the freestanding sign within the area limitations for the freestanding sign. In addition to the Section 13531, et seq. of the Business and Professions Code, which regulates motor fuel price signs, the following shall be required:

   a. The sign shall not advertise more than 3 major grades of motor vehicle fuel offered for sale (propane is not considered a motor vehicle fuel).
   b. The numerals designating the price of motor fuel shall be 42" in height. Fractions shall be considered one numeral the minimum size as allowed under Section 13531, et seq. of the Business and Professions Code.
(3) **Standard:** Sign area containing copy required by law (such as state required gas prices, security exchange commission (NASDAQ) will not be deducted from the maximum allowable sign area, provided the copy does not exceed the minimum size requirements of the law.

(4) **Standard:** Any increase in sign area copy beyond what is required by law, is allowable provided the additional area is deducted from the appropriate BRB.

**Section 9.03 Landscaping**

(1) **Standard:** All freestanding sign shall be placed....

(2) **Standard:** In the event that the landscaping provisions can not be met as they pertain to freestanding signs, because of the physical limitations of the property, the staff may grant an exception under Section 7.07 (Exceptions) of this Ordinance.

Multiple partial compliance applications may be approved prior to the required compliance deadline, however, additional new measures towards compliance must be provided for each application.

(3) **Standard:** Bonding for the installation of the required sign landscaping may be allowed by the staff based on the winter ground disturbance prohibition from October 15 through April 30 of each year. Staff may place conditions as appropriate, to insure timely compliance.

**Section 9.05 Color**

(1) **Standard:** All sign copy, including but not limited to, freestanding, building, window and banner signs, shall be placed on a dark background whether it is an internally illuminated plastic sign or a painted sign on an opaque surface.

If the sign is internally illuminated, the background shall only transmit a limited amount of light when illuminated. The range of light is based on the darkness of the background color. This darkness of color is shown on the approved list of background colors (Exhibit 3). Although any color may be used, if it is not one of the listed colors, the applicant shall demonstrate to the satisfaction of the staff, that the proposed background color is at least equal in darkness to the closest approved color.

All copy appearing on a building, freestanding or window signs shall be placed on a dark background to create a contrast. Under day and night lighting conditions, the copy shall be lighter than the background.

All copy appearing on a building, freestanding or window signs shall be placed on a dark background to create a contrast. Under day and night lighting conditions, the copy shall be lighter than the background.

Guideline: Signs with a natural-wood background with a clear finish are encouraged. Natural wood and high density foam core signs which can be carved and painted consistent with the design standards, including dark backgrounds, are also encouraged.
Section 9.06 Sign Location

(1) **Standard:** The maximum height of a roof sign shall not exceed 15 feet from grade; shall not exceed the roof height as seen in elevation; an shall be placed within a sign dormer.

Section 9.07 Multiple Business Complex

(1) **Standard:** All multiple business complexes shall prepare a master sign plan for the complex which contain a thread of uniformity. The master sign plan shall meet the definitional requirements of Section 2 of this Ordinance.

A master sign plan conforming to this Ordinance shall be prepared and adopted for all multiple business complexes in the City within five years after the effective date of this Ordinance. An application for, and approval of, any sign or other design review matter within the complex shall also trigger the requirement for adoption of a master sign plan prior to the five year compliance date.

New sign compliance with the master sign plan shall be a condition of entry into any new (or renewal) leases of premises within the multiple business complex.

Upon approval of the master sign plan, the property owner shall have 5 years to implement the plan (See also Section 7).

**Guidelines:** Within a multiple business complex, the location of individual signs is not necessarily limited to the exterior wall or roof space for that individual business. Alternatives may include grouping all signage on a common wall that has the best exposure.

**Guideline:** MBC sign plans may designate alternate building locations for all tenant banners, consistent with the prohibition on banner placement, Section 4.03 3(D).
MEMORANDUM

July 2, 2001

To: Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of PAS 058 Glenbrook, to Create a Special Area #1 for Commercial Uses, Deletion of Special Policy #6, and Providing for Other Related Matters

This item has been continued to a later date.
MEMORANDUM

July 3, 2001

To: Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of PAS 030, Mt. Rose, and PAS 040, Incline Village #1, Boundary Line to Incorporate Portions of Washoe County APN 125-211-01 into PAS 040 and Removal of Washoe County APN 125-211-02 from PAS 040 and Incorporated into PAS 030

Proposed Action: The owners of Washoe County parcels 125-211-02 and 125-211-01, in Incline Village, propose to amend the Plan Area Statement boundary between Plan Area 030, Mt. Rose (Conservation), and Plan Area 040, Incline Village #1 (Residential). The proposed amendment would add a portion of the parcel currently in Plan Area 040 (125-211-02) to Plan Area 030 and add a portion of the parcel currently in Plan Area 030 (125-211-01) to Plan Area 040. Refer to Exhibit A, Existing Plan Area Boundaries and Exhibit B, Proposed Plan Area Boundaries.

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

Previous Approvals: In April 1997, the Governing Board approved a similar plan area amendment on APN 125-211-01 for the same applicant. In that amendment, a limited portion of the parcel was moved from Plan Area 030 to Plan Area 040 for the future development of a single-family residence. This amendment originally proposed to move all of parcels 125-211-01 and -02 into Plan Area 040, but was revised to include only a portion of APN 125-211-01. Staff recommended to the APC that a 1.42-acre portion of APN 125-211-01 be moved into PAS 030, but recommended no adjustment for APN 125-211-02 because a portion of the parcel, containing an eligible IPES building site, was, in fact, already within PAS 040. (Refer to Exhibit C, April 1997 Adopted Boundary Line Amendment.) The APC voted 11-2 (with one abstention) to recommend approval of the staff's recommendation to the Governing Board. Following the APC hearing, and prior to Governing Board action, the applicant amended the application to limit the boundary amendment to the 1.42-acre portion of APN 125-211-01. That amendment rendered the application consistent with the APC recommendation to the Governing Board. The Governing Board approved the revised application. The Board instructed the applicant to solve the existing runoff problem involving the parcel as part of future project development. The applicant agreed to this condition and it was added to the record.

In March 1998, the applicant submitted another similar plan area amendment for APN 124-211-02. In that amendment, the applicant proposed moving a 1.52-acre portion of the parcel from PAS 030 to PAS 040. That portion of the parcel to be moved generally encompassed a designated building site as part of the Incline Village Subdivision. In this unit of Incline Village,
subdivision covenants require homes to be sited within the designated building site. After the April 1997 amendment discussed above, the applicant attempted to amend the subdivision map to move the building site to the area already located in PAS 040 at the end of the Jeffrey Court cul-de-sac consistent with the original APC discussion. In November 1997, the Washoe County Board of Adjustment denied the request. The denial was based on the following:

1. That the building envelope for the lot was recorded on the final subdivision map of Incline Village Unit No. 1 on September 9, 1968;
2. That the building envelope was established to provide a viewshed for the properties on Ida Court;
3. That moving the building pad will affect the lake views of the adjacent properties.

The County Board of Adjustment felt that the plan area statement boundary line was drawn in error and supported the applicant’s amendment of the TRPA urban boundary line.

During the 1997 and the 1998 hearings, staff and APC members were concerned that the designated building site for APN 125-211-02 was located too far away from the rest of the subdivision, requiring an access road which would have potentially significant water quality impacts; and that it was in an area that was visually very exposed when viewed from TRPA designated scenic threshold areas. The long access was part of the reason for the low IPES score on the parcel. To mitigate the impacts, staff and the applicant agreed to limit the amount of visible building mass and perimeter, reduce the development’s apparent visual magnitude by minimizing grading cuts and fills, using earthtone colors with heavy textures, and to reduce the amount of smooth-textured reflective surfaces visible from Lake Tahoe. This condition was inserted as a Special Policy into PAS 040. Additionally, the Governing Board added Section 1.70 of Ordinance 98-12 that stated that no development of a single family dwelling on parcel 124-211-02 could occur until the owner has recorded a deed restriction that does the following: 1) recognizes that Ordinance 98-12 corrects any alleged error that occurred when TRPA established the urban boundary; 2) recognizes that Ordinance 98-12 is a compromise of disputed allegations; and 3) waives any and all rights, on behalf of Declarant and Declarant’s assigns, to request any additional adjustment to the urban boundary that would include a greater proportion of Declarant’s parcel than was approved in this Ordinance. The Governing Board took action on the proposal and voted unanimously to adopt the proposed amendment. Refer to Exhibit A, Existing Plan Area Boundaries and Exhibit D, Plan Area Statement 040, Incline Village #1 and Exhibit E, Ordinance 98-12.

Discussion: Since the time of the Plan Area Amendments, the property owners have fine-tuned their plans for developing the two properties and have again submitted a proposal to TRPA for another boundary line amendment that they feel is superior to the existing conditions and would further help make progress towards threshold attainment in the Basin. The applicant proposes to remove the portion of APN 125-211-02 that currently resides in Plan Area 040 and add it to Plan Area 030 and add portions of APN 125-211-01 that currently resides in Plan Area 030 to Plan Area 040. Refer to Exhibit B for proposed boundary line amendment. This amendment would result in the relocation of 1.88 acres to the conservation plan area and 1.88 acres to the residential plan areas that do not violate the provisions of Section 1.07 of Ordinance 98-12, which restricts any increase in acreage in the residential plan area.

Due to staff’s past significant concerns regarding scenic and water quality impacts, staff met with the applicant on site to discuss the amendment and required findings to approve the amendment. The subject parcels APNs 125-211-01 and -02 are currently vacant and both have

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AGENDA ITEM V.C
designated building sites recorded in the Incline Village Unit No. 1 subdivision map. Both parcels are very large in size, as compared to the balance of the subdivision and consist of steep sloping lands and rock outcrops. However, parcel –01 is generally less steep than parcel –02 and is moderately covered with existing vegetation and mature trees. Parcel –02, located south of –01, is on a very steep down slope and is highly exposed to views from Lake Tahoe. The designated building site is located approximately 500 feet from Jeffrey Court and would necessitate a long road cut on a steep slope and the development of a substantial retaining wall. It is highly likely that a house on the existing designated building site and the driveway will cause significant impacts to scenic quality due to the exposed site and the potential retaining wall that would be required to build the driveway. With regard to water quality, the avoidance of the long driveway from Jeffrey Court would avoid soil disturbance on a very steep slope. Additionally, the access point at Jeffrey Court consist of a road cut that is approximately six to twelve feet high and has been stabilized with a keystone retaining wall. Access at this point would require the removal of the retaining wall and large amounts of soil.

The proposed amendment would allow the applicant to submit a boundary line adjustment to relocate the designated building envelope from its current location to an area that is better screened from the lake by existing mature conifers and shrub vegetation. The new site would be located on the acre that is currently part of parcel –01 but in the conservation plan area. The area, as mentioned, has a mix of mature conifers and shrubs that would be used as screening and the site is generally less steep than parcel –02. Additionally, the new location is located within a saddle to eliminate view blockage to existing homes in the area.

The applicant, in conjunction with the property owner of APN 125-231-01, has received a permit for a boundary line adjustment that creates a new access point to parcel –01. The existing access point at the end of Ida Court has been abandoned and is now part of parcel 125-231-01. Due to the existing runoff problems at this location the applicant has proposed, consistent with Governing Board direction, to implement water quality improvements. These improvements would include an energy dissipator, a sand separator, and an infiltration pit. The new access point is located just north of the existing house on APN 125-231-01, is moderately sloped, and would not require the extensive grading and filling that would be required at the end of Ida Court and Jeffrey Court. The applicant is proposing to access both building sites from the new access point.

**TRPA Urban Boundary:** In 1986, as part of the Regional Plan Package, TRPA established an Urban Boundary. By definition, the Urban Boundary includes all residential, commercial/public service, and tourist accommodation plans areas.

Recreation and Conservation plan areas are not included within any portion of the Urban Boundary. The only manner in which the Urban Boundary may be expanded is by adding lands from existing Recreation and Conservation Plan Areas. Although the proposed amendment would trade an equal amount between a Conservation and a Residential Plan area and would not result in a net loss of land in the Conservation Plan Area, staff strongly feels that this is still considered an urban boundary line amendment and certain findings must be made. To amend an urban boundary line the amendment must satisfy one or more of the following criteria:

1) The amendment is to correct a mapping error; or

2) The amendment is to enable TRPA to make progress toward one or more environmental thresholds without degradation to other thresholds; or
3) The amendment is needed to protect public health and safety and there is no reasonable alternative.

In the previous two plan amendments the applicant used the mapping error argument, which was discussed in detail at the APC and Governing Board hearings. Subsequently, the amendments were adopted with attached conditions to protect potential scenic and water quality impacts. For this proposed amendment, the applicant is proposing and staff concurs with criteria #2.

Staff is concerned with the existing conditions regarding the open, exposed nature of the designated building site on parcel –02. Scenic resource thresholds that include this landform in Incline Village have been degraded (i.e., fallen into non-attainment) in recent years because of the cumulative visual impact of developing structures out into natural areas. The lack of tree cover combined with steep slopes makes screening extremely difficult at the designated building envelope. The amendment will facilitate the relocation of the building envelope out of the steeply sloped, exposed site to an area that is moderately sloped and has existing mature conifers to screen the proposed structure from lake views and will not require a long driveway cut with a retaining wall. Staff feels the proposed amendment is an improvement over the existing conditions and will help in progress towards scenic threshold attainment in the scenic unit. Furthermore, the relocation will not require a highly visible driveway that would have potential significant impact to water quality due to the large amount of grading and filling required.

Based on the rationale listed above and the required findings listed below, staff is recommending approval of the proposed amendment to the APC and Governing Board. Additionally, staff recommends that all previous conditions adopted by the Governing Board apply to this amendment.

Findings: Prior to amending PAS 030 and 040, TRPA must make the following findings.

A. Chapter 6 Findings

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

   Rationale: Based on the no net increase in lands to Plan 040 and the fact that no additional development potential is approved as a result of the amendment, the project is not expected to adversely affect implementation of the Regional Plan.

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

   Rationale: The amendment is consistent with the conditions established in Ordinance 82-12 which restricts the amount of lands to a no net loss and the fact that the proposed amendment would mitigate adverse scenic and water quality impacts, the project is not expected to cause the environmental thresholds to be 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.

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. Furthermore, all projects that may occur because of this amendment will still be subject to the Code, Goals and Policies, the Visual Magnitude System and the Design Review Guidelines for achieving and maintaining environmental thresholds.

B. Chapter 13 Findings:

1. Finding: Prior to adopting any plan area amendment, TRPA must find the amendment is substantially consistent with the plan area designation criteria in Subsection 13.5.B and 13.5.C.

Rationale: The proposed amendment is substantially consistent with the plan area designation criteria for Residential and Conservation Uses. The amendment does not increase the development potential beyond the existing conditions but would allow the relocation of a building envelope to a more appropriate location where the natural features of the hillside are protected and used to screen any structure that is built in this location.

2. Finding: If the amendment is to expand an existing urban plan area boundary or to add residential, tourist accommodations, commercial, or public service as permissible uses to a non-urban plan area, it must be found that the amendment will make the plan area statement consistent with an adopted policy or standard of the Regional Plan, and that the amendment will satisfy one or more of the following criteria:

   (a) The amendment is to correct an error which occurred at the time of adoption, including but not limited to a mapping error, an editing error, or an error based on erroneous information; or

   (b) The amendment is to enable TRPA to make progress towards one or more environmental thresholds without degradation to other thresholds as measured by the Chapter 32 indicators; or

   (c) The amendment is needed to protect public health and safety and there is no reasonable alternative.

Rationale: The amendment, as recommended by staff with the condition that the applicant record a deed restriction pursuant to Section 1.07 of Ordinance 98-12, apply the Visual Magnitude System to limit the
amount of visible building mass, minimize cut and fill, minimize tree cutting and vegetation removal, use earthtone colors with heavy textures, and reduce the amount of smooth-textured reflective surfaces visible from Lake Tahoe (Shown as Special Policy in Plan Area Statement 040) will make Plan Area 040 consistent with the Community Design Subelement Policy that ensures that the built environment is compatible with the natural, scenic and recreational values of the Region and consistent with Goal #1 to insure preservation and enhancement of the natural features and qualities of the Region.

The applicant proposes and staff concurs that the second part of the finding be made on item (b). The relocation of the building envelope from its current location on an open, steeply, exposed slope would remove a structure that would be highly visible from Lake Tahoe Shoreline Travel Unit # 23 – Crystal Bay. Unit #23 is in non-attainment status and the 1996 Threshold Evaluation stated that development in the backdrop and ridges in Incline Village was creating a significant impact on scenic resources. The proposed amendment will allow the relocation of the site from the exposed site to a site that is moderately sloped and has existing mature conifers and vegetation that would screen the overall bulk of the structure. Additionally, the impact to scenic and water quality of the long driveway to access the building envelope would be avoided.

Environmental Documentation: The applicant 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 Chapter 13 findings shown above.

Staff will begin this item with a brief presentation. Please contact John Hitchcock at 775-588-4547, or via email at jhitchcock@trpa.org, if you have any comments regarding this item.

Attachments
A. Existing Plan Area Boundaries
B. Proposed Plan Area Boundaries
C. April 1997 Adopted Boundary Line Amendment
D. Plan Area Statement 040, Incline Village #1
E. Ordinance 98-12
F. Photographs
Proposed Amendments to PAS 040; New language is underlined.

040
INCLINE VILLAGE #1

PLAN DESIGNATION:

Land Use Classification: RESIDENTIAL
Management Strategy: MITIGATION
Special Designation: NONE

DESCRIPTION:

Location: This area is located east of the Mt. Rose Highway above Wood Creek and is located on TRPA maps G-2 and G-3.

Existing Uses: The area is low density residential and is 45 percent built out.

Existing Environment: The area is primarily moderate hazard (40 percent) and high hazard (40 percent) with 20 percent SEZ. The land coverage is 20 percent plus an additional 25 percent disturbed.

PLANNING STATEMENT: This area should continue to serve as residential, maintaining the existing character of the neighborhood.

PLANNING CONSIDERATIONS:

1. Parts of the extensive slope stabilization work constructed along the Mt. Rose Highway are failing and have caused stabilization problems.

2. This area includes a stream environment zone which has been extensively altered by construction of roadways and single family dwellings.

3. Scenic Roadway Unit 23 is within this Plan Area.

SPECIAL POLICIES:

1. Projects which may be developed on Assessor's Parcel Numbers 125-211-01 and 125-211-02 shall utilize TRPA's Visual Magnitude/Contrast Rating system to minimize impact to scenic resources thresholds visible from Lake Tahoe. The project shall reduce the development's potential visual magnitude by minimizing grading cuts and fills, using earthtone colors with heavy textures, and reduce the amount of smooth-textured reflective surfaces potentially visible from Lake Tahoe. The project shall minimize tree cutting and vegetation removal and use existing vegetation to screen proposed structures consistent with the TRPA Design Review Guidelines.

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Amended 03/25/98, Special Policy #1.
2. Pursuant to Ordinance 97-7, adopted April 23, 1997, projects which may be developed on Assessor's Parcel Numbers 125-211-01 and 125-211-02 shall correct the present existing runoff from the public right-of-way on to the driveway at the end of Ida Court, subject to the satisfaction of staff review.

PERMISSIBLE USES: Pursuant to Chapter 18 PERMISSIBLE USES and if applicable, Chapter 51 PERMISSIBLE USES AND ACCESSORY STRUCTURES IN THE SHOREZONE AND LAKEZONE, the following primary uses may be permitted within all or a portion of the 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 within this Plan Area. The establishment of new uses not listed shall be prohibited within this Plan Area.

**General List:** The following list of permissible uses is applicable throughout the Plan Area:

- **Residential**
  - Single family dwelling (A).

- **Public Service**
  - Local public health and safety facilities (S), transit stations and terminals (S), pipelines and power transmission (S), transmission and receiving facilities (S), transportation routes (S), public utility centers (S), and local post offices (S).

- **Recreation**
  - Participant sports facilities (S), day use areas (A), and riding and hiking trails (A).

- **Resource Management**
  - Reforestation (A), sanitation salvage cut (A), special cut (A), thinning (A), early successional stage vegetation management (A), structural and nonstructural fish/wildlife habitat management (A), fire detection and suppression (A), fuels treatment/management (A), insect and disease suppression (A), sensitive and uncommon plant management (A), erosion control (A), SEZ restoration (A), and runoff control (A).

**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 Plan Area. The actual development permitted may be further limited by transfer of development rights limitations, residential density incentive program, special use determinations, allocation limitations and general site development standards.

<table>
<thead>
<tr>
<th>USE</th>
<th>MAXIMUM DENSITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Single Family Dwelling</td>
<td>1 unit per parcel</td>
</tr>
</tbody>
</table>

**RESIDENTIAL BONUS UNITS:** Pursuant to Chapter 35, the maximum number of residential bonus units which may be permitted for this Plan Area is 0 units.

**MAXIMUM COMMUNITY NOISE EQUIVALENT LEVEL:** The maximum community noise equivalent level for this Plan Area is 50 CNEL. The maximum community noise equivalent level for the Highway 431 corridor is 55 CNEL.
ADDITIONAL DEVELOPED OUTDOOR RECREATION: The following are the targets and limits for additional developed outdoor recreation facilities specified in Chapter 13 to be located within this Plan Area. Specific projects and their timing are addressed in the TRPA Five-Year Recreation Program pursuant to Chapter 33 Allocation of Development. The following additional capacities allowed are measured in persons at one time:

SUMMER DAY USES 0 PAOT  WINTER DAY USE 0 PAOT  OVERNIGHT USES 0 PAOT

IMPROVEMENT PROGRAMS: The capital improvement and other improvement programs required by the Regional Goals and Policies Plan for this area shall be implemented. The improvements include, but are not limited to, the following.  

1. Improvements required by Volume IV of the Water Quality Management Plan.

2. The highway and transit improvements indicated in the Transportation Element of the Regional Goals and Policies Plan.


5 Amended 03/25/98, improvement Programs #1 and 2.
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE NO. 98-12

AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, BY AMENDING THE REGIONAL PLAN OF THE TAHOE REGIONAL PLANNING AGENCY, AS AMENDED; AMENDING PLAN AREA STATEMENT 040 INCLINE VILLAGE #1; AMENDING THE PLAN AREA BOUNDARY BETWEEN PLAN AREA 030 MOUNT ROSE AND PLAN AREA 040 INCLINE VILLAGE #1; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

The Governing Board of the Tahoe Regional Planning Agency does ordain as follows:

Section 1.00 Findings

1.10 It is necessary and desirable to amend TRPA Ordinance No. 87-9, as amended, by amending the boundary between Plan Area 030 and 040 to include portions of APN 125-211-01 in Plan Area 040 (an urban area) and to amend Plan Area 040 to add a special policy, to further implement the Regional Plan pursuant to the Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact.

1.20 The provisions of this ordinance are hereby determined not to have a significant effect on the environment, and thus are exempt from the requirement of an environmental impact statement pursuant to Article VII of the Compact.

1.30 The Governing Board conducted a noticed public hearing. Notice to affected property owners was given in accordance with TRPA’s Rules of Procedure. The Advisory Planning Commission (APC) also conducted a noticed public hearing and recommended adoption of the amendments. Oral testimony and documentary evidence were received and considered at the hearings.

1.40 The Governing Board finds that, prior to the adoption of this ordinance, the Board made the findings required by Section 6.4 of the TRPA Code of Ordinances and Article V (g) of the Compact and the findings required by Chapter 13 of the Code.

1.50 The amendments adopted by this ordinance implement the Regional Plan, as amended, in a manner that achieves and maintains the adopted environmental threshold carrying capacities as required by Article V(c) of the Compact.

1.60 Each of the foregoing findings is supported by substantial evidence in the record.

1.70 No development of a single family dwelling on parcel 125-211-02 shall occur until the owner has recorded a deed restriction (which TRPA has approved as to form), that does the following: a) recognizes that this Ordinance corrects any alleged error that occurred when TRPA established the urban boundary; 2) recognizes that this Ordinance is a compromise of disputed allegations; and 3) waives any and all rights, on behalf of Declarant and Declarant’s assigns, to request any additional adjustment to the urban boundary that would include a greater proportion of Declarant’s parcel than was approved in this Ordinance.

Section 2.00 Amendment to Plan Area Overlays

Subsection 6.20 (1) of TRPA Ordinance No. 87-9, as amended, is hereby further amended to add a new subparagraph (n) as follows:

(1) Plan Area Overlays at scales of 1"=400' and 1"=2000' January 1987), including the amendments to the Plan Area Overlays as set forth in "Exhibit A" entitled Plan Area Statement Amendments, 2/25/87, which amendments shall be reflected in the Plan Area Overlays, dated January 1987, and the following amendments:
Added (mm) Relocate the boundary between Plan Areas 030 and 040 on Overlay Map G-2 to include portions of APN 125-211-02 in Plan Area 040, as shown on Exhibit C, dated March 17, 1998, which amendments shall be incorporated into the Plan Area Overlays dated January 1987.

Section 3.00 Amendment of Plan Area Statement 040

Subsection 6.10 (2) of Ordinance 87-9, as amended, is hereby further amended as follows:

(2) Plan Area Statements for Plan Areas 010A through 175, inclusive, which statements are set forth in the document entitled Regional Plan for the Lake Tahoe Basin, Plan Area Statements: Carson City, City of South Lake Tahoe, Douglas County, El Dorado County, Placer County, Washoe County, Tahoe Regional Planning Agency, January 7, 1987, including the amendments as set forth in Exhibit A entitled Plan Area Statement Amendments, 2/25/87, which amendments shall be incorporated in the Plan Area Document, dated January 7, 1987, referred to in this subsection.

Added (ccc) Amendment of Plan Area Statement 040 to add a special policy for APN 125-211-02 as set forth in Exhibit E, dated March 17, 1998, which amendments shall be incorporated into the Plan Area Overlays dated January 1987.

Section 4.00 Interpretation and Severability

The provisions of this ordinance and the amendments to the plan areas statements and maps adopted hereby shall be liberally construed to effect their purposes. If any section, clause, provision or portion of this ordinance or the amendments adopted hereby is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance, or the amendments to the plan area statement and maps, shall not be affected. For this purpose, the provisions of this ordinance and the amendments are hereby declared respectively severable.

Section 5.00 Effective Date

This ordinance shall become effective immediately upon adoption.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held March 25, 1998 by the following vote:

Ayes: Kastan, Galloway, Neft, Bennett, Waldie, Keller, Miner, Bresnick, Montgomery, Perock, Cole, Wynn, DeLanoy

Nays: None

Abstentions: None

Absent: Crank

[Signature]
Drake S. DeLanoy, Chairman
Tahoe Regional Planning Agency
Exhibit F - Site Visit Photographs

Cul-de-Sac at the end of Jeffrey Court - View into Parcel 125-211-02

Parcel 125-211-02 - Potential Driveway Location
Exhibit F - Site Visit Photographs

Parcel 125-211-02 - View East Towards Jeffrey Court

Parcel 125-211-01 - View Slope to Parcel 125-211-01
Exhibit F - Site Visit Photographs

View Looking Up Slope at Parcel 125-211-01

Parcel 125-211-01 Existing Building Site
MEMORANDUM

July 3, 2001

To: Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of PAS 070B, Rabe, to Extend the Urban Boundary and Create Special Area #1 Wherein Multi-family Dwellings are a Permissible Use, and Other Matters Relating Thereto.

Proposed Action: The applicant, Falcon Capital, LLC, is requesting the amendment of PAS 070B, Rabe, in order to extend the urban boundary and create Special Area #1 wherein multi-family dwellings would be a permissible use. Refer to Attachment A for the location map.

Staff Recommendation: Staff recommends the APC conduct the public hearing as noticed and recommend denial of the proposed amendment to the Governing Board, based upon the inability to make the required findings to amend the urban boundary.

Background: Due to the demolition of the Kahle Street Apartments and subsequent conversion of those residential units to Tourist Accommodation Units (TAUs), Falcon Capital is required to mitigate the loss of 134 residential units by constructing deed-restricted affordable housing units, preferably within Douglas County. Falcon is currently constructing 64 units in the Lower Kingsbury area. In an effort to locate the units within Douglas County and given the very limited number of multi-acre sites suitable for multi-family development, Falcon Capital has made this application to gain the appropriate use designation on the subject parcel (Special Area), to fulfill their mitigation requirement of 70 additional residential units.

The 9-acre subject parcel (see attachment A) is located along U.S. Hwy. 50, immediately south of the Doria Court Commercial center (where the TRPA offices are located). The site possesses numerous granite outcroppings, which limits its land capability and provides a natural buffer for the Doral Court commercial buildings and U.S. 50. Additionally, this buffer protects the activities of the commercial area from the larger surrounding Rabe Meadow, and visa-versa.

In the early 1990's, a Community Planning Team was assembled to assist in the development of the Douglas County Community Plans (Stateline, Kingsbury and Round Hill Community Plans). During that planning process, the subject parcel was considered for inclusion in the Round Hill Community Plan. The analysis, presented in the 1993 Final EIS for the Douglas County Community Plans, determined that the findings required to amend the preliminary boundary, and hence establish the adopted boundary with the subject parcel included in the Round Hill Community Plan could not be made. The EIS determined that there was not a need for additional Commercial Floor Area within this part of the Tahoe Region, the existing topography was more consistent with the Recreation
Memorandum to TRPA Advisory Planning Commission
Proposed Amendment of PAS 070B, Rabe
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Plan Area 070B, Rabe, and not the commercial nature of the Round Hill Community Plan, and lastly, the parcel acts as a natural barrier between the recreation nature of the Rabe Meadow and the commercial development of Dorla Court. Therefore, the parcel remained in PAS 070B and was not included in the Round Hill Community Plan.

Discussion: Amendments to Plan Area Statements are addressed within Chapter 13 of the TRPA Code Of Ordinances, specifically section 13.7. In order for the proposed amendment to be made, TRPA must make the appropriate findings as listed in the Code. For this application, two distinct sets of findings must be made. First, the findings necessary to amend the urban boundary must be made; secondly, Transit-oriented Development findings are required to include multi-family dwellings as a permissible use. The applicable code subsection pertaining to urban boundary amendments read as follows:

13.7.D Findings For Plan Area Amendments: Prior to adopting any plan area amendment, TRPA must find:

(1) The amendment is substantially consistent with the plan area designation criteria in Subsections 13.5.B and 13.5.C; and

(2) If the amendment is to expand an existing urban plan area boundary or to add residential, tourist accommodation, commercial, or public service as permissible uses to a non-urban plan area, it must be found that the amendment will make the plan area statement consistent with an adopted policy or standard of the Regional Plan, and that the amendment will satisfy one or more of the following criteria:

(a) The amendment is to correct an error which occurred at the time of adoption, including but not limited to a mapping error, an editing error, or an error based on erroneous information; or

(b) The amendment is to enable TRPA to make progress toward one or more environmental thresholds without degradation to other thresholds as measured by the Chapter 32 indicators; or

(a) The amendment is needed to protect public health and safety and there is no reasonable alternative.

The applicant has provided information to TRPA, asserting that findings (b) and (c) can be made. Staff does not concur with these assertions. Concerning (b), threshold progress, the applicant claims that the SEZ restoration work being carried out at the former Kahle Street Apartments qualifies as "progress toward one or more thresholds." However, restoration of that site is a requirement of the conversion of those residential units to TAUs. Therefore, the restoration is a requirement of another project and cannot be claimed as threshold progress for this requested action. Simply said, it is 'double-dipping' from the same mitigation project.

Concerning (c), health and human safety, it is an uncommon and unprecedented determination that the provision of affordable housing is a health and human safety issue which would justify the amendment of the urban boundary. Certainly, the rehabilitation of residential units to UBC standards is a health and safety issue, as is providing adequate fire-flow pressure at fire-hydrant locations. While there is a documented lack of affordable housing units within the Tahoe Region, the lack of affordable housing units
Memorandum to TRPA Advisory Planning Commission  
Proposed Amendment of PAS 070B, Rabe  
Page 3

has not become a health and human safety issue sufficient to justify amending the urban boundary, to staff's knowledge.

Staff recognizes the lack of affordable housing units in the Region and commends Falcon Capital for their attempts to address this issue. Furthermore, staff routinely attempts to facilitate affordable housing projects; however, this application is for a zoning change and urban boundary amendment. Regardless of what might result from the zoning change, staff cannot recommend that the Governing Board make the required findings to amend the extant urban boundary. It is unfortunate that we may be losing an opportunity for the development of very much needed housing; however, that is not the question or the action requested.

In order to make multi-family dwellings a permissible use, TOD findings are required. However, given the recommendation that the urban boundary findings cannot be made, determining whether or not the TOD findings can be made is a moot point.

Douglas County: Staff contacted Douglas County regarding this proposal to solicit their position on the application. Douglas County supports the applicants request for the change in use designation and amendment of the urban boundary.

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

A. Chapter 6 Findings:

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

   Rationale: The proposed amendment is not consistent with the Regional Plan. The findings necessary to amend the urban boundary require a net benefit to one or more thresholds, which the applicant has not demonstrated.

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

   Rationale: The subject parcel was not contemplated when numeric standards were established for impervious coverage and VMT generation that would result from a multi-family development project.

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

   Rationale: See Findings 1 and 2 above.

PE/dmc

39 AGENDA ITEM V.D.
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.

Environmental Documentation: Staff has prepared an Initial Environmental Checklist (IEC) for the proposed project. Staff has determined that an EIS would need to be prepared to move forward with this application, however, the necessary findings to amend the urban boundary can not be made, therefore an EIS will not be prepared.

If you have any questions regarding this agenda item, please contact Peter Eichar at (775) 588 – 4547 or, recreation@trpa.org.

Attachment: PAS 070B Map
TAHOE REGIONAL PLANNING AGENCY
308 Donla Court Eiks Point, Nevada www.trpa.org
P.O.B. 1038 Zephyr Cove, Nevada 89448-1038
(775) 588-4547 Fax (775) 588-4527 Email: trpa@trpa.org

MEMORANDUM

July 3, 2001

To: Advisory Planning Commission
From: TRPA Staff

Subject: Amendment of PAS 067, Marla Bay/Zephyr Heights, to Amend Special Area #3 to Make Multi-family Dwellings a Permissible Use, and Other Matters Relating Thereto.

Proposed Action: The applicant, Falcon Capital, LLC, proposes to amend PAS 067, Marla Bay/Zephyr Heights, by creating Special Area #3 (APN 05-150-14), and add multi-family dwellings to the permissible use list for Special Area #3. See Attachment A for a location map and Attachment B for proposed language changes.

Staff Recommendation: Staff recommends the APC conduct the public hearing as noticed and recommend approval of the application to the Governing Board, if certain conditions can be met prior to project initiation.

Background: Due to the demolition of the Kahle Street Apartments and subsequent conversion of those residential units to Tourist Accommodation Units (TAUs), Falcon Capital LLC, is required to mitigate the loss of 134 residential units by constructing deed-restricted affordable housing units, preferably within Douglas County. Falcon is currently constructing 64 units in the Lower Kingsbury area. In an effort to locate the units within Douglas County, and given the very limited number of multi-acre sites suitable for multifamily development, Falcon Capital has made this application to gain the appropriate use designation on the subject parcel, and fulfill their mitigation requirement of an additional 70 deed-restricted residential units.

Discussion: The success of this application squarely lies with the concept of Transit-oriented Development (TOD). TRPA employs the TOD criteria when an application is made to amend the permissible use list of a Plan Area to allow for multi-residential development (multi-family dwellings). Over the past two years, staffs worked on these findings to clarify and strengthen the language to better apply the standards to these types of applications. This is the first application that has been evaluated under the new TOD criteria. Below is the subject code section that this application has been evaluated against. Following each subcomponent, staff has stated the objective facts concerning the relation of the subject parcel and subsequently proposed project, and the required TOD findings.

13.7.D Findings For Plan Area Amendments: Prior to adopting any plan area amendment, TRPA must find:

(5) If the amendment is to add multiple-family dwellings as a permissible use to a plan area or for one or more parcels, and would result in deed restricted affordable housing units, the plan area or affected parcel must be found suitable for transit-oriented development (TOD). TRPA shall find that the following factors are satisfied when determining TOD suitability:

PE/dmc

AGENDA ITEM V.E.
a) The applicant has provided a letter from Dick Powers, Executive Director of SS/TMA (will-serve letter for operational transit, as provided for in (4), functional equivalent) stating that this parcel is located within the planned service area. However, the type of service (demand-response or fixed route) was not indicated in Mr. Powers' letter. According to the Final CTS Operating Plan, the subject parcel is within Service Area Zone 3, which will have demand response service only. This area currently has demand response service (Bus Plus, $3 per passenger per trip) and summer season service to Zephyr Cove Resort via the Trolley.

The criteria states that transit must be within a 10 minute walk, and operational. Demand-response service is not the type of transit operation that was envisioned when this code section was crafted, as indicated by the 10-minute walk provision, which suggests a walk to a bus stop/shelter. Bus stops/shelters are located for fixed-route service, not demand response service that picks up riders at their doorstep. The intent of the code provision was not for demand-response service.

The applicant has indicated that the type of project that would occur on the subject parcel is single-family residences (resulting from a 2-step subdivision process) that would be deed-restricted for first-time homebuyers. Given the high median annual incomes of Douglas County, the likely candidates for this type of housing can be characterized as low to mid-level professionals, earning around $35,000 to $45,000 annually. Staff believes that occupants of this type of housing and income, would be more likely to use pedestrian/bicycle paths than use demand-response transit to access TOD features.

Therefore, Staff proposes to make the functional equivalent finding, given that the demand-response transit AND irrevocable commitments to the construction of EIP #769 (Class I bike path from Round Hill to Zephyr Cove) are in place prior to project approval.

b) The subject parcel is within 0.5 mile of the General Store at Zephyr Cove Resort and a 7–11 store located in the small commercial strip of PAS 067, Special Area #1 (see attachment A). There are no bicycle or pedestrian pathways to these facilities, and the mileage represents a distance traveled via an automobile on US Hwy 50.

The application additionally states that the Round Hill Mall, which contains significant neighborhood and limited government services, is located 1.5 miles from the subject parcel. It is currently accessible via the demand-response services of Bus Plus at a round-trip cost of $6 per individual, or during the summer season only, via the Trolley service (free). There are no bicycle or pedestrian pathways connecting the subject parcel and Round Hill Mall.

A Class II bike trail extending from Round Hill to the US 50/ SR 28 Junction is contained within the Douglas County Transportation Improvement Program. However, the schedule is "undetermined" and the County is not committing to funding this project, and has identified NDOT and grants as potential funding sources.
sources. TRPA staff was involved with NDOT during their Highway 50 Master Plan process. NDOT consistently stated that they do not possess the necessary funds to develop such a bike path at this time.

A similar bike path is contained within the EIP, project # 769, a Class I bike path from Round Hill to Zephyr Cove. NDOT is shown as the lead agency; however, given the results of the Master Plan process, another governmental agency, perhaps Douglas County, needs to take a leadership role to organize all of the agencies involved and develop a strategy to procure the necessary funding to realize this project.

Currently, no pedestrian or bicycle paths link the subject parcel with the neighborhood services. Staff has determined that until the above-mentioned infrastructure is in-place, the subject parcel does not possess the necessary proximity to neighborhood services to state that the proximity to neighborhood services TOD finding is satisfied.

c) Within one mile of the subject parcel, adequate public facilities are available. Zephyr Cove Park, Zephyr Cove Resort, Douglas County Library, Zephyr Cove Elementary School and George Whittell High School are all within one mile of the subject site.

Currently, no pedestrian or bicycle paths link the subject parcel with the above-mentioned public facilities. Staff has determined that until the above-mentioned infrastructure is in-place, the subject parcel does not possess the necessary proximity to public services, to state that this TOD feature, proximity to public facilities, is satisfied.

**Staff Determination:** Based upon the information provided by the applicant and additional staff research and consultation, staff has determined that the subject parcel is marginally suitable for Transit-oriented Development. Staff is recommending an approval of this application, but it should be recognized that a project resulting from this amendment should only be allowed to move forward if irrevocable commitments (funding and permits) are in place for EIP project # 769.

**Douglas County:** Staff contacted Douglas County regarding this proposal to solicit their position on the application. Douglas County supports the applicant's request to change the use designation to include multi-family dwellings.

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

**A. Chapter 6 Findings:**

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

   **Rationale:** The proposed amendment can be consistent with the Regional Plan if certain conditions can be met prior to allowing the
physical construction of a project resulting from this amendment. Mainly, that is the provision of significant irrevocable commitments to realizing EIP # 769.

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

Rationale: The proposed amendment will not cause environmental thresholds to be exceeded given that the mitigation measures identified in the IEC are implemented and significant irrevocable commitments to realizing EIP # 769 can be established.

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

Rationale: 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.

Environmental Documentation: Staff has prepared an Initial Environmental Checklist (IEC) for the proposed project. Staff has determined that a mitigated Finding of No Significant Effect (FONSE) can be made.

If you have questions concerning this agenda item, please contact Peter Eichar at (775) 588 - 4547 or, recreation@trpa.org.

Attachments
A. Plan Area 067 Map
B. Proposed changes to PAS 067
PLAN DESIGNATION:

Land Use Classification: RESIDENTIAL
Management Strategy: MITIGATION
Special Designation: NONE
- PREFERRED AFFORDABLE HOUSING AREA (SA #3 Only)
- MULTI-RESIDENTIAL INCENTIVE PROGRAM (SA #3 Only)

DESCRIPTION:

Location: This area includes the development above and below Highway 50 in Zephyr Point and is located on TRPA maps H-14 and H-15.

Existing Uses: The area consists of older low density residential subdivisions, a condominium development, the Presbyterian lodge and cabins, and small commercial and motel establishments. The shoreline is under private ownership. This area is 80 percent built out.

Existing Environment: The area is 75 percent high hazard and 25 percent moderate and low hazard. The shorezone tolerance is 3, 5, and 8. The land coverage is 30 percent plus an additional 25 percent disturbed.

PLANNING STATEMENT: This area should continue to be residential, maintaining the existing character of the neighborhood.

PLANNING CONSIDERATIONS:

1. The commercial area on Highway 50 has scenic and access problems.
2. The Presbyterian facility needs upgrading of older buildings and 208 improvements.
3. Zephyr Cove Unit 1 is an area of significant historical architecture.
4. Water supply problems exist in this entire area.
5. Scenic Roadway Unit 30 and Scenic Shoreline Unit 29 are within this Plan Area.

SPECIAL POLICIES:

1. Commercial development should be limited to areas now committed to such development (Special Area #1). New uses should be consistent with the need to upgrade the area and to provide neighborhood commercial facilities and recreational services.
2. A specific plan shall be developed by the homeowners of Zephyr Cove Units #1 and #2 for the littoral strip parcel prior to any further shorezone development. The plan should encourage multiple use facilities and beach recreation for the residents of the subdivision and restoration of the shorezone.

3. Zephyr Cove Unit #1 should be considered for designation as a historical district. The property owners in this area should be encouraged to maintain or upgrade the existing structures consistent with the old Tahoe summer cabin style.

4. No expansion of existing uses or new development shall be permitted until the water supply problems are resolved.

5. Drainage from this area should be diverted to the McFall Creek Meadow for treatment prior to entry into the lake.

6. The Presbyterian Conference facility (Special Area #2) should be rehabilitated subject to a master plan approval. This plan should concentrate on land coverage reduction and more efficient use of existing facilities.

7. Prior to development of multi-family dwellings within Special Area #3 (APN 005-150-14) significant irrevocable commitments (funding and permits) toward the construction of EIP # 769 shall be in place.

8. Any multi-family dwellings developed in Special Area #3 shall be deed restricted affordable housing residential units according to the established standards found in the TRPA Code of Ordinances.

PERMISSIBLE USES: Pursuant to Chapter 18 PERMISSIBLE USES and if applicable, Chapter 51 PERMISSIBLE USES AND ACCESSORY STRUCTURES IN THE SHOREZONE AND LAKEZONE, the following primary uses may be permitted within all or a portion of the 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 within this Plan Area. The establishment of new uses not listed shall be prohibited within this Plan Area.

General List: The following list of permissible uses is applicable throughout the Plan Area (except as noted in Special Area #1, and #2 and #3):

Residential

- Single family dwelling (A).

Public Service

- Local public health and safety facilities (S), transit stations and terminals (S), pipelines and power transmission (S), transmission and receiving facilities (S), transportation routes (S), public utility centers (S), and day care centers/pre-schools (S).

Recreation

- Participant sports facilities (S), day use areas (A), riding and hiking trails (A), and beach recreation (A).

Resource Management

- Reforestation (A), sanitation salvage cut (A), special cut (A), thinning (A), early successional stage vegetation management (A), structural and nonstructural fish/wildlife habitat management (A), fire detection and suppression (A), fuels treatment/management (A), insect and disease suppression (A), sensitive and uncommon plant management (A), erosion control (A), SEZ restoration (A), and runoff control (A).
Special Area #1: The following list of permissible uses is applicable in Special Area #1.
All the uses listed on the General List plus the following additions:

Tourist Accommodation Hotel, motel and other transient dwelling units (S).

Commercial Eating and drinking places (A), food and beverage retail stores (A), general merchandise stores (S), professional offices (A), and personal services (S).

Special Area #2: The following list of permissible uses is applicable in Special Area #2.
All the uses listed on the General List plus the following additions:

Tourist Accommodation Hotel, motel and other transient dwelling units (S).

Commercial Privately owned assembly and entertainment (S).

Recreation Group facilities (S) and outdoor recreation concessions (S).

Special Area #3: The following list of permissible uses is applicable in Special Area #3.
All the uses listed on the General List plus the following additions:

Residential Multi-family dwellings (S).

Shorezone: Within the specified shorezone tolerance district, the following primary uses may be permitted in the backshore, nearshore, and foreshore. Accessory structures shall be regulated pursuant to the regulations applicable to the primary use upon which they are dependent in accordance with Chapter 18. The following structures may be permitted in the shorezone as an allowed (A) or special (S) use only if they are accessory to an existing, allowed use located on the same or adjoining littoral parcel.

Tolerance District 3
Primary Uses Safety and navigational devices (A) and salvage operations (A).

Accessory Structures Buoys (A), piers (A), fences (S), boat ramps (S), breakwaters or jetties (S), shoreline protective structures (S), floating docks and platforms (A), and water intake lines (S).

Tolerance Districts 5 and 8
Primary Uses Beach recreation (A), safety and navigational devices (A), and salvage operations (A).

Accessory Structures Buoys (A), piers (A), fences (S), boat ramps (S), breakwaters or jetties (S), shoreline protective structures (S), floating docks and platforms (A), and water intake lines (S).
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 Plan Area. The actual development permitted may be further limited by transfer of development rights limitations, residential density incentive program, special use determinations, allocation limitations and general site development standards.

<table>
<thead>
<tr>
<th>USE</th>
<th>MAXIMUM DENSITY</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>Multi-family Dwellings</td>
<td>8 units per project area acreage</td>
</tr>
<tr>
<td></td>
<td>minimum (8 units/acre). (Special Area #3)</td>
</tr>
<tr>
<td>Tourist Accommodation</td>
<td></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 (Special Area #1)</td>
</tr>
<tr>
<td>• with 10% or more units with kitchens</td>
<td>20 units per acre (Special Area #2)</td>
</tr>
<tr>
<td></td>
<td>15 units per acre (Special Area #1)</td>
</tr>
</tbody>
</table>

RESIDENTIAL BONUS UNITS: Pursuant to Chapter 35, the maximum number of residential bonus units which may be permitted for this Plan Area is 0 units.

MAXIMUM COMMUNITY NOISE EQUIVALENT LEVEL: The maximum community noise equivalent level for this Plan Area is 50 CNEL. The maximum community noise equivalent level for the Highway 50 corridor is 85 CNEL.

ADDITIONAL DEVELOPED OUTDOOR RECREATION: The following are the targets and limits for additional developed outdoor recreation facilities specified in Chapter 13 to be located within this Plan Area. Specific projects and their timing are addressed in the TRPA Five-Year Recreation Program pursuant to Chapter 33 Allocation of Development. The following additional capacities allowed are measured in persons at one time:

SUMMER DAY USES 0 PAOT  WINTER DAY USES 0 PAOT  OVERNIGHT USES 0 PAOT

IMPROVEMENT PROGRAMS: The capital improvement and other improvement programs required by the Regional Goals and Policies Plan for this area shall be implemented. The improvements include, but are not limited to, the following:

1. Improvements required by Volume IV of the Water Quality Management Plan.
2. The highway and transit improvements indicated in the Transportation Element of the Regional Goals and Policies Plan.
4. EIP Project # 769, Class I Bike Trail from Round Hill to Zephyr Cove (Warrior Way).
MEMORANDUM

July 3, 2001

To: Advisory Planning Commission

From: TRPA Staff

Subject: Workshop on Thresholds

Proposed Action: No action is requested for this agenda item.

Staff Recommendation: Staff recommends that workshops be held at this month's APC meeting that focus on the following chapters of the 2001 Threshold Evaluation:

- Economics
- Noise
- Wildlife

In addition, staff recommends that time be reserved at the next two meetings (August and September) so that there is time to present the remaining chapters while the Threshold Evaluation is in its draft stage. Not only does this provide an opportunity to review the Evaluation in a focused manner, it also provides an opportunity to educate new members of the APC and the public on the Region's Thresholds. Presentations will be given by TRPA Threshold Program Managers and, in the case of noise and economic chapters, our consultants.

Background: The TRPA Code of Ordinances (subsection 32.8) requires periodic progress reports, in at least five-year intervals, to ensure adequate monitoring of progress toward attainment and maintenance of thresholds and standards. The first of these reports was published in 1991, the last of these reports was completed in 1996. TRPA Staff is currently drafting the 2001 Evaluation, and anticipates a Draft Threshold Evaluation in July and a completed Evaluation, for TRPA adoption, in November 2001.

Discussion: The TRPA Compact establishes nine environmental threshold carrying capacities. In order to effectively manage the Region's resources to ensure attainment and maintenance of these thresholds, TRPA possesses land use authority.

The 2001 Threshold Evaluation will serve 4 main purposes: 1) provide an analysis on the status of threshold attainment within all nine threshold categories; 2) make recommendations for TRPA Code of Ordinance amendments, policy changes, and program changes to better assist in the attainment of thresholds; 3) make recommendations for development allocations for the remaining 5 years of the Regional Plan; and 4) provide recommendations through the creation of an "ABC" List for the development of TRPA's program of work that will define the critical path of products needed to adopt the Regional Plan Update in 2007.

If you have any questions regarding this agenda item, contact Gabby Barrett or Coleen Shade at (775) 588-4547.