Project Name: Stefanowicz Residential Addition

Application Type: Addition/Modification to Single Family Residence, Special Use Determination

Applicant: Robert Stefanowicz

Applicant’s Representative: GilanFarr & Associates

Agency Planner: David L. Landry, Associate Planner, Environmental Review Services

Location: 1007 Apollo Way, Washoe, County, Nevada

Assessor’s Parcel Number/ FileNumber: APN: 125-441-21/20050686

Staff Recommendation: Staff recommends that the Hearings Officer approve the project based on this Staff Summary and the evidence contained in the project record. The recommended conditions of approval are listed in the attached Draft Permit.

Project Description: This is a proposal for the removal and reconfiguration of a wooden deck on an existing 4,275 square foot single family residence. The proposed work will include the introduction of an approximate 175 square foot deck extension on the south side of the residence and new vestibule at the existing parking deck. Other work will include the removal of approximately 100 linear feet of wooden deck, support columns, roof eaves and stairways from the exterior of the existing building structure. Also targeted for removal will be 122 square feet of coverage in the form of walkway pavers which will be banked for future use. In addition there will be 41 square feet of coverage in the form of a new concrete pad to be relocated adjacent to the existing concrete pad on the south side of the structure.

Site Description: The subject parcel is 14,588 square feet (0.334 acres) and is located on the south side of Apollo Way in Incline Village, Washoe County. The site is currently occupied by a three-story, split level single family residential structure of approximately 4,275 square feet in gross floor area. There is also a 15 foot wide drainage easement to the rear or west side of the property and a +/-2,583 square foot open space easement to the south side of the property.

The site which is 14,588 square feet (0.334 acres) in area has a Verified Land Capability Class 1A with a base allowable coverage of 146 square feet of coverage or 1% of the site, (see TRPA File Number 20050069).

Surrounding land uses consist of single-family residences to the north, east, and west.
Issues: According to Plan Area Statement 042, Incline Village #5 the proposed project is a special use due to avalanche hazard and thus requires Hearings Officer review per Chapter 4, Appendix A, of the TRPA Code.

1. Avalanche Area: The primary project related issue is a potential avalanche hazard as the residence is located in a Plan Area Statement which has been identified as having potential avalanche hazard. An avalanche study was prepared for Washoe County in 1993 which identifies the avalanche paths and zones within the Tahoe Basin portion of Washoe County. TRPA staff has reviewed this study which shows that the subject parcel is located outside of the noted avalanche hazard zone. However due to this special use category, the applicant will be required to record a deed restriction that indemnifies and holds TRPA harmless if any property on this parcel is damaged or destroyed as a result of an avalanche as a condition of approval.

2. Land Coverage: Under TRPA Code of Ordinances the verified on site coverage of 2,442 square feet while exceeding the allowable coverage of 146 square feet was created before TRPA standards were adopted. This coverage may remain providing there is no net increase in the total amount of coverage. It should be noted that although additional coverage is not allowed, in some instances coverage may be moved from place to place within the site. For this project 41 square feet of coverage will be relocated to the south side of the building structure. In addition a total of 122 square feet of coverage targeted for removal will be banked for future use.

Staff Analysis:

A. Environmental Documentation: TRPA staff has completed the “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 indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Hearings Officer hearing and at TRPA.

B. Plan Area Statement: The project is located within the Plan Area 042 Incline Village #5. The Land Use Classification is Residential and the Management Strategy is Mitigation. Staff has reviewed the subject Plan Area and has determined that project is consistent with the applicable planning statement, planning considerations and special policies. The proposed activity (single family dwelling) is listed as a special use due to portions of the area being subject to avalanche hazard.

C. Land Coverage: A total of 122 square feet of land coverage is targeted to be removed from the site while 41 square feet of coverage will be relocated. The land capability for the subject parcel has been verified as Class 1A on a 0.334 acre property. The relocation of existing land coverage is consistent with Chapter 20 of the TRPA code.

D. Height: The existing residence is 43 feet 42 inches 1.5 feet taller than the allowed height for this site. As the structure was built in 1985 the non-conforming height is allowed to remain. The current height of the existing deck measured from the site's lowest point to the deck flooring is 13 feet the same height of the proposed deck extension.
**Required Findings:** The following is a list of the required findings as set forth in Chapters 6 and 18, and Chapter 20 coverage relocation findings 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.

   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.

   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 indicate compliance with the environmental threshold carrying capacity. A copy of the completed checklist will be made available at the Hearings Officer hearing 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 1b, above.

2. **Chapter 18 – Special Use:**
   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 location of the proposed project is within an existing residential neighborhood with structures of similar size and scale. Surrounding land uses include single family dwellings and vacant parcels.

   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 applicant will be required to install temporary (BMPs) Best Management Practices on the parcel to protect the land, water and air resources of the subject property and that of the surrounding properties. The applicant is also...
required to re-install all permanent (BMPs) affected work associated with this project; specifically to relocate the former eave drip line trenches so that the new drip line edge is in line with the new infiltration trench center line.

The residence is located in a Plan Area Statement that identifies the area as a potential avalanche hazard zone. An avalanche study was prepared for Washoe County in 1993 which identifies the avalanche paths and zones within the Tahoe Basin portion of Washoe County. TRPA Staff has reviewed this study which shows that the subject parcel is located adjacent to and just outside of the noted avalanche hazard zone. As a condition of project approval, the applicant will be required to record a deed restriction that indemnifies and holds TRPA harmless if any property on this parcel is damaged or destroyed as a result of an avalanche.

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 residence is located within an existing residential neighborhood with structures of similar size and scale. The proposed project is located within the Incline Village #5 Plan Area Statement and the addition/remodel will not alter the purpose of the applicable plan area statement.

3. Chapter 20 – Land Coverage:

a. The relocation of land coverage is to an equal or superior portion of the parcel or project area.

(1) Whether the area of relocation already has been disturbed;
(2) The slope of and natural vegetation on the area of relocation;
(3) The fragility of the soil on the area of relocation;
(4) Whether the area of relocation appropriately fits the scheme of use of the property;
(5) The relocation does not further encroach into a stream environment zone, backshore, or the setbacks established in the Code for the protection of stream environment zones or backshore;
(6) The project otherwise complies with the land coverage mitigation program set forth in Section 20.5; and

Land coverage that is proposed to be relocated is adjacent to the existing residence and will be placed next to an existing concrete slab in an area that has been previously disturbed. The parcel has a Class 1A Land Capability, and all proposed relocated land coverage will be within the same land capability class.

b. The area from which the land coverage was removed for relocation is restored in accordance with Subsection 20.4.C.

The area from which the land coverage is removed shall be restored to a natural state. As a condition of project approval, the applicant will be
required to submit a landscape and revegetation plan for TRPA review and approval.

c. **The relocation is not to Land Capability Districts 1a, 1b, 1c, 2 or 3 from any higher numbered land capability district.**

The 41 square feet of land coverage to be relocated is within and will remain within Class 1A Capability District.

E. **Required Actions:** Agency staff recommends that the Hearings Officer 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.
TAHOE REGIONAL PLANNING AGENCY

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-DRAFT-

PERMIT

PROJECT DESCRIPTION: Single Family Residential Addition/Modification  APN: 125-441-21

PERMITTEE(S): Robert Stefanowicz  FILE #: 20050686

COUNTY/LOCATION: Washoe County, Nevada/1007 Apollo Way

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on November 10, 2005, subject to the standard conditions of approval attached hereto (Attachment R) and the special conditions found in this permit.

This permit shall expire on November 10, 2008 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.

NO DEMOLITION, 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/CITY BUILDING PERMIT. TRPA'S ACKNOWLEDGEMENT MAY BE NECESSARY TO OBTAIN A COUNTY/CITY BUILDING PERMIT. THE COUNTY/CITY 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
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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
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PERMIT CONTINUED ON NEXT PAGE

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/dl

Planning for the Protection of our Lake and Land
APN 125441-21  
FILE NO. 20050686

Excess Coverage Mitigation Fee (1):  
Amount $_________  Paid _______  Receipt No._______

Security Posted (2):  
Amount $_________  Posted _______  Type_______  Receipt No._______

Security Administrative Fee (3):  
Amount $_________  Paid _______  Receipt No._______

Notes:  
(1) See Special Condition 3.B, below.
(2) Amount to be determined.  See Special Condition 3.C, below.
(3) $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:

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TRPA Executive Director/Designee  Date
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SPECIAL CONDITIONS

1.  This permit specifically authorizes the removal and reconfiguration of a wooden deck on the 
existing 4,275 square foot single family residence.  The proposed work will include the 
introduction of an approximate 175 square foot deck extension on the south side of the 
residence and new vestibule at the existing parking deck.  Other work will include the 
removal of approximately 100 linear feet of wooden deck from the east, west and south sides 
of the building, support columns, roof eaves on the east and west sides, a circular stairway, 
and a second stairway near the parking deck entryway.  This permit authorizes 41 square 
feet of coverage in the form of a new concrete pad to be relocated adjacent to the existing 
concrete pad on the south side of the structure with no new land coverage being proposed or 
allowed.  Total grandfathered coverage allowed to remain providing there is no net increase 
in the total amount of coverage for this project is 2,296.

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

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

   A.  The site plan shall be revised to include:

      (1)  A landscape plan for the areas of the removed land coverage.  All 
           landscaping shall conform to the requirements for sizes and species 
           identified in Chapter 30 of the TRPA Code of Ordinances.

      (2)  Revised existing Land Coverage calculations reflecting the TRPA verified 
           amount of existing coverage dated October 11, 2005.

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AGENDA ITEM V  
A
(3) Revised proposed Land Coverage calculations for the project broken down into "type" categories excluding masonry pavers.

B. The affected property has 2,296 square feet of excess land coverage. The permittee shall mitigate the excess land coverage on this property by submitting an excess coverage mitigation fee.

An excess land coverage mitigation fee may be paid in lieu of permanently retiring land coverage. The excess coverage mitigation fee shall be calculated as follows:

Estimated project construction cost multiplied by 0.0100 divided by the mitigation factor of 8. If you choose this option, please revise your final site plans and land coverage calculations to account for the permanent coverage removal.

To calculate the amount of excess coverage to be removed, use the following formula:

Coverage reduction square footage (as determined by formula (1) above) multiplied by the coverage mitigation cost fee of $12.00 per square foot for Nevada projects and $6.50 for California projects. Please provide a construction cost estimate by your licensed contractor, architect or engineer. In no case shall the mitigation fee be less than $200.00.

C. The security required under Standard Condition A.3 of Attachment R shall be determined upon the permittee's submittal of required Best Management Practices plan and related cost estimate. The security shall be 110% of the cost estimate. In no case shall the security posted shall not be less than $2,500. Please see Attachment J, Security Procedures for appropriate methods to post a security and for calculation of the required Security Administrative Fee.

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

E. This approval is based on the permittee's representation that all plans and information contained in the subject application are true and correct. Should any information or representation submitted in connection with the project application be incorrect or untrue, TRPA may rescind this approval, or take other appropriate action.

F. Any normal construction activities creating noise in excess of the TRPA noise standards shall be considered exempt from said standards provided all such work is conducted between the hours of 8:00 A.M. and 6:30 P.M.

G. The permittee is responsible for insuring that the project, as built, does not exceed the approved land coverage figures shown on the revised site plan. The approved land coverage figures shall supersede scaled drawings when discrepancies occur.

H. This site shall be winterized in accordance with the provisions of Attachment R by October 15th of each construction season.
I. The applicant will be required to record a TRPA Approved As To Form deed restriction that indemnifies and holds TRPA harmless if any property on this parcel is damaged or destroyed as a result of an avalanche.

END OF PERMIT