TAHOE REGIONAL PLANNING AGENCY

Project Name: Borelli Commercial Building

Application Type: Commercial/Office Building

Applicant: Jim Borelli

Applicant’s Representative: Simon Environmental Planning

Agency Planner: David L. Landry, Associate Planner

Location: 8711 N. Lake Blvd, Kings Beach, Placer County

Assessor’s Parcel Number/File Number: 090-192-03/20060426

Staff Recommendation: Staff recommends that the Hearings Officer approve the project. The recommended conditions of approval are listed in the Special Conditions of the draft permit attached to this staff summary.

Project Description: This is a proposal for the removal of an existing single family residential structure and its replacement with a new 3,084 square foot, two story commercial building and associated parking. The new commercial building will have a total of 2,634 square feet of floor area designed for both general merchandise and professional office use. This project involves the allocation of commercial floor area of less than 3,000 square feet and as such requires Hearings Officer review per Chapter 4.7.B (Appendix A) of the TRPA Code.

Site Description: The proposed site is a 5,266 square foot (0.12 acres) lot located in the Kings Beach Community Plan, Special Area #2, Placer County. The site has an approximate slope of 3 percent descending from a north to south direction. The site is currently occupied by a 2 story single family residential structure and a small number of pine trees of varying sizes. In December 1998 TRPA verified 3,409 square feet of Class 5 on site coverage and 512 square feet of Class 5 off site coverage. At present the property can be accessed from both Highway 28 to the south and Minnow Avenue to the north. The surrounding neighborhood consists of varying types of commercial and residential uses. The parcel is not visible from Lake Tahoe but it is visible from Highway 28, which is a TRPA designated scenic resources.

Issues: The proposed commercial structure requires the transfer of less than 3,000 square feet of CFA thus requiring Hearings Officer review per Chapter 4, Appendix A, of the TRPA Code. The primary project related issues are:

1. Land Coverage: The land capability of this property has been verified as Class 5 and the parcel size is 5,266 square feet in area.

/ML
6/22/06

CONSENT CALENDAR AGENDA ITEM 5
Planning for the Protection of our Lake and Land
a. Land Coverage Calculations:

<table>
<thead>
<tr>
<th>Land Capability District</th>
<th>Project Area</th>
<th>Percent Allowable Coverage</th>
<th>Base Allowable Coverage</th>
<th>Existing Coverage</th>
<th>Total Allowed Coverage for this project</th>
<th>Proposed Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>5,266</td>
<td>25%</td>
<td>1,316 SF</td>
<td>3,409 SF</td>
<td>3,686 SF (70%)</td>
<td>3,682 SF</td>
</tr>
</tbody>
</table>

(Maximum allowable per land capability)

Note: The applicant is taking advantage of TRPA Code Section 33.7.C, Uses Modified to Meet Development Standards for New Projects as reported in their project description received March 20, 2006. Per TRPA Code Subsection 20.3C(1)(b) the applicant must transfer land coverage at a ratio of 2:1 for the new land coverage needed to reach 70% of project area; 273 square feet x 2 = 546 square feet of land coverage required for transfer.

b. Coverage Mitigation: The project will create 273 square feet of new base allowable coverage, subject to payment of a water quality mitigation fee. A water quality mitigation fee of $420.42 shall be paid to TRPA. This fee is based on the creation of 273 square feet of land coverage at a rate of $1.54/Sq ft.

2. Building Height: This project consists of a single two-story building. Allowable and proposed building height is described in the table below:

<table>
<thead>
<tr>
<th>Building</th>
<th>Roof Pitch</th>
<th>Building Cross Slope</th>
<th># of Stories</th>
<th>TRPA Code Max. Allowable Height</th>
<th>Proposed Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial Building</td>
<td>8:12</td>
<td>3.0%</td>
<td>2</td>
<td>34 feet-4 inches</td>
<td>34 feet-2 inches</td>
</tr>
</tbody>
</table>

3. Tree Removal: The applicant is proposing to remove 6 of the 7 living native trees located on the project site. One of the trees targeted for removal is smaller than 25 inches in diameter at breast height (dbh) while the remaining 5 trees are 30 dbh or smaller. As a condition of approval if the tree to targeted to remain on the site dies due to the project construction the applicant shall replace that tree in substantially the same location, at a ratio of three new trees for every one that does not survive. The new tree(s) shall be of the conifer variety with a minimum height of six feet healthy specimens from the TRPA approved vegetation list.

4. Scenic Quality: The project site fronts directly on State Highway 28 to the south and Minnow Avenue to the north. The proposed structure will be easily seen from State Highway 28. The TRPA Scenic Quality Improvement Program (SQIP) emphasizes the need for landscaping along roadsides and within parking areas in order to screen views of paving and parked vehicles. The proposed on site parking lot will be out of view from Highway 28 as it will be placed to the rear or north side of the building structure. With the proposed landscaping scheme and building colors the project will be consistent with the requirements of the Scenic Quality Improvement Program.

5. Traffic, Air Quality and Parking: Pursuant to Subsection 93.3.B of the TRPA Code of Ordinances and Community Plan standards, a traffic analysis is required for any project which results in an increase of 200 daily vehicle trips. The professional office building will yield a total of 129 daily vehicle trip ends, 119 over the previous residential use of 10 dvte. These trip ends are based on TRPA's published trip table (October 1995) for
commercial uses. An air quality mitigation fee will be assessed at a rate of $30 per non-residential daily vehicle trip ends or 129 x $30. = 1,170. The project will not have a significant impact on area traffic or to regional and sub-regional air quality.

6. **Automobile access:** Access into the site will be along a two-way driveway off of Minnow Avenue while pedestrian access will be from along State Route 28. The required parking for the proposed project is 11 spaces, or 1 space per 300 GFA (Gross Floor Area) for general merchandise use; 1 space /300 square feet of floor area = 10.28 or 11 spaces. This figure is based on the Parking Demand Table Appendix A, Placer County Development Code. The applicant is proposing a total of 4 on site parking spaces including one ADA compliant space on site and an additional 7 spaces at a proposed 22 space parking lot targeted to be built on Minnow Avenue in 2007. The parking lot based on Placer County's Parking District and Fee Program in theory is able to satisfy the sites in lieu of On-site Parking requirement providing the County will guarantee in writing that the Bigler Building may use existing located near the corner of Bear and Brook Avenues until such time that the proposed parking at Minnow is complete. On site parking has been designed per Subsection 24.2.E(3) of the TRPA Code of Ordinances and the Placer County Design Standards and Guidelines for The Lake Tahoe and Community Plan Area Guidelines.

7. **Commercial Floor Area (CFA):** The proposed project site is located within the Kings Beach Community Plan area in which commercial development is an allowed use. The creation of additional floor area either requires the transfer of 1,639 square feet of CFA through allocation from TRPA or from banked sources. The applicant is proposing to transfer 1,639 square feet of CFA through future allocation which has not yet been secured in addition to converting 995 square feet of residential floor area to commercial floor area at a ratio of 1:1. The resulting total CFA square footage is 2,634 square feet. As a condition of approval the Applicant is required to secure the allocated CFA prior to acknowledgement of the permit. The permit cannot be acknowledged until the requisite amount of CFA is transferred to the site.

**Staff Analysis:**

A. **Environmental Documentation:** The applicant has completed an Initial Environmental Checklist (IEC) and ground water hydrology report in order to assess the potential environmental impacts of the project. No significant environmental impacts were identified and staff has concluded that the project will not have a significant effect on the environment. A copy of the completed IEC will be made available at the Governing Board hearing and at TRPA.

B. **Plan Area Statement/Community Plan:** The project is located within the Kings Beach Commercial Community Plan; Special Area #1. The Land Use Classification is Commercial/Public Service and the Management Strategy is Redirection. The proposed project area is designated as a Special Downtown Commercial area. Agency Staff has reviewed the subject Community Plan and has determined that the project is consistent with the applicable planning statement, planning considerations and special policies. The proposed activity, professional offices, is listed as an “allowed use.”
C. **Required Findings:** The following is a list of the required findings as set forth in Chapters 6, 18, 22 of the TRPA Code of Ordinances. Following each finding, Agency staff has briefly summarized the evidence on which the finding can be made.

1. **Chapter 6 – Required Findings.**

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

   **Land Use:** The proposed project is located within the Kings Beach Community Plan in which commercial buildings are identified as an allowed use. The proposed commercial use will be located adjacent to existing commercial and professional office uses.

   **Transportation:** The proposed development will result in an increase of 119 daily vehicle trip ends as defined in the TRPA Code of Ordinances. The applicant will be required to submit an air quality mitigation fee for this increase in accordance with the requirements of the TRPA Code. No significant impacts to Level of Service or Regional or Sub-Regional air quality are anticipated based on the IEC.

   **Conservation:** There is no habitat for TRPA special interest species within or near the project area, and the site does not contain any known historic or prehistoric resources. The project is proposed within an existing, developed subdivision, fronting State Highway 28. Scenic impacts are negligible as the project site is located within a developed commercial corridor. The final plans will include all of the required water quality and erosion control improvements for the project area.

   **Public Service and Facilities:** The proposed project will have access to water, sewer, and electrical service and is served by a paved road. According to the Kings Beach Community Plan, all utilities for this project will be placed underground.

   **Implementation:** To implement this project, Commercial Floor Area (CFA) as well as additional land coverage will need to be transferred to this project site per Chapter 33 of the TRPA Code. Commercial Floor Area (CFA) will be transferred to the site through allocation process and the conversion of existing floor area to commercial floor area. The applicant shall transfer through separate application 2,366 square feet of coverage from land capability Class 5 or higher or have an IPES score of 725 or higher. All of the transferred land coverage shall be located within Hydrologic Area 9.

b. The project will not cause the environmental threshold carrying capacities to be exceeded.

   The basis for this finding is provided on the checklist entitled “Project Review Conformance Checklist and Article V(g) Findings” in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklist demonstrate compliance with the environmental
threshold carrying capacities. A copy of the completed checklist will be made available at the Governing Board meeting and at TRPA.

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

(Refer to paragraph b, above.)

d. The project, to which the use pertains, will not change the character of the neighborhood, detrimentally affect or alter the purpose of the applicable planning area statement, community plan and specific or master plan, as the case may be.

The proposed project site is located within an area with existing commercial uses. Structures adjacent to the subject parcel are of similar size and scale as the proposed structures.

2. Chapter 18 – Special Use Findings:

(a) The project, to which the use pertains, is of such a nature, scale, density, intensity and type to be an appropriate use for the parcel on which, and surrounding area in which, it will be located.

The proposed project involves the introduction of a new commercial building and associated parking. The current use for this site is a single family residence which generates 10 vehicle trip ends. The new use will generate 119 vehicle trip ends for a total parking requirement of 11 parking spaces. The increase in parking is attributed to the added floor area of the new commercial building resulting in a total of $119 + 10 = 129$. The site has a size constraint which will not allow for all 11 parking spaces to be located on-site. As a condition of approval the applicant will be required to enter into an agreement with the County through the County’s in-lieu of on-site parking program to provide the added parking spaces in a county designated parking area.

(b) The project to which the use pertains, will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water, and air resources of both the applicant’s property and that of surrounding property owners.

The issuance of a permit shall include a regular maintenance and monitoring measures for all on-site BMPs to ensure protection of land and water resources of the applicant’s property and properties belonging to surrounding owners. Further permit issuance is subject to meeting all TRPA, state and county regulations for parking facilities, road improvements, transit structures, and landscaping.
(c) The project, to which the use pertains, will not change the character of the neighborhood detrimentally affect or alter the purpose of the applicable planning area statement, community plan and specific or master plan, as the case may be.

The proposed project is a change to a commercial use in an area that contains a mixture of commercial and residential land uses. The proposed parking lot will be enhanced with new landscaping.

3. Chapter 22 – Height Standards:

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

The proposed project is visible from Highway 28 in Kings Beach, a major arterial. The project proponent provided photographs taken from along the Highway which demonstrate that the building will not extend above the ridgeline or the existing forest canopy.

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

The proposed project can be seen from within a Scenic Highway Corridor. However the project has been designed to comply with the Kings Beach Community Plan design standards using subdued natural colors and materials. As such views from TRPA scenic resources should not be adversely impacted.

c. The maximum height at any corner of two exterior walls of the building is not greater than 90 percent of the maximum building height, as described in Subsection 22.7(8).

The maximum height of any corner of two exterior walls for the new building will be in compliance with this requirement.

E. Required Actions: Agency staff recommends that the Governing Board approve the project by making the following motions and findings based on this staff summary and the evidence contained in the record:

I. Approve the findings contained in this staff summary, and a finding of no significant environmental effect.

II. Approve the project, based on the staff summary, subject to the conditions contained in the attached Draft TRPA Permit.
Draft
- CONDITIONAL -
PERMIT

PROJECT DESCRIPTION: Professional Office Building
APN 090-192-03

PERMITTEE(S): Jim Borelli, Simon Environmental Planning as agent
FILE #: 20060426

COUNTY/LOCATION: Washoe County, Nevada/893 Incline Way

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on July 14, 2006, subject to the standard conditions of approval attached hereto (Attachment J and Q) and the special conditions found in this permit.

This permit shall expire on July 14, 2009 without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of pouring concrete for a foundation and does not include grading, installation of utilities or landscaping. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:
(1) TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT;
(2) ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA’S ACKNOWLEDGEMENT OF THIS PERMIT;
(3) THE PERMITTEE OBTAINS A COUNTY BUILDING PERMIT. TRPA’S ACKNOWLEDGEMENT MAY BE NECESSARY TO OBTAIN A COUNTY BUILDING PERMIT. THE COUNTY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS; AND
(4) A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.

TRPA Executive Director/Designee
Date

PERMITTEE’S ACCEPTANCE: I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents’ and employees’ compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I also understand that certain mitigation fees associated with this permit are non-refundable once paid to TRPA. I understand that it is my sole responsibility to obtain any and all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

Signature of Permittee(s) __________________________ Date ______________________

PERMIT CONTINUED ON NEXT PAGE
Air Quality Mitigation Fee (1): Amount $3,570  Paid _____ Receipt No.______

Water Quality Mitigation Fee (2): Amount $420.42  Paid _____ Receipt No.______

Security Posted (3): Amount $_______ Type ____ Paid _____ Receipt No.______

Security Administrative Fee (4): Amount $_______ Paid _____ Receipt No.______

Notes:
(1) See Special Condition 3 D., below.
(2) See Special Condition 3 E., below.
(3) Amount to be determined. See Special Condition 3 F., below.
(4) $144 if a cash security is posted or $74 if a non-cash security is posted.

Required plans determined to be in conformance with approval: Date: __________

TRPA ACKNOWLEDGEMENT: The permittee has complied with all pre-construction conditions of approval as of this date and is eligible for a county building permit:

 _______________________________________________________________________
TRPA Executive Director/Designee Date

SPECIAL CONDITIONS

1. This permit specifically authorizes the removal of an existing single family residential structure and its replacement with a new two story commercial building and associated parking. The new commercial building will have a total of 3,084 square feet of floor area designed for both general merchandise and professional office use at 8711 North Lake Boulevard. The project will require the transfer of 1,639 square feet of CFA and 2,366 square feet of additional coverage through separate application per Subsection 20.3.C(1)(b), TRPA Code. The project will result in a total proposed on-site land coverage of 3,682 square feet.

2. The Standard Conditions of Approval listed in Attachment Q shall apply to this permit.

3. Prior to permit acknowledgement, the following conditions of approval must be satisfied.

   A. A note stating that all vegetation shall be consistent with the requirements of Chapter 30 of the TRPA Code of Ordinances, including the specification for sizing and species type.

   B. Notes indicating that there will be no storage of excavated material on site; and fill material will be disposed of in a TRPA approved location.

   C. The elevations shall be revised to include:

      (1) Maximum excavation, including foundation footings, shall not exceed 5 feet below natural grade per Subsection 64.7 of the TRPA Code.
D. The permittee shall submit an air quality mitigation fee of $3,570. This fee is based on the addition 119 commercial daily vehicle trip ends at the following rate; (119 x $30) = $3,570.

E. A water quality mitigation fee of $420.42 shall be paid to TRPA. This fee is based on the creation of 273 square feet of land coverage at a rate of $1.54/Sq ft.

F. The security required under Standard Condition A.3 of Attachment R shall be equal to 110 percent of all required Best Management Practices required for the project, but not less than $5,000. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.

G. Through separate applications the permittee shall transfer a total of 546 square feet of coverage to this parcel. The transferred coverage shall be from land capability Class 5 or higher or have an IPES score of 725 or higher. All of the transferred land coverage shall be located within Hydrologic Area 9. (Note all coverage transfers must be in compliance with Chapter 20 of the TRPA Code of Ordinances and the TRPA Rules of procedure).

H. Through separate application, the permittee shall transfer a total of 1,639 square feet of CFA to this project site. As an alternative, commercial Floor Area (CFA) may be allocated to the project from the King's Beach Commercial Community Plan. Allocation of commercial floor area may require Hearings Officers or Governing Board review under separate application as a plan revision.

I. The permittee shall submit a BMP maintenance and monitoring plan detailing the annual maintenance for all BMPs installed on the property.

J. Landscaping plans shall include plants from the Home Landscaping Guide for Lake Tahoe and Vicinity. Non-native/adapted plants shall be used as accent plants only per TRPA Code 30.7.C.

K. The permittee shall provide evidence that all basic service requirements for minimum fire flow will be met or exceeded in accordance with Section 27.3.B, Table 27-1 of the TRPA Code.

L. The permittee shall submit three (3) sets of final construction drawings and site plans to TRPA.

M. The permittee shall submit a Community Plan compliance report demonstrating that all applicable design standards and guidelines contained in the Kings Beach Community Plan are satisfied in the final project design. Design guidelines in the community plan may only be waived for good reason if reviewed and approved by staff, and if requested in writing by the permittee with the report submittal.
4. Parking of vehicles off approved pavement is prohibited. Vehicle barriers in the form of field boulders or bollards shall be installed at the edges of the parking lot to prevent the parking of vehicles on surfaces other than on-site paved areas.

5. By acceptance of this permit, the permittee agrees that any of the remaining native trees that fail due to the project construction, or within five years of project completion, shall be replaced in substantially the same location by a healthy specimen of the same or similar species.

6. The permittee shall submit a projected construction completion schedule to TRPA prior to commencement of construction. Said schedule shall include completion dates for each item of construction, as well as BMP installation for the entire project area.

7. The permittee shall not construct any finished floor that is more than five (5) feet below natural grade, measured at the location where the floor meets the foundation wall. Any modification of this structure shall conform to TRPA's height standards.

8. Excavation equipment shall be limited to the foundation footprint to minimize site disturbance. No grading or excavation shall be permitted outside of the approved disturbance areas.

9. No grading or excavation shall be permitted except as shown on the plans.

10. All waste resulting from the saw-cutting of pavement shall be removed using a vacuum (or other TRPA approved method) during the cutting process or immediately thereafter. Discharge of waste material to surface drainage features is prohibited and constitutes a violation of this permit.

11. All excavated material must be hauled away from the site to a legally acceptable location and no fills or re-contouring, (other than backfill or as shown on the approved grading plan) shall be allowed.

12. All design standards for off-street parking facilities shall be in conformance per Guidelines for the Community Plans of Placer County, Parking Standards. This shall include proper identification of ADA accessible parking spaces and correct dimensioning for all parking stalls, and driveway widths.

13. The permittee shall obtain from the County a guarantee in writing that the Commercial Building may use existing parking located near the corner of Bear and Brook Avenues until such time that the proposed parking at Minnow is complete to meet the projects off-site parking requirement.

14. All signs will require a separate TRPA sign application and approval.

15. All exterior lighting shall be consistent with TRPA Code of Ordinances, Chapter 30, Section 30.8, Exterior Lighting Standards.

End of Permit