Project Name: Caliente Restaurant

Application: Addition/expansion to eating/drinking place

Applicant: Caliente Building, LLC

Applicant’s Representative: Jan Brisco

Agency Planner: Paul Nielsen, Environmental Review Services

Location: 8791 North Lake Boulevard, Kings Beach, Placer County

Assessor’s Parcel Number/File Number: APN 090-192-56/File Number 20050747

Staff Recommendation: Staff recommends approval of the project based on this staff summary and evidence contained in the project record.

Project Description: The proposed project is the remodel and upgrade of an existing commercial restaurant in Kings Beach for code and ADA compliance. The remodel will result in 738 square feet of additional commercial floor area (CFA).

Site Description: The subject parcel is located near the intersection of North Lake Boulevard (SR 28) and Chipmunk Street in Kings Beach. The property is located north of SR 28 and is visible from Scenic Roadway Unit 20, which is targeted for scenic restoration. The site is relatively level with a slight grade toward the south and west. Verified land capability is Class 5.

Existing on-site uses include the existing restaurant building and a small residential cabin. The site is almost completely covered (87 percent) with asphalt paving and the existing buildings and has no significant vegetation. Land use patterns in this area are widely varied, although the predominant theme is tourist-related, with a number of motels, restaurants, and tourist-oriented retail shops.

Issues: The following issues were identified during review of the project application:

A. **Additional CFA.** The proposed project involves an allocation of 738 square feet of CFA and therefore requires Hearings Officer review in accordance with Chapter 4, Appendix A, of the TRPA Code. Placer County has indicated that the project is eligible for an allocation of CFA from the Kings Beach Community Plan.

B. **Drainage Improvements and Best Management Practices (BMPs).** As of the date of this report, the final BMP plan for the project was not available. The plan will be available for staff review prior to the Hearings Officer meeting. Conformance to TRPA Code of Ordinances Chapters 25 and 81 is required as a condition of project approval.
C. **Scenic Restoration.** The subject property is visible from Scenic Roadway Unit 20 which is targeted for restoration in accordance with the scenic threshold standards. The proposed project will provide substantial upgrades to the exterior of the existing building. These improvements include replacing the existing gray/mauve color scheme with dark brown wood siding, black composition roofing and weathered copper and stone accents, upgraded exterior lighting as well as additional plantings and landscaping. The height of the building will increase slightly to accommodate an elevator (see below). However, the design includes elements such as mesh rather than post railings, internal rather than exterior staircases and elimination of canopies so that there is no significant increase in the visual mass of the building when viewed from the roadway. The proposed project is consistent with the Kings Beach Community Plan Design Standards and has received Design Review approval from Placer County.

D. **Height.** The existing building has a varied roof pitch ranging from 0:12 to 12:12 with the dominant pitch being 0:12. Given the relative level site (2% cross slope) and the flat roof pitch, allowable height is restricted to 24 feet, 6 inches per Table A in Chapter 22 of the TRPA Code of Ordinances. The existing 12:12 portion of the roofline exceeds this height by a few inches but will not be altered as a part of this project in such a way as to increase or exacerbate the extent of non-conformity. The proposed elevator shaft will extend 3 feet, 1 inch above the allowable height. The shaft is considered screening for mechanical equipment and therefore qualifies as an appurtenance per Section 22.3 of the TRPA Code of Ordinances. This section limits appurtenances to 10% of the allowed height or 6 feet, whichever is less, in this case 2.5 feet. As a condition of approval, the height of the elevator shaft must be reduced to no more than 2.5 feet over allowable height.

E. **Community Plan Improvements.** The project site is located in an assessment district for frontage improvements and is therefore not required to complete these improvements as part of the project per the Kings Beach Community Plan. The existing building encroaches slightly into the SR 28 public right-of-way as does the existing terrace. The project proposes to extend the area of terrace in the right-of-way by 20 sf. These encroachments may complicate future frontage improvements. A Caltrans encroachment permit is required as a condition of project approval.

F. **Parking and Traffic.** Final parking calculations were not available as of the date of this report as available on site parking will be impacted by the design of required drainage improvements. Parking calculations will be available for staff review early next week and will be presented at the Hearings Officer meeting. As a condition of approval, proposed parking must meet Placer County requirements per the Kings Beach Community Plan. The Change in Operation (CIO) form completed for the project indicates an overall increase in traffic of 48 daily vehicle trip ends (dvtes). This increase is considered insignificant per Section 92.3.C of the TRPA Code of Ordinances. The appropriate air quality mitigation fee is required as a condition of approval.
G. Staff Analysis:

A. Environmental Documentation: The applicant has completed an Initial Environmental Checklist (IEC) 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 Hearings Officer hearing and at TRPA.

B. Plan Area Statement: The project is located within Special Area #2 of the Kings Beach Community Plan. The Land Use Classification is Commercial/Public Service, and the Management Strategy is Redirection. Eating and drinking places are an allowed use. The essential vision of the Community Plan is to upgrade and expand the businesses of Kings Beach; the proposed project is compatible with that vision. TRPA staff have reviewed the Community Plan and determined that the proposed project, as conditioned, is consistent with the applicable planning statement, planning considerations and special policies.

Required Findings: The following is a list of the required findings as set forth in Chapters 6 and 20 of the TRPA Code of Ordinances. Following each finding, Agency staff has indicated if there is sufficient evidence contained in the record to make the applicable findings or has briefly summarized the evidence on which the finding can be made.

1. Chapter 6 – Environmental Documentation:

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.

   There is no evidence in the file and record showing that the proposed project will have an adverse impact on the Land Use, Transportation, Conservation, Recreation, Public Service and Facilities, or Implementation sub-elements of the Regional Plan.

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

   The basis for this finding is provided in the completed IEC in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. The checklist indicates compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Hearings Officer 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 1b, above.)
2. **Chapter 20 – Land Coverage – Relocation of Existing Land Coverage.** Existing land coverage may be relocated on the same parcel or project area if TRPA finds that:

   a. The relocation is to an equal or superior portion of the parcel or project area, as determined by reference to the following factors: whether the area of relocation already has been disturbed; the slope of and natural vegetation on the area of relocation; the fragility of the soil on the area of relocation; whether the area of relocation appropriately fits the scheme of use of the property; the relocation does not further encroach into a stream environment zone (SEZ), backshore, or the setbacks established in the Code for the protection of SEZs or backshore; the project otherwise complies with the land coverage mitigation program set forth in Section 20.5; and.

   The entire parcel has similar characteristics: Class 5, relatively level, highly disturbed and covered, little vegetation. The proposed relocation is between equal areas of the parcel. Excess coverage mitigation and off-site coverage mitigation are required as conditions of approval.

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

      Restoration of disturbed areas is indicated on the submitted landscape plan.

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

      The entire parcel is Class 5.

**Required Actions:** Agency staff recommends that the Hearings Officer take the following actions:

I. Approve the findings contained in the staff summary.

II. Approve the project, based on the staff summary, subject to the conditions contained in the attached draft permit.
DRAFT PERMIT

PROJECT DESCRIPTION: Eating/Drinking Places, Addition/Expansion APN 090-192-56

PERMITTEE: Caliente Building, LLC

COUNTY/LOCATION: Placer/8791 North Lake Boulevard, Kings Beach

Having made the findings required by Agency ordinances and rules, TRPA approved the project on September 29, 2005 subject to the standard conditions of approval attached hereto (Attachment Q) and the special conditions found in this permit.

This permit shall expire on September 29, 2008 without further notice unless construction has commenced prior to this date and is 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 CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL THE PERMITTEE OBTAINS 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. NO CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA'S ACKNOWLEDGEMENT OF THIS PERMIT. IN ADDITION, NO CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT AND A TRPA PREGRADING INSPECTION HAS BEEN CONDUCTED. TRPA'S ACKNOWLEDGEMENT IS NECESSARY TO OBTAIN A COUNTY BUILDING PERMIT.

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 __________________________________________________________________________ Date __________

______________________________________________________

PERMIT CONTINUED ON NEXT PAGE

AGENDA ITEM NO. V.A.

PN
September 22, 2005
Caliente Building Addition/Expansion

APN 090-192-56
FILE NO. 20050747

Offsite Coverage Mitigation Fee¹: Amount $ ________ Paid _____ Receipt No. ______
Excess Coverage Mitigation Fee²: Amount $ ________ Paid _____ Receipt No. ______
Air Quality Mitigation Fee³: Amount $1,440 Paid _____ Receipt No. ______
Security Posted⁴: Amount $________ Posted ______ Type ___ Receipt No. ______
Security Administrative Fee⁵: Amount $ ________ Paid _____ Receipt No. ______

Notes:
(1) Amount to be determined. See Special Condition 4.F below.
(2) Amount to be determined. See Special Condition 4.G, below.
(3) See Special Condition 4.H, below.
(4) Amount to be determined. See Special Condition 4.I, below.
(5) $139 if a cash security is posted, or $72 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 conditions of approval as of this date and is eligible to record the subdivision map.

TRPA Executive Director/Designee __________________________ Date __________________

SPECIAL CONDITIONS

1. This permit specifically authorizes the remodel/expansion of the existing restaurant at 8791 North Lake Boulevard, including the addition of 738 square feet of new commercial floor area, as depicted on plans prepared by Ward Young Architects dated June 20, 2005 and September 21, 2005.

2. TRPA acknowledges one legally existing residential unit of use within the project area. This unit is proposed for removal as part of this project. Banking of this unit requires separate application to TRPA.

3. The Standard Conditions of Approval, outlined in Attachments Q, shall apply to this permit.

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

A. The site plan shall be revised to include the following information:
   (1) Previously mitigated land coverage for each land capability district, if any.
   (2) Proposed parking spaces and calculations. Parking shall comply with the Kings Beach Community Plan.

PN
September 22, 2005

AGENDA ITEM NO. V.A.
B. A grading, drainage and utility plan shall be provided that conforms to requirements in the TRPA Code of Ordinances Chapters 25 and 81.

C. The permittee shall submit calculations prepared by a licensed engineer demonstrating that the proposed infiltration and drainage facilities are sized accordingly for the slope and soil type of the property and will capture and infiltrate a 20 year/1 hour storm event.

D. The permittee shall submit a BMP maintenance schedule for TRPA review and approval.

E. The building elevation plans shall be revised as follows:
   
   (1) Height of the proposed elevator shaft to exceed maximum allowable height by no more than 10% of allowable height.
   
   (2) Notes referring to approved colors and materials per submitted color board or the following general note: “Colors shall be compatible with the surroundings. Subdued colors in the earthtone and woodtone ranges shall be used for the primary color of the structure. Hues shall be within the range of natural colors that blend, rather than contrast, with the existing vegetation and earth hues. Earthtone colors are considered to be shades of reddish brown, brown, tan, ochre, and umber. Roofs shall be composed of non-glare earthtone or woodtone materials that minimize reflectivity.”

F. The permittee shall either pay an offsite coverage mitigation fee assessed at $12 per square foot for the creation of 20 square feet of additional impervious coverage in the public right-of-way or retire an equal amount of banked land coverage on the parcel.

G. The project area has an estimated 10,728 square feet of excess land coverage. The permittee shall mitigate a portion or all of the excess land coverage on this property by retiring/removing coverage or by submitting an excess coverage mitigation fee in accordance with Subsection 20.5(A)(3) of the TRPA Code of Ordinances.

H. The permittee shall pay an air quality mitigation fee of $1,440 based on the creation of 48 new daily vehicle trip ends (dvte) as a result of the proposed project.

I. The required security shall be determined upon the permittee’s submittal of required Best Management Practices plan and related cost estimate. The security shall be calculated as 110 percent of the submitted cost estimate. Please see Attachment J, Security Procedures.

J. Existing Lots 59-62 on APN 090-192-56 shall be consolidated in accordance with county requirements. Alternative, the permittee shall record a TRPA-approved project area deed restriction. Evidence of consolidation and/or document recording is required prior to final acknowledgement of the permit.

K. The permittee shall submit a Caltrans encroachment permit for the additional encroachment into the SR28 right-of-way prior to final acknowledgement of this permit.

L. The permittee shall submit a Placer County allocation of 738 square feet of commercial floor area prior to final acknowledgement of this permit.

M. The permittee shall submit three sets of final construction drawings and site plans to TRPA.
5. The permittee is responsible for insuring that the project, as built, does not exceed the approved land coverage figures shown on the site plan. The approved land coverage figures shall supersede scaled drawings when discrepancies occur.

6. The permit does not authorize any new signs on the property. Any proposed signs shall conform to TRPA Code of Ordinances, Chapter 26, Signs.

END OF PERMIT
Project Name: Air Quality Monitoring Station for Ambient Air Quality

Application Type: Local Public Health and Safety

Applicant: Tahoe Regional Planning Agency

Applicant's Representative: Rita Whitney

Agency Planner: Paul Nielsen

Location: 1340 Glenwood Way, South Lake Tahoe, CA, El Dorado County

Assessor's Parcel Number / File Number: 025-36-018

Staff Recommendation: Staff recommends approval of the project based on this staff summary and the evidence contained in the project record. The recommended conditions of approval are contained in the attached Draft Permit.

Project Description: Air Quality Monitoring Station for Threshold related attainment and research, and Pathway 2007 regional planning documents. This station will consist of a 8 foot by 10 foot dark colored shelter, with a 25-30 foot aerial tower. A complete description of the project is provided in Attachment A.

Site Description: A deserted lot once used as a drive in theater, between Bijou Meadow and private homes/parcels. The shelter will be mostly hidden in trees on the southeast corner of the parcel away from any nearby homes. The Bijou Meadow is to the west of the shelter. See maps of the project area in Attachment B.

Issues: The proposed project involves a special use in this plan area (Glenwood 096), therefore requires Hearings Officer review in accordance with Chapter 4, Appendix A, of the TRPA Code. The primary project related issues are:

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.

   There is no evidence in the file and record showing that the proposed project will have an adverse effect on the Land Use, Transportation, Conservation, Recreation, Public Service and Facilities, or Implementation sub-elements of the Regional Plan.
(b) The project will not cause the environmental threshold carrying capacities to be exceeded.

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. The applicant has completed an Initial Environmental Checklist (IEC) 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 checklist and IEC 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 TPRA Compact, the project meets or exceeds such standards.

(Refer to paragraph 1.b, above.)

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.

(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.

(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 project is defined as a special use in the Glenwood Plan area as a public heath and safety facility (monitoring facilities as defined in Chapter 18).

The station is specifically to monitoring ambient conditions away from urbanized and traffic conditions and is explained more completely in Attachment A. The size of the station will not interfere with views from surrounding properties and will have no affect on existing land uses. There is no danger to the public or land, air and water resources and the station will not emit audible noise or visible light. The station will also not affect any future planning efforts by the parcel owner, City of South Lake Tahoe.
3. **Chapter 20 – Land Coverage Findings:**

   The project will not increase or cause permanent land coverage, although located in Land Capability 1b, this is allowed in Chapter 20 under 20.4.B, for Public Service with the following findings:

   (a) **The project is necessary for public health, safety or environmental protection:**

   This station is specifically to protect public health by monitoring the air quality emissions, and will provide valuable data for the new regional plan for TRPA and other long term studies and research.

   (b) **There is no reasonable alternative, including a bridge span or relocation, which avoids or reduces the extent of encroachment in the stream environment zone:**

   As stated in more detail in Attachment A, the specific requirements of the U.S Environmental Protection Agency (USEPA) for the measurement of ambient air quality are detailed and eliminate many areas and parcels from consideration. Two other sites in the area were identified as potential for this project, and either from logistical aspects of winter access or available electricity, or the citing criteria, were not able to accommodate this station. That left this location as the only viable option.

   (c) **The impacts of the land coverage and disturbance are fully mitigated in the manner set forth in Subparagraph 20.4.A(2)(e), with the exception that the restoration requirement in such Subsection shall apply exclusively to stream environment zone lands and shall include coverage and disturbance within the permitted Bailey coefficients:**

   The shelter will sit on 4 blocks instead of directly on the ground to allow vegetation and infiltration under the shelter. The trench for electrical power (which is below ground for scenic mitigation) will be revegetated upon completion, and temporary BMP’s are included in the permit application.

4. **Chapter 22 – Height and Scenic Findings:**

   (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.**

   While this shelter is not visible from any of the above, the project applicant feels some mitigation is required and there will be painting of the structures in insure minimal visual impact. The shelter will also have plantings of shrubs to further mask scenic issues, see Attachment C.

   (b) **When outside a community plan, the additional height is consistent with the surrounding uses.**

   The project is allowed to have additional height under 22.6, findings (4) and (7), that the function of the tower portion of an air quality monitor must be 30 feet and
this is necessary to implement the project. The nature of gathering this type of data requires little or no influence from outside sources of contaminants and pollution. Since the tower will be locked it is also safe from vandalism.

**Required Actions:** Agency staff recommends that the Hearings Officer approve the project by taking the following actions 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.

**Attachments:**

A. Rationale for Site Specific Location  
B. Site Plan Maps and Shelter Dimensions  
C. Photo simulation
**PERMIT**

**PROJECT DESCRIPTION:** Air Quality Monitoring Station

**APN:** 025-36-018

**PERMITTEE(S):** TRPA

**FILE** #20051214

**COUNTY/LOCATION:** 1340 Glenwood Way, South Lake Tahoe, CA, El Dorado County

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on Sept 29th 2005, subject to the standard conditions of approval attached hereto (Attachment Q) and the special conditions found in this permit.

This permit shall expire on Sept 29th 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 CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA’S ACKNOWLEDGEMENT OF THIS PERMIT. IN ADDITION, NO CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL 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 AND A TRPA PREGRADING INSPECTION HAS BEEN CONDUCTED.**

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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 __________________________

/jmc

PERMIT CONTINUED ON NEXT PAGE
D-R-A-F-T

No fees are required for Public Health and Safety projects

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

The applicant is proposing to install an air quality monitoring station and associated informational signs. The station will consist of a 8 x 10 foot shelter and approximately 30 foot tower with a ladder that will be locked. All samplings units will be located inside to mitigate noise and light emissions. The only land disturbance will be a trench for electrical power from Glenwood Way to the shelter.

Prior to commencement of construction, the following special conditions of approval must be satisfied.

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 installations for the entire project. Application of mulch such as wood chips or straw may enhance vegetation and cover disturbance.

The adequacy of all required BMPs as shown on the final construction plans shall be confirmed at the time of the TRPA permit approval. Any required modifications, as determined by TRPA, shall be incorporated into the project permit at that time.

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.

Monitoring of vegetation success shall continue for five years.
The discharge of petroleum products, construction waste and litter (including sawdust) or earthen materials to the surface waters of the Lake Tahoe Basin is prohibited. All surplus construction waste materials shall be removed from the project site and disposed only at approved points of disposal.

Excavation equipment shall be limited to the absolute minimum necessary for equipment installation, preferable outside riparian areas or the SEZ. Hand (non-Motorized) installation should be used if possible. Revegetation of disturbance is required.

All spoils resulting from the installation of monitoring equipment shall be disposed of at a TRPA-approved location. Soil shall not be stockpiled at the monitoring station sites.

Color The color of this structure, including any fences on the property, shall be compatible with the surroundings. Subdued colors in the earthen and woodtone ranges shall be within the range of natural colors that blend, rather than contrast, with the existing vegetation and earth hues. Earthtone colors are considered to be shades of reddish brown, brown, tan, ochre, umber and sand.

Roofs shall be composed of nonglare earthen or woodtone materials that minimize reflectivity.

A note indicating that all existing disturbed areas and areas disturbed by construction activity, shall be revegetated with vegetation species in accordance with TRPA’s Handbook of Best Management Practices

The architectural design of this project shall include elements that screen from public view all external mechanical equipment, including sampling devices, communication equipment, and utility hardware on roofs, buildings or the ground. Roofs, including mechanical equipment and skylights, shall be constructed of nonglare finishes that minimize reflectivity.

Upon completion of construction, the following information shall be submitted.

A. A Best Management Practices Maintenance Program designed to ensure continued effectiveness of BMPs, for the duration of the project.

B. As-built construction plans.
September 21, 2005

Steven D. Leman
2020 Kokanee Way
South Lake Tahoe, CA 96150

RE: CONDITIONAL PERMIT APPROVAL, TILE OUTLET COMMERCIAL BUILDING AND ACCESSORY STORAGE CONTAINER STRUCTURES, 1772 D STREET, CITY OF SOUTH LAKE TAHOE, ASSESSOR’S PARCEL NUMBER (APN) 032-313-41, TRPA FILE NUMBER 20050085

Dear Mr. Leman,

Enclosed please find a Tahoe Regional Planning Agency (TRPA) permit and attachments for the project referenced above. **TRPA will acknowledge the permit only after all standard and special conditions of approval have been satisfied.** Failure to satisfy these conditions of approval will cause unnecessary time delays. TRPA acknowledgement is required prior to application to other reviewing agencies and commencement of construction.

Please schedule an appointment with me to finalize your project. **Due to time demands, TRPA cannot accept drop-in or unannounced arrivals to finalize plans.** I am usually available for telephone calls and appointments on Mondays, Thursdays, and Fridays.

Please note that combined security and mitigation fee payments cannot be accepted. Acceptable ways to post a security are listed in the enclosed handout entitled “Attachment J.”

Thank you, very much for your patience in this matter. Please feel free to call me if you have any questions regarding this letter or your permit in general.

Sincerely,

Jason Ramos
Associate Planner
Environmental Review Services
Tahoe Regional Planning Agency
Project Name: Tile Outlet Commercial Building

Application Type: New Commercial

Applicant: Steven Leman

Agency Planner: Jason Ramos, Associate Planner

Location: 1772 D Street, City of South Lake Tahoe, California

Parcel Number/Project Number: APN 032-313-41/TRP File #20050085

Staff Recommendation: Staff recommends approval of the Tile Outlet Commercial project, based on this staff summary and evidence contained in the project record. The recommendation conditions of approval are contained in the attached draft permit.

Project Description: The applicant is proposing to construct a one-story commercial building, consisting of retail space and warehousing space. Two storage container buildings consisting of 700 square feet are also proposed. The project requires 4,122 square feet of commercial floor area (CFA), of which, 61 square feet of CFA will be transferred to the project area portion of the parcel. The additional 2,000 square feet of CFA will be allocated to the project and will be doubled pursuant to the South Y Industrial Tract Community Plan, Section 2.3(2), Objective 1, Policy A. The retail area of the Tile Outlet building will be used as a showroom area for the sale of tile and related materials, and the warehousing area will be used primarily as a shipping and receiving area for tile related materials. The shipping and receiving area is located on the rear side of the building, and not visible from D Street. All other proposed activities will occur indoors within the main building, and no outdoor storage or commercial uses are proposed. The storage container structures are accessory to the main commercial building, and are intended for incidental storage uses. The storage container structures will be screened with a six-foot cedar fence and landscaping species.

The project includes landscaping improvements, stormwater treatment improvements, and one new driveway access point off D Street. The project includes the installation of a sidewalk and landscaped berm along the front property line adjacent to D Street. Sediment basin and snow storage infiltration basin areas will be utilized for the collection and infiltration of stormwater runoff.

The project is located primarily on Class 5 land, with a small portion of the project area located with Class 6 land. The project requires approximately 12,682 square feet of land coverage within the Class 5 area, of which, approximately 4,621 will be transferred to the parcel. Approximately 280 square feet of land coverage is required within the Class 6 area. Approximately 1,872 square feet of off-site land coverage is required for construction of the sidewalk and driveway. The project parcel is allowed a maximum of
Steven Leman  
Tile Outlet Commercial Building  
Page 2  

70 percent land coverage within the South Y Industrial Tract Community Plan, pursuant to Subsection 20.3.B(2)(a) of TRPA Code.

**Site Description:** The project parcel is located at 1772 D Street within the South Y Industrial Tract Community Plan, and consists of 4.84 acres. The project area is located in the northwest corner of the parcel along D Street. Existing commercial uses are located directly west and east of the project parcel, with a mobile home park located directly across D Street.

Non-contiguous clusters of Lodgepole pine and some Jeffrey pine are sporadically located throughout the parcel. The project area is relatively flat. An abandoned concrete drainage channel exists along the west property line, which used to be hydraulically connected to a stream environment zone (SEZ) that has been redirected along the south property line through an engineered channel. TRPA files pertaining to a previous Land Capability Challenge on the subject parcel indicate that the abandoned channel is currently identified as Class 1b (SEZ) with a 15-foot setback. A recorded 10-foot drainage easement, established by the City of South Lake Tahoe, was also identified along the west property line. TRPA Land Capability Program staff have provided documentation in the project file for the reduction of the SEZ setback to 10 feet, and for the potential reclassification of the Class 1b area to Class 5. See the staff analysis section pertaining to Land Capability for further discussion.

**Background:** This is the first project submitted for the project parcel, for review under the South Y Industrial Tract Community Plan, which was adopted in March 2003. Future development of the parcel will include extension of the driveway to provide access to future commercial developments within the parcel, which will direct circulation back to D Street at the eastern front corner of the parcel.

The Community Plan requires sidewalk improvements along both sides of D Street to facilitate pedestrian traffic along the City’s street to the high school intersection. The continuation of the D Street sidewalk is encouraged along the high school access road for increased pedestrian access. This will be done on a project condition basis or by area-wide capital improvement projects. The City will construct a Class II bikeway along the length of D Street (EIP Project No. 751). This project is scheduled for implementation in 2009 using California Tahoe Conservancy funding ($20,000.00).

**Issues:** The primary issues associated with the project are:

A. **Reclassification of SEZ:** In 1994, a man-made conveyance channel was identified on the subject property as a Stream Environment Zone (SEZ). The SEZ was officially recognized in a Land Capability Challenge (File No. 19940755) staff summary report and delineated on a corresponding parcel map. The Land Capability staff summary and attached soil investigation identified the SEZ along the western property line and assigned a 15-foot setback. The man-made SEZ channel is located within a 10-foot drainage easement established by the City of South Lake Tahoe. The portion of the channel along the west property line was de-activated in 2002, and re-directed along the south property line as part of an SEZ mitigation project. As a result of being functionally deactivated, the TRPA Land Capability program is willing to document the west property line as being eligible to be classified as “similar and contiguous” to land capability Class 5, JaC
and Class 6, EfB map units currently designated, with the requirement that the channel be restored to natural grade and re-vegetated to a natural condition.

At the present time, the 10-foot drainage easement prevents the in-filling and restoration of the channel. Since the channel is functionally de-activated as an SEZ, Land Capability staff have determined that the SEZ setback can reasonably be reduced to 10 feet from the boundary of the SEZ. The 10-foot SEZ setback will require the proposed water quality improvements (ground disturbing improvements) to be relocated outside of the SEZ setback. Please see the land capability section of the staff analysis for further discussion and Exhibit D.

B. **BMP Plan:** The proposed BMPs for the project were reviewed by TRPA Erosion Control staff, and were identified as inappropriate for the proposed site design. The BMP section of the staff analysis identifies the recommended revisions in accordance with best available technology.

**Staff Analysis:**

A. **Environmental Documentation:** The applicant has completed an Initial Environmental Checklist (IEC) 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 Hearings Officer meeting and at TRPA.

B. **Community Plan Area:** The project is located within the South Y Industrial Tract Community Plan. The Community Plan identifies the proposed commercial use as an allowed use. As discussed in the commercial floor area (CFA) section of the staff analysis, the Community Plan allows incentives for the doubling of CFA.

**Building Height:** A Tile Outlet building and two storage container structures are proposed for the project. Allowable and proposed building heights are described in the table below:

<table>
<thead>
<tr>
<th>Building No.</th>
<th>Roof Pitch</th>
<th>Building Cross Slope</th>
<th>No. of Stories</th>
<th>TRPA Code Max Allowable Height</th>
<th>Proposed Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tile Outlet Bldg.</td>
<td>5:12</td>
<td>1.5%</td>
<td>1</td>
<td>30’ – 0”</td>
<td>30’</td>
</tr>
</tbody>
</table>

The elevation plans for the storage container structures indicate that a flat roof is proposed. The Building Design section of the Community Plan requires all new buildings and substantial roof modifications to incorporate pitched roofs with a slope of no less than 5:1, nor more than 12:12, and shall not have flat roof areas. A revised elevation plan for the storage container structures shall be submitted as a condition of approval, demonstrating compliance with the standards of the Community Plan and Chapter 22 of TRPA Code.
C. Traffic, Parking, and Air Quality: The South Y Industrial Tract Community Plan requires one parking space per 300 square feet of gross floor area, and one parking space per 2,000 square feet of gross site area for the proposed building materials and hardware commercial use. Through consultation with TRPA Transportation Division staff, the gross site area parking requirement is interpreted as applicable to outdoor commercial sale type uses, and therefore not applicable to this project. Through further research of the gross floor area definition provided by the Institute of Transportation Engineers, Trip Generation, 7th Edition, User’s Guide, Transportation Division staff have determined the gross floor area parking requirement as most applicable and inclusive of the gross floor area for the primary commercial building and the accessory storage container structures. Therefore, the combined gross floor area of 4,288 square feet divided by 300 square feet, equals a minimum of 14 parking spaces. The site plans for the project indicate 14 parking spaces.

Policy J of the Transportation Goals, Objectives, and Policies for the Community Plan discourages reduction to the City’s parking requirements when approving project applications.

Not every property in the Industrial Tract meets the parking requirements of the Citywide Standards and Guidelines (Chapter 5 of the City Code). There are no off-street community parking facilities within this area. Some undeveloped parcels are being used by motor vehicles for driving and parking, causing disturbance and compaction. In addition, some industrial uses in the area are “underparked,” resulting in off-site parking and parking along the streets. The parking of commercial vehicles hinders snow removal and street sweeping along D Street. All new development and redevelopment shall be required to provide off-street parking (South Y Industrial Tract Community Plan, 2003).

In accordance with Section 93.2.H, the TRPA Trip Table indicates 4.88 trips will be generated for the warehousing use, 0.56 trips for the storage container use, and 97 trips for the building materials retail space use, for a total of 102 daily vehicle trip ends. This is identified in Chapter 93 as a minor increase in traffic, and is not subject to a traffic analysis.

The project is subject to an air quality mitigation fee of $3,060.00 based on the addition of 102 daily vehicle trip ends generated by the project, at $30.00/trip.

Primary access to the Industrial Tract area is from Lake Tahoe Boulevard, an arterial. A four-way stop, signalized intersection at Lake Tahoe Boulevard and D Street also serves the high school. Consequently, when school starts and ends, this intersection becomes congested with student traffic. Occasionally, a Traffic Control Officer is used during these peak periods in order to be more responsive to short-term fluctuations in traffic. In general, traffic moves smoothly enough that a fully signalized intersection is not justified (South Y Industrial Tract Community Plan, 2003).

That portion of D Street from its intersection with U.S. Highway 50 and State Route 89 to its intersection with Lake Tahoe Boulevard will continue to be classified by the City General Plan as a collector route. Consistent with the circulation element of the City’s General Plan and TRPA’s Transportation
Element, the level of service on major roadways (i.e., arterial and collector routes) shall be Level of Service (LOS) D, and signalized intersections shall operate at a LOS D. LOS "E" is acceptable during peak periods, not to exceed 4 hours per day. Within the Industrial Tract Community Plan area, the projected level of development, based upon the undeveloped private parcels, is not anticipated to exceed LOS D traffic conditions. No capacity increasing capital improvements are necessary (South Y Industrial Tract Community Plan, 2003).

D. Land Capability, Coverage, and CFA:

Community Plan incentives allow seventy percent of the property to be covered. The project area is primarily located on Class 5 land, with a small portion of the project area located in Class 6 land. Table 1 identifies the allowable and proposed land coverage for the project.

<table>
<thead>
<tr>
<th>Land Capability District</th>
<th>Percent Allowable Coverage</th>
<th>Base Allowable Coverage (Sq. Ft.)</th>
<th>Proposed Coverage On-Site (Sq. Ft.)</th>
<th>Project Parcel Area (Sq. Ft.)</th>
<th>Percent Total Allowable Coverage</th>
<th>Total Allowable Coverage On-Site (Sq. Ft.)</th>
<th>Proposed Off-Site Coverage (Sq. Ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>30%</td>
<td>53,901</td>
<td>280</td>
<td>210,915</td>
<td>70%</td>
<td>147,641</td>
<td>1,872</td>
</tr>
<tr>
<td>5</td>
<td>25%</td>
<td>8,061</td>
<td>12,629</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Subsection 20.3.B(2)(a) of TRPA Code allows a maximum of 70% land coverage for commercial uses within Community plans on vacant property.

The project requires the transfer of 4,621 square feet of land coverage for the total proposed Class 5 land coverage. Final documentation of the purchase and transfer is a condition of the permit. Off-site coverage pertains to the installation of a sidewalk along the entire front property line adjacent to D Street, and the driveway encroachment onto D Street.

Table 1 identifies that the full 8,061 square feet of the Class 5 base allowable coverage will be used, and 280 square feet of the Class 6 base allowable coverage will be used for the project. Therefore, a water quality mitigation fee of $12,845.14 shall be required, based on the creation of 8,341 square feet of base allowable coverage at a rate of $1.54 per square foot.

The site plans indicate that the front property line runs through the middle of the proposed sidewalk adjacent to D Street. The community plan requires the sidewalk to be located within the right-of-way.

Appendix A, Industrial Tract Community Plan, Section 4, Site Design:
For undeveloped properties, installation of a landscaped strip at least twenty feet wide is required, incorporating a sidewalk in the public right-of-way.

As a condition of approval, the final site plans shall accurately identify the off-site square footage of the sidewalk and driveway encroachment onto D Street.
As identified in Table 1, the site plans indicate the creation of 1,872 square feet of off-site coverage for the creation of the road frontage sidewalk and driveway encroachment onto D Street. Therefore, an off-site coverage fee of $12,168 shall be required for the creation of 1,872 square feet of off-site coverage at a rate of $6.50 per square foot.

In 1994, a man-made conveyance channel was identified on the subject property as a Stream Environment Zone (SEZ). The SEZ was officially recognized in a Land Capability Challenge (File No. 19940755) staff summary report and delineated on a corresponding parcel map. The Land Capability staff summary and attached soil investigation identified the SEZ along the western property line and assigned a 15-foot setback. The man-made SEZ channel is located within a 10-foot drainage easement established by the City of South Lake Tahoe. This reach of Stream Environment Zone was previously connected with an existing SEZ conveyance channel near the southwest property line of the parcel. In 2002, the California Tahoe Conservancy, in cooperation with the City of South Lake Tahoe, realigned the channel at the southwest corner of the parcel and re-directed it through a man-made channel along the south property line as part of a Stream Environment Zone mitigation project.

As a result of being functionally deactivated, the abandoned channel along the west property line is no longer hydraulically connected to the newly established SEZ channel, now located along the south property line. Therefore, TRPA Land Capability program is willing to document the west property line as being eligible to be classified as “similar and contiguous” to land capability Class 5, JaC and Class 6, EfB map units currently designated, with the requirement that the channel be restored to natural grade and re-vegetated to a natural condition.

Due to the existing 10-foot drainage easement, the channel cannot be in-filled and restored as a condition of this permit. Consultation with City of South Lake Tahoe staff indicates that the City has maintained the easement for a potential future use. Restoration of the channel may occur in the future at the discretion of the City. When a determination can be made by the City for the in-filling and restoration of the channel, the permittee is eligible to apply for a Land Capability Challenge to facilitate the reclassification of the abandoned channel from Class 1b (SEZ) to Class 5 and Class 6 land. A grading permit would also be required to in-fill and grade the channel to natural grade.

At the present time, as a result of the SEZ being functionally deactivated, Land Capability staff is willing to authorize the reduction of the SEZ setback from 15 feet to 10 feet (see Exhibit D). A 10-foot setback is the minimum allowable setback for an SEZ in accordance with Chapter 37 SEZ setback standards of the TRPA Code. In relation to the proposed project, the site plans shall be revised to identify the SEZ and 10-foot setback along the west property line, including the 10-foot drainage easement. All ground disturbing activities, including the proposed water quality improvements and landscaped berm shall be relocated outside of the SEZ setback.
Commercial Floor Area

The project requires 4,122 square feet of commercial floor area for the proposed use. Preferred Industrial Area status for the Industrial Tract provides for the automatic doubling of all CFA in this Community Plan area (Goal 2, Objective 1, Policy A). The project is further requesting 2,000 square feet of the bonus allocation that is part of the Community Plan (Goal 2, Objective 1, Policy B). An additional CFA of 61 square feet is needed, which will come from the Chateau Suites Demolition project Pledge Agreement. The applicant shall apply for a permit to transfer the 61 square feet of the needed CFA as a condition of approval for the project.

| Total Needed for Project (CP reduction by ½¹): | 4,122/2 = 2,061 sf |
| Community Plan Bonus Allocation: | 2,000 sf |
| Additional CFA Transfer Requirement: | 61 sf |
| **Total** | **4,122 sf** |

E. Best Management Practices:

As discussed in the Land Capability section of the staff analysis, the proposed water quality improvements near the west property line, shall be relocated outside of the 10-foot SEZ setback.

**Permanent BMPs:** The conveyance channel as shown on the site plans indicate a clay-lined surface, which has been determined by TRPA Erosion Control staff as inappropriate. Clay lined channels have potential to contribute to the fine sediment loading of surface runoff. In accordance with best available technology, staff recommends the installation of curb and gutter, or valley gutter for the proposed conveyance channel on the southeast side of the driveway area, as a condition of approval.

BMP staff recommends a conveyance device, such as a slotted channel drain or swale to be installed at the proposed D Street entrance.

Drainage calculations are also required as a condition of approval, to ensure all infiltration structures are sized appropriately for the slope and soil type of the property to capture and infiltrate a 20-year/1 hour storm event.

BMP staff have identified the proposed log barricades as an ineffective use for parking bollards, along the extension of the driveway intended to serve as future access for the future development of the parcel. Staff recommends the use of boulders greater than three feet in diameter, posts, split rail fence, and shrubbery as acceptable bollards. Lock and collar bollards may be used in areas, which require access for snow storage. Bollards shall be spaced closely enough that they will not allow a vehicle to drive between them.

**Temporary BMPs:** The site plans indicate the use filter fencing for erosion control, which shall be conditioned as consistent with the TRPA Handbook of Best Management Practices.

¹ Community Plan Section 2.3(2), Objective 1, Policy A.
The site plans indicate sand bags are proposed as a sediment barrier within the existing curb along D Street. Erosion Control staff have recommended the use of weighted fiber coir rolls to control sediment on paved surfaces, as a condition of project approval instead of sand bags.

The project as conditioned, is expected to achieve consistency with all applicable Community Plan and TRPA Regional Plan requirements pertaining to water conveyance and infiltration structures.

F. **Tree Removal and Protection:** The site plans indicate the use of protective tree fencing, which demonstrate consistency with the TRPA Handbook of Best Management Practices.

A tree thinning permit (File No. 20040757) was previously issued for the project parcel, which authorized the thinning and removal of Lodgepole and Ponderosa pine trees within the project area of the parcel, including the Lodgepole pine in the vicinity of the storage container structures with a diameter breast height of 36 inches. Therefore, the existing trees that will need to be removed for the project, have already been authorized for removal through the previous tree thinning permit.

G. **Scenic:** The property is not visible from any identified scenic resource. The proposed tile outlet building will be constructed of metal, with a light bronze siding and an evergreen metal roof. The colors proposed are within the TRPA approved color range. TRPA staff recommends approval of the proposed colors.

The Community Plan Design Guidelines encourages exterior building colors to be compatible with the surrounding natural and man-made environment. Dark shades of earthtone colors with flat or matte finished should be used on all surfaces in order for the structure to recede into the natural landscape.

The project as conditioned, will comply with all applicable Community Plan requirements for screening of mechanical equipment, and applicable building design requirements.

H. **Grading:** Additional grading information is required as a condition of approval, to identify the proposed limits of cut and fill, and disposal location of any remainder material (see Condition 3.A.(10). The project has been determined to not require excavation beyond five feet in depth, and therefore does not require a Soils/Hydrologic Report. No grading activity shall be permitted within the 10-foot SEZ setback along the west property line. The project as conditioned, will comply with all applicable BMP erosion control requirements.

I. **Landscaping:** As discussed in the Land Capability section of the staff analysis, the proposed landscape berm near the west property line shall be relocated outside of the 10-foot SEZ setback.

The screening requirements of the Community Plan require installation of a landscaped strip at least twenty feet wide, and incorporation of a sidewalk in the public right-of-way. The landscaped strip should consider incorporation of a
vegetated berm, and must include either a solid wood fence or masonry wall in order to accomplish this visual screening. The parking and building, if not visually part of the industrial use, need not be fully screened.

The proposed commercial use will be primarily located within the building, with the building entrance and warehousing activity occurring on the southeast side of the building, which is not facing D Street. Therefore, the proposed site design of the building and commercial use does not require full screening for the rear side of the building facing D Street. The site plans demonstrate consistency with the screening requirement through the use of a landscaped berm and landscaping species. The applicant has further agreed to provide a landscaped berm with landscaping along the entire front property line adjacent to D Street.

The proposed landscaping species are substantially compliant with the TRPA Approved Plant List Species, with the exception of three species proposed for ground cover and flowers. An Irrigation Plan shall be required as a condition of approval, to ensure consistency with the applicable Community Plan standards. The project as conditioned, is expected to achieve all applicable Community Plan and Regional Plan requirements pertaining to landscaping.

J. Noise Impacts: The proposed use is expected to generate an insignificant amount of noise associated with shipping and receiving activity on the rear side of the building, which is not visible from D Street. Shipping trucks are expected to load and unload tile materials during normal business hours at the warehouse entrance area identified on the elevation plans. The retail area of the main building will be used for indoor sales of tile materials, which is not expected to generate measurable levels of noise from outside the building.

Community Noise Equivalent Level (CNEL) are the noise level targets for this area and are established under the Conservation Element of the Community Plan, which limit the overall noise threshold to 65 dBA. No one activity or combination of activities shall exceed this CNEL level. The Community Plan documents that “monitoring conducted for industrial areas in general as part of the 2001 Threshold Review found that no measurements exceed the applicable standards. However, these same results report a trend that noise levels within the Industrial Tract are increasing.” Noise impacts associated with this project are not anticipated to exceed the noise threshold for the Community Plan.

**Required Findings:** The following is a list of the required findings as set forth in Chapters 6 and 22 of the TRPA Code of Ordinances. Following each finding, Agency staff has indicated if there is sufficient evidence contained in the record to make the applicable findings or has briefly summarized the evidence on which the finding can be made.

1. **Chapter 6 – Threshold –Related 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.
As discussed in the Staff Analysis section and the Initial Environmental Checklist, there is no evidence in the file and record showing that the proposed project will have an adverse effect on the Land Use, Transportation, Conservation, Recreation, Public Service and Facilities, or Implementation sub-elements of the Regional Plan.

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 capacities. A copy of the completed checklist will be made available at the Hearings Officer 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 paragraphs a. and b. above.

2. **Chapter 22 – Height Findings:**

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 site is not visible from any of these resources.

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.**

Based on a site visit by staff and review of the site plans, the design of the proposed commercial structures are not expected to interfere with existing views within the area.

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 calculated in Subsection 22.7(8) of the TRPA Code.**

For the main commercial building, 90 percent of the maximum proposed building height is 27 feet. The maximum height at any corner of two exterior walls of the building does not exceed 18.8 feet. The elevation plans for the storage container structures indicate that the structures are proposed to have a flat roof, which is prohibited by the Community Plan Building Design standards. As a condition of approval, the applicant shall
provide an elevation plan for the storage container structures, which shall demonstrate consistency with the Community Plan and Chapter 22 standards of the TRPA Code.

**Required Actions:** Staff recommends that the Hearings Officer approve the project by taking the following actions 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.

**Exhibits:**

A. Draft Permit
B. Site Plan and Elevations (to be revised)
C. Parcel Map of Recorded SEZ and Drainage Easement
   (From Land Capability Challenge File No. 19940755)
D. Land Capability Program Authorization for SEZ Setback Reduction
Attachment A

PERMIT

PROJECT DESCRIPTION: New Commercial Buildings

APN: 032-313-41

PERMITTEE(S): Steven Leman

FILE #: 20050085

COUNTY/LOCATION: City of South Lake Tahoe, South Y Industrial Tract Community Plan 1772 D St., South Lake Tahoe, CA

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on September 29, 2005, subject to the standard conditions of approval attached hereto (Attachment ___) and the special conditions found in this permit.

This permit shall expire on _______ 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 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 IS 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 PREGRADE INSPECTION HAS BEEN CONDUCTED.

__________________________________________
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
APN 032-313-41
FILE NO. 20050085

Air Quality Mitigation Fee (1): Amount $ 3,060.00 Paid _____ Receipt No. _____

Water Quality Mitigation Fee (2): Amount $ 12,845.14 Paid _____ Receipt No. _____

Off-site Coverage Mitigation Fee (3): Amount $ 12,168.00 Paid _____ Receipt No. _____

Security Posted (4): Amount $_______ Posted _______ Type______ Receipt No. _____

Security Administrative Fee (5): Amount $_______ Paid _____ Receipt No. _____

Notes:
(1) See Special Condition 3.H., below.
(2) See Special Condition 3.F., below.
(3) See Special Condition 3.G., below.
(4) Amount to be determined. See Special Condition 3.E., below.
(5) $141 if a cash security is posted, or $73 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 construction of a one-story commercial building, consisting of retail space, and warehousing space. Two storage container buildings consisting of 700 square feet are also proposed. The project requires 4,122 square feet of commercial floor area (CFA), of which, 61 square feet of CFA will be transferred to the project area portion of the parcel. The project includes landscaping improvements, stormwater treatment improvements, and one new driveway access point off D Street. The project includes the installation of a sidewalk and landscaped berm along the front property line adjacent to D Street. Sediment basin and snow storage infiltration basin areas will be utilized for the collection and infiltration of stormwater runoff.

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

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

A. The site plan shall be revised to include:

(1) A revised summary of the proposed land coverage by land capability class, including amount to be transferred. An accurate estimate of the off-site square footage for the sidewalk shall be provided for the entire front property line adjacent to D Street by land capability class, including the driveway encroachment.
The sidewalk shall be relocate on the site plans within the right-of-way of D Street.

(3) The SEZ along the west property line shall be identified with a 10-foot setback. The top of the bank shall serve as the SEZ boundary, and the 10-foot setback shall be applied from the edge of the SEZ boundary.

(4) The 10-foot drainage easement shall be identified along the west property line. The centerline of the channel shall serve as the center of the easement, with a 5-foot setback on both sides of the centerline.

(5) The commercial floor area table on the site plans shall be consistent with the requested amount of commercial floor area in the file, at 4,122 square feet.

(6) The proposed sign shall be removed from the site plans. A separate approval by the City of South Lake Tahoe is required.

(7) Provide a detail demonstrating that the dumpster enclosure shall be constructed of either wood or concrete block and placed on a concrete base, which has a slight slope to allow for drainage.

(8) The dumpster enclosure shall be constructed to allow for a 1 foot to 2 foot space on either side of the dumpster for easy maneuverability.

(9) A gate will be required for the dumpster enclosure unless the opening faces into the property, and is not visible from a public street or adjacent properties.

(10) All exterior lighting shall be consistent with TRPA Code of Ordinances, Chapter 30, Section 30.8, Exterior Lighting Standards and Community Plan Design Guidelines and the Community Plan. Lighting shall be shielded and downward facing, and details of lighting standards provided with final plans. Provide a detail demonstrating how exterior lighting will be directed downward to avoid sky-lighting. Exterior lighting shall not be directed off-site.

(11) Outdoor lighting shall be used for purposes of illumination only, and not be designed for, or used as, an advertising display.

(12) Provide a table indicating the amount of cut and fill required for the project. Identify any excess material that will be disposed of off-site, and identify where the material will be disposed of off-site.

(13) Borrowing of fill is prohibited unless approved by TRPA. Borrowing of material from rockfalls and slides may be allowed pursuant to memorandums of understanding between TRPA and road maintenance organizations. Approved borrow sites shall be subject to Subsection 64.6.A of TRPA Code (see Condition 3.B(6)).

(14) No grading or ground disturbing activity shall occur within the 10-foot SEZ setback.

(15) Provide an elevation plan for the storage container buildings with detailed height calculations demonstrating that each building meets the
Community Plan and TRPA maximum building height requirements. All new buildings and substantial roof modifications shall incorporate pitched roofs with a slope of no less than 5:1, nor more than 12:12, and shall not have flat roof areas.

(16) The architectural design of this project shall include elements that screen from public view all external mechanical equipment, including refuse enclosures, satellite receiving disks, communication equipment, and utility hardware on roofs, buildings, or the ground. Roofs, including mechanical equipment and skylights, shall be constructed of non-glare finishes that minimize reflectivity.

(17) Identify the location of all recorded easements inherent to the property or resulting from this project. The 10-foot drainage easement shall be identified along the west property line.

(18) Identification of construction equipment staging, material storage areas, and employee parking areas. These areas shall be restricted to paved surfaces and previously disturbed areas.

(19) The permittee shall indicate finished floor elevations on the final construction drawings relative to the contours shown on the site plan.

B. Best available technology shall be employed for BMPs. A separate BMP Plan shall be provided to include the following:

(1) The conveyance channel on the east side of the driveway shall be replaced with a curb and gutter along the east edge of the driveway, which shall include a drop inlet and sand/oil separator with underground piping to convey runoff to one of the snow storage basins.

(2) The proposed water quality improvements near the west property line shall be relocated outside of the 10-foot SEZ setback.

(3) Snow storage infiltration basins shall conform to the TRPA Handbook of Best Management Practices.

(4) The conveyance channel on the east side of the driveway area shall either be: (1) replace with a the installation of a drop inlet to convey runoff through a below ground culvert to the identified sand/oil separator, or (2) the dripline infiltration trenches on the south side of the building shall be replaced with a french drain to receive all runoff from the intended portion of the roof area and adjacent paved driveway/parking area.

(5) A curb shall be installed at the edge of pavement for the entire parking and driveway area.

(6) Slotted drain or valley gutter, and appropriate sized drywell to infiltrate driveway runoff (consistent with Standard Conditions A.1.d of Attachment R).

(7) The existing conveyance channel along the west property line shall be restored to natural grade and revegetated with native vegetation (see condition 3.A.(11)).
The permittee shall submit calculations demonstrating that the proposed infiltration trenches, sand/oil separator and drop inlet structures are sized accordingly for the slope and soil type of the property and will capture and infiltrate a 20 year/1 hour storm event. BMP details on the site plan shall be revised to reflect accurate sizes.

The proposed log barricades along the extension of the driveway intended to serve as future access for the future development of the parcel, shall be replaced with either boulders greater than three feet in diameter, posts, split rail fence, and shrubbery as acceptable bollards. Lock and collar bollards may be used in areas, which require access for snow storage. Bollards shall be spaced closely enough that they will not allow a vehicle to drive between them. The parking barriers shall be adequately located to prohibit off-site parking in the right-of-way or on unpaved areas.

Sand bags shall be replaced with weighted fiber coir rolls to control sediment on paved surfaces, and specifically within the existing curb along D Street.

Vegetation protective fencing around the entire construction site. Construction boundary fencing shall be identified on the site plans at 12 feet from the footprint of the structures, the parking and driveway area, and water quality improvements areas.

All sediment basin and snow storage basin areas shall include armoring at discharge locations.

The permittee shall submit plans, cost estimates and installation schedule for the installation of all required water quality improvements (BMPs) for the entire project area. All required BMPs outside of the construction site boundary up to a minimum of five percent of the estimated construction cost of the project, as well as all required BMPs inside the construction boundary, shall be installed prior to project completion. The balance of the required BMPs shall be installed as follows: At least 50 percent of the BMPs shall be installed within five years and 100 percent with ten years, as determined by an estimate of the cost of the BMPs. The security required under Standard Condition A.3 of Attachment R shall be equal to 110 percent of the estimated BMP costs.

C. A revised Landscaping Plan to include the following:

A note indicating that landscaping trees shall be a minimum of six feet tall or 1-1/2 inch diameter at breast height.

A note indicating that shrubs shall be a minimum of three gallon pot size where: upright shrubs have a minimum height of 18 inches and minimum spread of 18 inches; and spreading shrubs have a minimum spread of 18 to 24 inches.

The proposed landscaped berm near the west property line shall be relocated outside of the 10-foot SEZ setback.

Groundcovers shall be a minimum four-inch pot size or one gallon container and shall be a maximum 24 inches on center spacing.
(5) If grass turf is proposed, the area of grass turf shall be minimized to the extent possible.

(6) The proposed Penstemon subspecies shall be replaced with a species identified on the Approved TRPA Plant List. The proposed Eriogonum umbellatum and Asperula odorata species shall be replaced with a species identified on the Approved TRPA Plant List.

(7) The following species shall be identified on the Landscaping Plan as accent species: Pinus mugo mugo, Acer circinatum, Sorbus aucuparia, Prunus besseyi, Syringa vulgaris, Digitalis subspecies (Foxglove). These species shall be limited to borders, entryways, flower-beds, and other similar locations to provide accents to the overall native or adapted landscape design.

(8) The revised Landscaping Plan shall be consistent with all landscaping standards of the Community Plan and Chapter 30 of the TRPA Code or Ordinances.

D. An Irrigation Plan shall be provided to include the following:

(1) Incorporation of low flow sprinkler heads.

(2) Incorporation of a soil moisture sensing device or automatic timer in all irrigation systems.

(3) Incorporation of drip emitter heads for shrubs and trees.

(4) Selection of low water usage plant materials, including drought tolerant turf grasses.

(5) Establishment of an irrigation schedule.

(6) Watering shall be done at night or early morning to minimize evaporation.

E. The security required under Standard Condition A.3 of Attachment R and Section 8.8 of the TRPA Code of Ordinances, shall be determined upon the permittee’s submittal of required Best Management Practices plan and related cost estimate. The security shall be equal to 110% of this cost estimate. In no case shall the security be less than $3,500. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.

F. A water quality mitigation fee of $12,845.14 shall be paid to TRPA. This fee is based on the creation of 8,341 square feet of base allowable land coverage at a rate of $1.54/Sq ft.

G. The permittee shall submit an off-site coverage mitigation fee of $12,168.00 for the creation of 1,872 square feet of land coverage in the public right-of-way assessed at $6.50 per square foot.
H. The permittee shall submit an air quality mitigation fee of $3,060.00. This fee is based on the addition of 102 daily vehicle trip ends at $30.00/trip, pursuant to Subsection 93.2.H. of the TRPA Code of Ordinances.

I. Through a separate permit application, the permittee shall transfer 4,621 square feet of coverage to this parcel. All transferred coverage shall be from Class 5 or a lower land capability class, or have an IPES score of 726 or less, and be located within the Upper Truckee Hydrologic Area. (Note all coverage transfers must be in compliance with Chapter 20 of the TRPA Code of Ordinances, and the TRPA Rules of Procedure.)

J. The CFA for this project will be provided by the combination of an allocation allowed by the Community Plan incentives, and a transfer of CFA. The preferred Industrial Area Status for the Industrial Tract provides for the automatic doubling of all CFA in the Community Plan. This provision reduces the 4,122 square feet of CFA needed for the project by half, to a total of 2,061 square feet of CFA required. The allocations will add 2,000 square feet of CFA, leaving a total of 61 additional CFA required. This amount (61 SF of commercial floor area) shall be transferred to the project area under separate application to TRPA.

K. All coverage and CFA transfer applications must be approved prior to final project approval.

L. 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.

M. The permittee shall submit three sets of final construction drawings and site plans, including an 8.5” by 11” set of site plans.

N. Provide a materials board for the storage container structures consistent with the approved building material colors of the Community Plan. The final construction drawings shall have notes indicating conformance to the following design standards for Community Plan Design standards including color, roofs, fences:

1. **Color:** The color of the Tile Outlet commercial building, shall be consistent with the color samples in the applicant’s submittal.

2. **Roofs:** Roofs shall be composed of non-glare earthen tone or woodtone materials that minimize reflectivity. A color sample of the roof material shall be submitted for the file, for the Tile Outlet commercial building and storage container structures.

O. 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 per Section 62.2, as well as BMP installation for the entire project area.

P. The permittee shall indicate on the floor plans the type of TRPA approved woodstove, fireplace insert, or zero clearance fireplace to be installed.

4. All on-site utilities shall be placed underground.

5. Disposal of materials shall be done in accordance with Chapter 64 of the TRPA Code of Ordinances.
6. This permit does not include approval of signage. New signs shall be reviewed and approved by the City of South Lake Tahoe.

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

8. By acceptance of this permit, the permittee acknowledges that TRPA Code of Ordinances requires that this property, located within a Priority 2 watershed group, install and maintain all Best Management Practices prior to October 15, 2006.

9. No trees shall be removed (other than those shown on the approved site plan) or trimmed for view enhancement purposes without prior TRPA written approval as per the conditions of the Landscape and Revegetation Plan.

10. 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.

11. Any normal construction activities creating noise in excess to 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.

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

13. This site shall be winterized in accordance with the provisions of Attachment R by October 15th of each construction season. All disturbed areas shall be stabilized with a 3-inch layer of mulch or covered with an erosion control blanket.

14. Dust control measures shall be required for all grading activity.

END OF PERMIT
September 22, 2005

To: Jason Ramos

From: Tim Hagan

Subject: Reduction of SEZ Setback

In 1994, a man-made conveyance channel was identified on the subject property as a Stream Environment Zone (SEZ). The SEZ was officially recognized in a Land Capability Challenge (File No. 19940755) staff summary report and delineated on a corresponding parcel map. The Land Capability staff summary and attached soil investigation identified the SEZ along the western property line and assigned a 15-foot setback. The man-made SEZ channel is located within an established 10-foot drainage easement. This reach of Stream Environment Zone was previously connected with an existing SEZ conveyance channel near the southwest property line of the parcel. In 2002, the California Tahoe Conservancy, in cooperation with the City of South Lake Tahoe, realigned the channel at the southwest corner of the parcel and re-directed it through a man-made channel along the south property line as part of a Stream Environment Zone mitigation project.

As a result of being functionally deactivated, TRPA Land Capability program is willing to authorize the reduction of the 15-foot SEZ setback to 10 feet.

Please note: This memorandum does not relinquish or affect the legal status of the 10-foot drainage easement that currently exists along the west property line of the subject parcel.

Best regards,

Tim Hagan
Senior Planner / Soil Scientist
Land Capability Program Manager
Environmental Review Services
Tahoe Regional Planning Agency

Planning for the Protection of our Lake and Land