NOTICE IS HEREBY GIVEN that the Advisory Planning Commission of the Tahoe Regional Planning Agency will conduct its regular meeting at 9:30 a.m. on Wednesday, January 13, 2010 at the TRPA Offices, located at 128 Market Street, Stateline, NV. The agenda for the meeting is attached hereto and made a part of this notice.

January 6, 2010

Joanne S. Marchetta
Executive Director
All items on this agenda are action items unless otherwise noted.

AGENDA

I. CALL TO ORDER AND DETERMINATION OF QUORUM

II. APPROVAL OF AGENDA

III. PUBLIC INTEREST COMMENTS

Any member of the public wishing to address the Advisory Planning Commission on any item not listed on the agenda may do so at this time. Public comment on Public Hearing items will be taken at the time those agenda items are heard.

NOTE: THE ADVISORY PLANNING COMMISSION IS PROHIBITED BY LAW FROM TAKING IMMEDIATE ACTION ON, OR DISCUSSING ISSUES RAISED BY THE PUBLIC THAT ARE NOT LISTED ON THIS AGENDA.

IV. DISPOSITION OF MINUTES

V. PUBLIC HEARINGS

A. Amendments to the Kings Beach Community Plan to incorporate Parcel #090-126-026 into the Community Plan, create two special areas, and other related amendments; and to the TRPA Code of Ordinances Chapter 21, Density, Chapter 22, Height, and other related amendments. TRPA File PLAN2008-0007, APN 090-064-012.

B. Recommendation to the Governing Board on Certification of the Kings Beach Commercial Core Improvement Project Final Supplemental Environmental Assessment (EIS).

VI. REPORTS

A. Executive Director

B. General Counsel

C. APC Members

VII. ADJOURNMENT
I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Tolhurst called the meeting to order at 9:35 a.m.

Members present: Mr. Angelocci, Mr. Donahue, Mr. Goldberg, Mr. Greene, Mr. Lefevre, Mr. McIntyre, Mr. Goering for Ms. McMahon, Mr. Riley, Mr. Tolhurst, Mr. Upton, Ms. Garcia for Mr. Walker

Members Absent: Mr. Jepsen, Ms. Kemper, Mr. Loftis, Mr. Maurer, Mr. Plemel

Ms. Krause arrived at 9:54 a.m.
Mr. Thompson arrived at 10:00 a.m.
Mr. Upton left at 12:10 p.m.
Mr. Riley left at 1:00 p.m.

II. APPROVAL OF AGENDA

Item VB was moved to the front of the meeting.

Mr. Tolhurst moved approval as amended.
Motion carried unanimously.
Mr. McIntyre abstained.

III. PUBLIC INTEREST COMMENTS

No public comment.

IV. DISPOSITION OF MINUTES

Mr. Donahue stated he arrived late at the November 12, 2009 meeting and did not motion to approve the agenda for that meeting.

Mr. Tolhurst stated it was not known who moved approval of the November 12, 2009 meeting agenda.

Mr. Goldberg requested his first comment on page 3 (paragraph ten from the top) be stricken from the minutes.

Mr. Upton moved approval with amendments.
Motion carried.
Mr. McIntyre abstained.

V. PUBLIC HEARINGS
B. Amendment of Map Showing Need for Water Quality Improvements Pursuant to Requirements of Chapter 37, Individual Parcel Evaluation System (IPES)

Staff member Heather Gustafson presented the amendment to the map showing the need for water quality improvements pursuant to requirements of Chapter 37, Individual Parcel Evaluation System (IPES).

No public comment.

Mr. Upton moved approval of the required findings as noted in Attachment A including the finding of no significant effect. Motion carried unanimously.

Mr. Upton moved to recommend approval of the proposed ordinance, Attachment B. Motion carried unanimously.


Ms. Marchetta provided an overview of the order of the day.

TRPA staff member David Landry presented an overview of the Draft Environmental Impact Statement (EIS) for the Boulder Bay Resort Project.

Mr. Angelocci asked if the reduction in the gaming floor area would be converted to commercial.

Mr. Landry stated a portion of the reduction in floor area for gaming would be converted to commercial.

EIS consultant Rob Brueck, presented a summary of the analysis included in the Environmental Impact Statement (EIS) for the Boulder Bay Resort Project.

Mr. Tolhurst asked for clarification of the distinction between NTRPA and TRPA and how it relates to the gaming floor area.

Ms. Marchetta explained NTRPA was Nevada TRPA Board members, but was a separate entity and operates independently from the TRPA. NTRPA regulates gaming space within the Tahoe Basin and makes decisions regarding how gaming space can be modified. The TRPA regulates changes to gaming structures.

Mr. Tolhurst commented that presumably California does not allow gaming therefore it’s not under the bi-state compact.

Ms. Marchetta stated California does allow gaming, but not in the Basin.

Lew Feldman, representing the applicant, presented the proposed Boulder Bay Resort Project.
Mr. Angelocci asked how many parking spaces would be provided for the public park being proposed.

Mr. Feldman replied six surface parking spaces with additional below structure parking spaces, if needed.

Mr. Tolhurst noted individuals would be provided three (3) minutes for public comment and group representatives would be provided five (5) minutes for public comment.

Public Comment:

Ann Nichols, North Tahoe Preservation Alliance, stated the NTPA was in support of the revitalization of the Biltmore site, but the existing North State Line Community Plan should be used in this development. She reviewed EIS and gave a list of concerns with the project and the EIS.

Mr. Tolhurst asked for clarification that only written comments would receive a response.

Mr. Landry stated they may respond to verbal comments, but they were required to respond to written comments.

Ms. Marchetta clarified all comments would receive a response.

Joy Dahlgren, Friends of Crystal Bay and Brockway, reviewed concerns with alternatives to reduce BMPs with increased traffic, as proposed in the EIS.

Margaret Martini stated she was offended by the questionable data being presented in the EIS and provided some examples.

John Boshay, Brockway Point Homeowners Association, commented that the EIS should be from the point of view from an unbiased evaluator and not a proponent of the project. He questioned funding for the proposed maintenance of the project.

Paul Reynolds stated he was in support of the project. He commented on the community support shown for the project at the November 18, 2009 TRPA meeting.

Nicole Gergans, League to Save Lake Tahoe, stated that the League could not comment on the project until flaws in the Draft EIS were addressed and resolved in the Final EIS. She reviewed concerns with the transportation analysis in the Draft EIS. She stated the League requested the APC recommend the TRPA request a more thorough and appropriate transportation analysis for the Final EIS.

Ron Grassi, Sierra Club, suggested the APC recommend the TRPA request more information for issues within the Draft EIS that require more clarity.

Phil Gillanfar expressed his support of the project because of the benefits to the community.

Scott Teach, North Tahoe Preservation Alliance, presented a handout that addressed points of concern with the Draft EIS and alternatives being proposed.
Jennifer Quashnick, Sierra Club, stated she was not in favor of or opposed to the project. She questioned the adequacy of the Draft EIS.

Joe Stewart commented on the environmental and economic benefits of the project. He noted retired TAUs would be used for the project.

Brian McCray stated he was the project engineer. He explained the EIS meets current regulations in place.

Steve Teshara, North Lake Tahoe Chamber of Commerce, reviewed concerns with the Draft EIS and pointed out Alternative C would best meet the goals of the adopted TRPA Community Enhancement Program.

Mike Bradford commented on the environmental, economic, and community benefits of the project.

Michael Hogan stated he was one of the project consultant. He commented on efforts in developing water quality improvements.

Royce Johnson stated the concern of Brockway residents was the traffic impact of the project to the Speed Boat Beach/Brockway area.

**Commission Questions & Comments**

Mr. McIntyre asked how energy use would be reduced with the amount of snow melt being proposed.

Mr. Feldman stated a San Francisco company conducted an energy study with the snow melt component and it was determined the key to snow melt was not to run energy when not needed.

Mr. Tolhurst asked if dustless sweepers would be on-site or utilized with Washoe County.

Brian Helm, Boulder Bay Project Manager, stated dustless sweepers would be owned, operated, and maintained on-site.

Mr. Donahue requested more information regarding the TAUs from the Bal Tavern Casino.

Mr. Brueck stated those were units owned by Boulder Bay were located south of the former casino.

Mr. Helm stated that casino was once owned by the Biltmore property which was sold and redeveloped by the Crystal Bay developments behind the Crystal Bay Casino.

Mr. Donahue asked if there was TRPA certification for those TAUs.

Mr. Helm stated there was certification from the TRPA.

Mr. Barrett pointed out these were units that were not related to gaming.
Mr. Landry noted TRPA did a search for verification of the TAUs and that this information could be provided, if needed.

Mr. Donahue asked if a pollutant load reduction model has been developed.

Mr. Hogan stated a model has not been developed, but they were confident their review of fine sediment is sufficient.

Mr. Donahue stated having a quantitative element in the EIS would be beneficial.

Mr. Hogan stated the intention was to have that included in the next document.

Ms. Marchetta reported the issue of measuring sediment was discussed after the DEIS was released.

Mr. Helm added water quality was being reviewed concurrently with the development of the DEIS, but that additional information was expected in the Final EIS.

Mr. Donahue requested more information about the coverage reduction being proposed in Alternative C. He asked if off-site mitigation could be done or were there more opportunities on-site.

Mr. Helm stated Boulder Bay’s preference is to retire coverage on-site to meet excess coverage mitigation requirements. He noted excess coverage significance is based on existing coverage of existing conditions at the site. The cost was multiplied from that factor by a budget for the structural cost of the project.

Mr. Donahue asked how affordable housing would be managed or sold.

Mr. Feldman reported affordable housing would be deed restricted utilizing TRPA’s bonus units. They would be managed on-site and made available first to employees.

Mr. Donahue asked if the transfer of TAUs from the south shore have been approved.

Mr. Feldman stated they have been approved.

Mr. Tolhurst asked if the one and a half to one TAU in the Heavenly Village Project was required because it was a re-development.

Mr. Feldman stated it depends on the type of unit being utilized.

Mr. Donahue asked about the sequence for SEZ restoration.

Mr. Landry stated it would have to occur before project approval. Currently, structures have been removed, but there has been no restoration of the site.

Mr. Greene requested to know if staff wanted to respond to traffic concerns expressed during today’s meeting.
Mr. Helm stated there was confusion that the traffic study was commissioned by Boulder Bay. He clarified the study was commissioned by the TRPA.

Bridget Cornell, TRPA and TRPO Transportation Planner, explained the analysis with the trip generation data.

Gordon Shaw, Transportation Consultant, said he reviewed data that was used in the two traffic studies that were completed for the project.

Ms. Rinke noted public comment would be reviewed and used to modify the EIS, as needed.

Mr. Angelocci commented on the need to review existing uses, peak potential, and proposed uses.

Mr. Lefevre asked what is meant by a “green” roof and the purposes of a “green” roof.

Mr. Hogan reported it was roof with growing plant life and soil.

Mr. Helm stated the purpose of a “green” roof was to act as a buffer for storm water.

Mr. Goldberg suggested the TRPA request more information regarding traffic impact.

Mr. Greene asked when the final EIS was expected.

Mr. Hogan explained there may be a three-month process to prepare the final EIS after final comments are provided on February 4, 2010.

Mr. Tolhurst noted this issue would also be discussed at the December 16, 2009 TRPA Governing Board meeting.

VI. REPORTS

A. Executive Director

Ms. Marchetta gave the Executive Director’s Report.

B. General Counsel

Ms. Rinke gave the General Counsel’s Report.

C. APC Members

None

VII. ADJOURNMENT

Chair Mr. Tolhurst adjourned the meeting at 1:07 p.m.
Respectfully submitted,

Jill Miller
Clerk to the Commission

The above meeting was taped in its entirety. Anyone wishing to listen to the tapes of the above mentioned meeting may call for an appointment at (775) 589-5243. In addition, written documents submitted at the meeting are available for review at the TRPA Office, 128 Market Street, Stateline, Nevada.
MEMORANDUM

Date: January 6, 2009
To: TRPA Advisory Planning Commission (APC)
From: TRPA Staff
Subject: Recommendation on Amendments to the Kings Beach Commercial Community Plan (KBCCP) to incorporate Assessors Parcel Number (APN) 090-126-026 into the KBCCP; create two Special Areas and other related amendments; and amendments to TRPA Code of Ordinances Chapter 21 Density and Chapter 22 Height; and related Regional Plan Amendments.

Requested Action: Staff is requesting the APC make a recommendation to the Governing Board to:

First, amend the TRPA Code of Ordinances to allow increased density and height for affordable housing projects in the following manner:

1. Amend Chapter 21, Density, by revising Subsection 21.3.B to allow an affordable housing project a bonus density of up to 100% within specifically designated KBCCP Special Areas (See Attachment B, Exhibit 1).

2. Amend Chapter 22, Height, by adding Subsection 22.4.E to allow additional height of up to 48' for affordable housing projects located within specifically designated KBCCP Special Areas. (See Attachment B, Exhibit 1).

Second, amend the KBCCP to establish the designated Special Areas allowed by the Code amendments in the following manner (Please See Attachment D1 for a location map of the subject parcels):

1. Adjust the KBCCP boundary to incorporate parcel APN 090-126-026 (265 Fox Street) into the boundaries of the KBCCP as Special Area #5 (See Attachment B, Exhibit 3) and add special policies related thereto (See Attachment B, Exhibit 2).

2. Create Special Area #6 to contain APN 090-222-050 (200 Chipmunk St.) (See Attachment B, Exhibit 3) and add special policies related thereto (See Attachment B, Exhibit 2).

3. Amend Chapter II, Urban Design and Development, Policy 9 to require APN 090-126-026 (Fox St.) to be permanently deed restricted for affordable housing (See Attachment B, Exhibit 2) and to provide height and bonus density incentives for Special Areas #5 and #6.
4. Amend Chapter VII, Implementation Element, by revising Section D.10 and adding Section D.13 for reference purposes (See Attachment B, Exhibit 2).

These amendments in total and if acted upon would provide the opportunity for the first affordable housing project for that portion of Placer County within the Tahoe Basin. This action relates to an application TRPA received from Domus Development to amend the KBCCP and the TRPA Code of Ordinances to facilitate such a project. A separate application from Domus Development for the construction of two affordable housing projects is currently under review by TRPA staff and will be the subject of separate actions by the Governing Board.

Staff Recommendation: Staff recommends that the APC recommend to the Governing Board approval of the proposed Community Plan and Code amendments.

Required Motion: To recommend approval of the proposed action to the GB, the APC must make the following motions, based on this staff summary and the evidence in the record:

1) A motion to recommend approval of the required findings (See Attachment A), and;
2) A motion to recommend approval of the proposed draft Ordinance. (See Attachment B and associated Exhibits 1-3).

Background/Context: This staff summary contains a complex suite of amendments that may ultimately result in two affordable housing projects within KBCCP. The staff summary is organized to provide an overview of the amendments in this section. The proposed amendments are detailed in the Project Description Section starting with those amendments proposed for the Code of Ordinance, and following with the proposed changes to the KBCCP. Within the Project Description section, the specific amendments are listed and a brief analysis is provided. The required findings to allow the amendments are located in Attachment A. The draft enabling Ordinance and the associated exhibits are located in Attachment B. Issues and Concerns are briefly outlined following the Project Description Section. Detailed discussion on the issues and concerns is located in Attachment C. Any maps and related exhibits are located in Attachment D.

TRPA staff is requesting this action as a result of an application that was submitted by Domus Development to amend the KBCCP and the TRPA Code of Ordinances to facilitate the construction of two affordable housing projects. Although this staff summary focuses on the amendments to the Regional Plan, the projects that are proposed to benefit from these amendments are relevant. The suite of proposed amendments would ultimately allow additional affordable housing incentives to take effect on the two subject parcels which, subject to the approval of the amendments, will be located within the KBCCP (See Attachment D1). The proposed affordable housing projects located within the proposed designated Special Areas will effectively be provided incentives to double the allowable density, and at the Chipmunk site, to increase its height up to 48 feet (See Attachment D4 & D5 Project Site Plans). In addition, staff is proposing and recommending that the bonus density and height incentives can only be earned if specific findings can be made to implement environmental improvements including an
EIP project, scenic improvements, and other Community Plan improvements. These proposed amendments will be described in detail in the project description below; however, to provide context for the amendments, staff has included some additional background details below.

The projects which these amendments will facilitate were originally a part of a suite of affordable housing projects called Kings Beach Housing Now that was designated by the Governing Board as a Community Enhancement Program Project (CEP). The focus of the CEP is to implement projects that demonstrate considerable environmental, social and economic benefits by achieving mixed-use development on existing disturbed and/or underutilized sites within our urban core areas. The Domus project recently decided to modify their project to remove the mixed use (commercial) component from the Chipmunk Street site. In doing so, they no longer meet the basic criteria established for the CEP which required all projects be mixed use. They have therefore formally dropped out of the CEP. In order to still achieve the affordable housing component of the proposed projects, the applicants are requesting that the proposed amendments be approved. The projects are still proposing many of the CEP related environmental improvements to facilitate achievement of thresholds, and to facilitate the approval of the amendments.

Additionally, at the December 2008 meeting, the Governing Board determined that until such time as the Regional Plan was updated, no new Regional Plan amendment applications would be accepted and that only applications that were already submitted or were a part of the CEP would be accepted. This application was submitted as a part of the CEP in April of 2008. Although they are no longer a part of the CEP, the application was received prior to the December 2008 deadline for applications; therefore this amendment application specific to their project is eligible for consideration by the APC and the Governing Board prior to the Regional Plan update being completed.

TRPA has determined that in order to limit the legal risks associated with updating the Regional Plan at this time; these proposed amendments, which might otherwise be more broadly applied, should remain narrowly focused. The proposed amendments will only be effective on the subject parcels, and are not being proposed to apply to the entire KBCCP, nor other Community Plans within the Basin. Due to the action taken by the Governing Board to limit any Regional Plan amendments until such time as the Regional Plan is updated, any future amendment application that would propose to apply the affordable housing incentives more broadly would be either incorporated into the Regional Plan update, or be the subject of a post Regional Plan Update amendment.

**Placer County Relationship and Action**: Placer County supports the proposed projects and amendments. Placer County Redevelopment Agency (PCRA) is the owner of both the subject parcels, APNs 090-126-26 & 090-122-050. The PCRA has committed to a public-private partnership with Domus Development. The PCRA and Placer County have supported the efforts of Domus Development by providing financial and staff resources to ensure the creation of sustainable affordable housing in Kings Beach

In July 21 2009 Placer County approved a Zoning Text Amendment – Residential Density that applies to Placer County Redevelopment Areas within the Basin. The amendment allowed a density bonus for affordable housing to be increased from 50% up
to 100%. TRPA proposes to match the County’s density bonus but limit it to specific areas in the KBCCP, so a consistent planning scheme can be maintained within Placer County.

The KBCCP is a joint TRPA and Placer County planning document. Placer County has informed TRPA that it is not proposing to amend its Community Plan at this time. TRPA recommends that at some time in the future Placer County formally amend the KBCCP to ensure that a consistent joint document is maintained and a consistent planning review processes can continue.

Project Description/Analysis: The applicants submitted project applications to construct two affordable multi-family residential projects on Assessor Parcel Number (APN) 090-222-050 (Chipmunk Street) and APN 090-126-026 (Fox Street). The proposed projects are seeking to increase the maximum density from 15/units an acre to 30/units an acre for multi-family residential development on the subject parcels. The Chipmunk Street location is also seeking an increase in maximum height proposed on the parcel to 48 feet. In order to facilitate these projects, the applicant is seeking to amend Chapter 21 Density and Chapter 22 Height. To approve these projects, TRPA needs to amend the Code and the KBCCP as follows:

Chapter 21 Density Amendment:
The applicant proposes to amend Chapter 21, Density, by revising Section 21.3.B and adding a section which would permit additional bonus density of 100% for affordable housing projects that make specific findings (See Attachment B, Exhibit 1). Placer County amended their existing County ordinances to allow an increase in density of up to 100%. This amendment would be consistent with current Placer County ordinances. TRPA Code already provides a 25% density bonus for affordable housing projects, subject to findings, that may allow projects located within the subject locations to increase density from 15 units an acre up to 18 units an acre. The applicant seeks to increase the amount of units from 15 units an acre to 30 units an acre. The proposed amendments would apply to proposed Special Areas #5 & #6 only and may result in a potential net total of 18 additional units between the two areas. The overall density within the basin will not increase as a result of this amendment as both the existing units of use and the bonus unit incentive program were analyzed as a part of the 1987 Regional Plan.

Please note that there are eight existing units on the Fox Street parcel, and the proposed affordable housing project has been designed to include 12 units on this site. Therefore, the net total would be 4 additional units on the site if the proposed project is built.

There are seven existing units on the Chipmunk Street parcel, and the allowable density inclusive of the existing 25% density bonus would total 26 units. The proposed affordable housing project has been designed to include 40 units. Therefore, if the proposed amendments are adopted, a net total of 14 additional units would be allowed on this parcel.

The applicant has provided sufficient evidence to support this amendment (See Issues and Concerns Section & Attachment D2).

BH/jm

AGENDA ITEM V.A.
Chapter 22 Height Amendment:
The applicant is proposing to amend Chapter 22, Height, by adding Section 22.4.E which would allow additional height within #6 (Chipmunk St. parcel) up to 48 feet for affordable housing projects that make specific findings. Currently, all multi-family residential projects must adhere to TRPA Code Subsection 22.3.A requiring building heights not to exceed the limits set forth in Table A which regulates the allowable height based on slope and roof pitch. The allowable height for a multi-residential project is currently 33 feet. The applicant is proposing an increase of 15 feet be allowed for this use.

Today, Subsection 22.4.B allows Tourist Accommodation Units to be built to 48 feet when certain findings are made. Tourist Accommodation uses are permissible uses within this area. The applicant is proposing to amend the Code to allow multi-family projects to achieve the same height by making findings that will provide both environmental and community benefits (See Attachment B, Exhibits 2).

This height amendment is an integral part of the two other pending amendments, which are necessary to facilitate affordable housing on this site. The applicant has stated that the increase in height is necessary to allow for the additional density needed to make a substantial contribution to the affordable housing stock. TRPA Code base allowable coverage limit structures from expanding horizontally. Given TRPA Code already allows the proposed height for TAUs and TAUs are a permissible use on the subject parcel, it is reasonable to propose this height for multi-family residential, and in this case, affordable housing.

Kings Beach Community Plan Amendments:
The KBCCP amendments proposed include text amendments and a map amendment (See Attachment B, Exhibits 2 & 3). TRPA Code of Ordinances Section 14.7 states that a community plan may be modified by TRPA to achieve the environmental thresholds or otherwise improve the community plan. The following proposed amendments to the KBCCP will improve the community plan’s ability to facilitate the development of quality affordable housing. These amendments are consistent with Special Policy 9 of the CP which states “the development of better quality affordable housing is a primary goal of the plan for the neighborhoods in and surrounding the CP.” Currently, there are no deed restricted units of affordable housing built in the Kings Beach area. The Residential Area Design theme calls for upgrading sub-standard residential units and the creation of a better distribution and mixture of residential uses. These amendments may help facilitate some of the first actual affordable housing projects in the area. Although that requires an increase in density, the amendments are only allowing that increase for the subject parcels and no additional density is proposed at this time for other locations.

Boundary Line Amendment:
The KBCCP boundary line is proposed to be amended to add Placer County APN 090-126-026 (Fox St.) into the Community Plan (See Attachment B, Exhibit 3) to facilitate the construction of a future affordable housing project that is jointly supported by Placer County Redevelopment Agency.

BH/jm

AGENDA ITEM V.A.
The proposed Fox Street boundary line amendment is consistent with Chapter 14 and the findings required to allow adjustment of the boundaries (See Required Findings – Attachment A), and will render the parcels eligible for the proposed Code amendments re: density bonus incentives (See Attachment B, Exhibit 3). Pursuant to the proposed Code amendments, to receive the density incentives, this parcel must be located in the KBCCP. The subject 18,000 sq. ft. parcel is currently located in Plan Area 028 – Kings Beach Residential where multi-family residential facilities are an allowable use. Multi-family is a special use within the KBCCP, and therefore will be subject to Special Use findings in Chapter 18.

The KBCCP boundary adjustment will allow the addition of a parcel where an affordable housing residential use is appropriate. The Fox Street parcel is contiguous to the CP boundary and is within close proximity to established transit and an existing employment base which could support affordable housing.

The subject parcel has been verified as land capability Class 5 with 25 percent base allowable land coverage. Although the reasons for Domus wanting to include this parcel into the KBCCP are to receive a density bonus as stated above, if the proposed boundary amendment were approved, any proposed affordable housing project on the subject parcel could take advantage of the 50 percent land coverage incentive pursuant to TRPA Code Section 14.3.A and Section 20.3.B. The Fox St. site is currently ~63% covered; which already exceeds the incentive percentage of 50%. TRPA Code allows any amount of legally existing land coverage to remain on site; however, any future project that requires a permit from TRPA would be subject to a land coverage mitigation fees.

Creation of Special Areas and Special Policies Related Thereto:
Staff is recommending the creation of two new Special Areas within the KBCCP. Special Area #5 would encompass the Fox Street parcel exclusively and Special Area #6 would encompass the Chipmunk Street parcel exclusively. Amendments to the KBCCP to adopt Special Policies are proposed that would make Special Areas #5 and #6 eligible for the bonus density benefits from the proposed Code of Ordinance amendment and make Special Area #6 eligible for additional height amendment (detailed below). The density bonus and additional height incentives would be available to these parcels, pending their approval, if specifics findings to provide environmental benefits that assist TRPA in achieving and maintaining thresholds can be made. Special Areas #5 and #6 would be incorporated onto the existing permissible use list so the existing intended uses for this area would remain the same.

Chapters II & VII Policy Amendments:
Several KBCCP Chapter II and VII amendments are being processed with this application (See Attachment B, Exhibit 2). This is to ensure the parcels are properly referenced within the KBCCP and the applicable policies are consistent with the findings, and the existing policies. The Urban Design and Development Policy #9b will be amended to ensure the Special Area #5 (Fox Street parcel) is only used for affordable housing. Policy #9c & d are being added to designate Special Areas #5 & #6 as affordable housing areas eligible for height and density amendments respectively. The designations require certain findings be made for projects located within these areas. Findings include pedestrian transit-oriented design features, implementation of an EIP.
project, public/private funding support, United States Green Building Council’s Leadership in Energy and the Environmental Design (LEED) certification, and the securities to ensure implementation of the public benefits associated with the project.

Staff is requiring Chapter VII, Implementation Element, Section D.10 be revised and Section D.13 be added to ensure the incentives for affordable housing within the Code of Ordinances are referenced properly in the KBCCP.

Issues/Concerns: Please see Attachment C for a more detailed discussion of the issues and concerns relating to the proposed amendments to the KBCCP.

1. Narrow focus of amendments
   There is a concern that these Code and Community Plan amendments are too specific to the proposed projects and might be considered spot zoning.

2. KBCCP Boundary Line Amendment
   The addition of the Fox Street parcel to the KBCCP for housing purposes will facilitate the development of affordable housing in the Kings Beach Commercial Community Plan, as the Fox St. parcel will be deed restricted for affordable housing as proposed by the revised Urban Design and Development Policy 9.

3. Increase in Density
   The increase in density consistent with recent Placer County amendments allowing 100% increase and challenges with density on small parcels requires the proposed amendment to Chapter 21 of the TRPA Code of Ordinances to provide a 100% increase in allowable density for affordable housing projects located within the proposed KBCCP Special Areas #5 & #6 only, subject to specific findings being met (See Attachment B, Exhibit 1).

4. Increase in Height
   The increase in height needed for increased density requires the proposed amendment to Chapter 22 of the TRPA Code of Ordinances to allow 100% deed restricted affordable housing projects located within proposed KBCCP Special Area #6 to receive additional height up to 48 feet subject to specific findings being made (See Attachment B, Exhibit 1). This is an increase of 15 feet over what is currently allowable for multi-family residential.

5. Increase in VMT
   The proposed amendments could potentially increase overall Vehicle Miles Traveled by .02 percent according to the applicant. Although this is a minor increase, in order to ensure that the overall project provides an overall reduction in VMT, TRPA shall impose a project level permit condition (See Attachment C for details).

Regional Plan Compliance: The proposed action complies with all requirements of the TRPA Goals and Policies, Plan Area Statements, and Code of Ordinances, including all required findings in Chapter 6, Chapter 13, and Chapter 14 of the TRPA Code of Ordinances.
**Contact Information:** If you have any questions, please contact Brenda Hunt, Associate Planner II at bhunt@trpa.org or 775.589.5225.

**Attachments:**

A. Required Findings/Rationale
B. Draft Ordinance and Exhibits 1-3
   - Exhibit 1 - Proposed Code of Ordinances Amendments – Chapter 21, Density and Chapter 22, Height (01/06/2010)
   - Exhibit 2 – Proposed Kings Beach Commercial Community Plan Amendment (01/06/2010)
   - Exhibit 3 – Proposed Boundary Line Amendment
C. Issues/Concerns Discussion
D. Maps and Other Displays
   D1 – Location Map
   D2 – Density Analysis Map
   D3 – Scenic Evaluation
   D4 – Fox Street Project Site Plan
   D5 – Chipmunk Street Project Site Plan
   D6 – Kings Beach Land Use Map
Required Findings/Rationale

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

A. Chapter 6 Findings:

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

KBCCP Amendments:

Rationale: The suite of proposed amendments provides the opportunity to facilitate two affordable housing projects consistent with Special Policy #9 of the CP which states “the development of better quality affordable housing is a primary goal of the plan for the neighborhoods in and surrounding the CP.” In addition, this amendment will ensure that the design of any proposed project is consistent with the planning themes, goals and direction of the CP and the Regional Plan in general.

Community Plans allow the concentration of multi-residential affordable housing in areas close to services and employment centers. The Community Plans and TRPA Code create incentives to encourage affordable housing and to upgrade and replace substandard development while providing for environmental improvements to achieve the thresholds.

The proposed amendments to designate Special Areas #5 & #6 as affordable housing areas and provide for height and density bonus’ will contribute towards TRPA’s Air Quality/Transportation Threshold attainment by implementing, pedestrian and transit oriented designs consistent with the KBCCP vision.

As proposed, the amendment 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.

Density Amendment:

Rationale: The proposed amendment is consistent with and will not adversely affect implementation of the Regional Plan. Amending TRPA Code Subsection 21.3.B (2) to increase the permissible density for affordable housing projects within Special Areas #5 and #6 will provide the incentives to develop affordable housing projects. It also provides a means to concentrate
affordable housing in an appropriate area and help to upgrade and replace
substandard development.

The amendment includes findings which require a resultant project to include
elements which would contribute to the attainment of several thresholds and
adhere to TRPAs Goals and Policies, plan area statements, and the Code.

Any resulting project will be deed restricted affordable housing consistent with
the Housing Sub element within the Goals and Policies. The KBCCP Special
Policies (#3 and #9) specifically address the need for Placer County
Redevelopment Agency to facilitate the provision of low to moderate housing
and the need for better quality affordable housing, respectively.

The findings associated with the amendments will help facilitate improvements
to the TRPA thresholds. Specifically, the Special Area designation
requirements require any future project to incorporate pedestrian transit-
oriented design features, implementation of an EIP project, ensure
public/private funding support, obtain United States Green Building Council’s
Leadership in Energy and the Environmental Design (LEED) certification, and
provide securities to ensure implementation of the public benefits associated
with the project.

Any projects resulting from the amendment will adhere to the TRPA Code of
Ordinances and applicable Goals and Policies, Plan Area Statements and
Maps, the Code, and other TRPA plans and programs.

Height Amendment:

Rationale: This amendment is consistent with and will not adversely affect
implementation of the Regional Plan. Amending TRPA Code Subsection
22.4.E to increase the permissible height for deed restricted affordable
housing projects within # 6 will provide the incentives necessary to develop
affordable housing projects. It also provides a way to concentrate affordable
housing in an appropriate area and help to upgrade and replace substandard
development.

The amendment includes findings which require a resultant project to include
elements which would contribute to the attainment of several thresholds and
adhere to TRPAs Goals and Policies, Plan Area Statements, and the Code.
See Density Amendment Section above.

Any resultant project is required to be deed restricted affordable housing
which is consistent with the Housing Sub element within TRPAs Goals and
Policies which charges the Agency to create special incentives to promote
affordable housing for low and very low income households. Affordable
housing is also a concern of the Kings Beach Commercial Community Plan
which has Special Policies (#9 and #3) which indicates affordable housing
should be a primary goal of the CP and that Placer County Redevelopment Agency should provide some low to moderate housing.

Any projects as a result of the amendment will adhere to the TRPA Code of Ordinances and Goals and Policies.

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

KBCCP:

Rationale: See findings rationale “1” above. The amendment to the KBCCP will not cause the environmental thresholds to be exceeded. To the contrary, any project as a result of this amendment will help achieve and maintain the environmental thresholds.

Community plans provide opportunities and incentives to upgrade and replace existing substandard development, while providing environmental benefits and correcting past land use deficiencies. Relocating the Fox Street parcel into the KBCCP, creating Special Areas #5 and #6 and their associated polices, provides an opportunity for the achievement of some of the key goals and policies outlined within the KBCCP regarding the need for affordable housing and environmental improvements.

In addition, any affordable housing projects proposed as a result of the KBCCP amendment and the accompanying height and density amendments, will conform to the standards and guidelines of the KBCCP. They would also contribute to TRPA’s goal transit-oriented development by allowing concentrated development in an area within walking distance of services and established transit.

Density:

Rationale: See findings rationale “1” above. The amendment will not cause the environmental thresholds to be exceeded. To the contrary, any project as a result of this amendment will help achieve and maintain the environmental thresholds.

The proposed amendment would increase the number of affordable housing units over what is currently allowed by a net total of 18 units within the KBCCP Special Areas. Eligibility to take advantage of the proposed density is limited exclusively to affordable housing projects. Affordable housing projects are eligible for multi-residential housing bonus units pursuant to TRPA Code Subsection 35.2.E. A.
The amendment includes findings, which require a resultant project to implement improvements to the TRPA thresholds and the realization of the KBCCP goals.

Allowing more density in appropriate areas such as community plans, provides the opportunities and incentives to upgrade and replace existing substandard development, while providing environmental benefits and correcting past land use deficiencies. It also provides the incentive to develop infill sites with a use that currently is part of existing land use patterns and is encouraged in the KBCCP vision and goals and policies.

Any projects that are proposed as a result of this amendment will be required to comply with all aspects of the Regional Plan package, including applicable Thresholds. The amendment does not result in any additional development potential beyond that established by the Regional Plan, but rather provides an additional incentive to develop affordable housing in an area appropriate for such uses. In addition, any project resulting from the density limit increase will need to adhere to the TRPA Code, Goals and Policies, and the applicable plan area policies for achieving and maintaining the Thresholds.

Height:

Rationale: See findings rationale “1” and KBCCP and Density Finding 2 above. The amendment will not cause the environmental thresholds to be exceeded. To the contrary, any project as a result of this amendment will help achieve and maintain the environmental thresholds.

The proposed amendment would increase the height of affordable housing units over what is currently allowed by TRPA Code. Eligibility to take advantage of the proposed density is limited to affordable housing projects. An Evaluation of the Effect of Proposed Amendments to TRPA Height and Density Codes on Scenic Thresholds was completed by Tom Packard and Associates (See Attachment D3 of this Staff Summary). The analysis found that the amendments will have no effect or negative impacts on the Scenic Travel Ratings or Community Design.

Additional height would in turn allow for more density in appropriate areas such as community plans, and provide opportunities and incentives to upgrade and replace existing substandard development, while providing environmental benefits and correcting past land use deficiencies.

Applicable to all amendments:

3. Finding: Wherever federal, state and local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(d) of the Compact, the project meets or exceeds such standards.
Rationale: These amendments do not directly affect any air or water quality standards. Any new or expansion of development due to these amendments will continue to be subject to federal, state, and local air and water quality standards.

4. Finding: The Regional Plan and all of its elements, as implemented through the Code, Rules and other TRPA plans and programs, as amended, achieves and maintains the Thresholds.

Rationale: For reasons stated in Findings 1 and 2 above, the Regional Plan will continue to achieve and maintain the thresholds.

5. Finding: The Regional Plan, as amended, achieves and maintains the Thresholds.

Rationale: See findings rationale in 1 and 2 above.

B. Chapter 13 Findings:

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

Rationale: The proposed amendments are substantially consistent with the plan area and community plan designations. The Plan Area is an adopted Community Plan designated as an area for concentration of commercial/public service development with Special Designations as a TDR Receiving area for multi-family units and for the multi-residential incentive program. These designations promote the desire to obtain affordable multi-family housing within the KBCCP. The amendments proposed are being considered to facilitate the construction of affordable housing projects within the KBCCP. The Management Strategy and Redirection will not change with the proposed amendments. The proposed amendments are consistent with the planning direction for the plan area.

The subject parcel associated with the boundary line adjustment is directly adjacent to the existing community plan boundary and, if developed with deed restricted affordable housing as proposed by Urban Design and Development Policy 9.b; it will be compatible with the surrounding residential, commercial and tourist uses. Existing public services are available in the surrounding area to support housing on the subject parcels.

C. Chapter 14 Findings: The following findings are required to add a parcel to a community plan.

1. Finding: Use Considerations: The area within the KBCP boundaries is an area where commercial, tourist, and related uses are concentrated or where
2. commercial, tourist, or affordable residential uses should be concentrated; is served or easily served by transit systems; which has adequate highway access; which has or can have housing in the vicinity available for employees working in the area; and which otherwise qualifies as an area suitable for continued or increased levels of commercial activity. In areas where existing and proposed development patterns are found to support affordable housing, the community plan shall limit the applicable community plan incentives to uses classified as deed restricted affordable housing or employee housing with the employment base nexus identified within close proximity to the proposed employee housing.

Rationale: The proposal is to amend the KBCCP boundary line to incorporate one parcel (Placer County APN 0990-126-026) for affordable housing.

2. Finding: Traffic Considerations: The nature and intensity of uses proposed for the area within the boundaries is demonstrably consistent with the achievement of VMT reduction policies and level of service goals for street and highway traffic established for the plan area.

Rationale: No new uses are proposed as part of these amendments to the KBCCP. The proposed Community Plan amendments are consistent with the nature and intensity of uses that is project for the plan, which is a mix of commercial, tourist and residential uses.

3. Finding: Concentration: The area within the boundaries will encourage concentration of commercial development, discourage the maintenance or exacerbation of strip commercial development and shall not allow isolated areas of commercial or tourist accommodations unrelated to the central commercial area.

Rationale: The proposal is to amend the KBCCP boundary, create Special Areas #5 and #6 and policies related thereto, modify Chapter II, Urban Design and Development Policy 9.b and Chapter VII, Implementation Program Sections D.10 and 13. This proposal is consistent with the concentration of commercial development and will not exacerbate strip development along Highway 28. The modification and addition of the above referenced policies would encourage the concentration of uses and enhance the ability to achieve the policies outlined within the KBCCP. The amendment would create housing opportunities within close proximity to commercial and employment centers.

4. Finding: Size: The area within the boundaries is a size consistent with the needs for additional commercial development established by the needs assessment which evaluated the entire area of the community plan, taking into account the needs and opportunities of the Region taken altogether.
Rationale: Placer County APN 090-126-026 is proposed to be taken into the boundary as Special Area #5 of the KBCCP. This parcel was not assessed as part of the commercial floor area needs assessment for the Community Plan. However, the subject parcel will be deed restricted for affordable housing use (proposed by modifying Urban Design and Development policy 9.b), thereby eliminating the possibility of commercial development on the property. Placer County APN 090-126-026 is not changing in size.

Environmental Documentation: An Expanded Initial Environmental Checklist was prepared by the applicant for the project and revised December 20, 2009 in response to TRPA staff requests for additional information. No significant environmental impacts were identified for the proposed project. Staff will recommend that a Finding of No Significant Effect (FONSE) be made based on the IEC checklist, the Scenic Evaluation, the findings made for Chapters 6, 13, and 14 findings and information contained in this Staff Summary and the project file.
Enabling Ordinance

DRAFT
TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2010-__

AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, BY AMENDING THE REGIONAL PLAN OF THE TAHOE REGIONAL PLANNING AGENCY; AMENDING CHAPTERS 21 AND 22 OF THE TRPA CODE OF ORDINANCES; AMENDING POLICIES IN CHAPTERS II AND VII OF THE KINGS BEACH COMMERCIAL COMMUNITY PLAN; AMENDING THE BOUNDARY LINE BETWEEN THE KINGS BEACH COMMERCIAL COMMUNITY PLAN AND PLAN AREA STATEMENT 028 TO ADD PLACER COUNTY APN 090-126-026 INTO THE COMMUNITY PLAN AS SPECIAL AREA #5; REMOVING APN 090-222-050 FROM SPECIAL AREA #2 OF THE COMMUNITY PLAN TO CREATE SPECIAL AREA #6 OF THE COMMUNITY PLAN; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

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

Section 1.00 Findings

1.10 It is necessary and desirable to amend TRPA Ordinance 87-9, as amended, which ordinance relates to the Regional Plan of the Tahoe Regional Planning Agency (TRPA) by adding sections to Chapters 21 and 22 of the TRPA Code of Ordinances; Chapter II, Land Use Element, and Chapter VII, Implementation, of the Kings Beach Commercial Community Plan, and by amending the boundary line between the Kings Beach Commercial Community Plan and Plan Area Statement 028 to add Placer County APN 090-126-026 into the Community Plan as Special Area #5, and removing Placer County APN 090-222-050 from Special Area #2 of the Community Plan to create Special Area #6, to further implement the Regional Plan pursuant to the Land Use Sub element of the Regional Plan Goals and Policies, Chapter 14 of the TRPA Code of Ordinances and Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact.

1.20 These amendments have been determined not to have a significant effect on the environment, and are therefore exempt from the requirements of an environmental impact statement pursuant to Article VII of the Compact.

1.30 The Advisory Planning Commission (APC) has conducted a public hearing on the amendments and recommended adoption. The Governing Board has also conducted a noticed public hearing on the amendments. At those hearings, oral testimony and documentary evidence were received and considered.

BH/jm

AGENDA ITEM V.A.
1.40 The Governing Board finds that, prior to the adoption of this Ordinance, the Board made the findings required by Chapter 6 of the Code, Chapter 13 of the Code, Chapter 14 of the Code, and Article V(g) of the Compact.

1.50 The Governing Board finds that the amendments adopted here will continue to implement the Regional Plan, as amended, in a manner that achieves and maintains the adopted environmental Threshold carrying capacities as required by Article V(c) of the Compact.

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

Section 2.00 Amendment of Chapter 21, Density, and Chapter 22, Height, of the TRPA Code of Ordinances

Subsection 6.60 of TRPA Ordinance No. 87-9, as amended, is hereby further amended as set forth in Exhibit 1, respectively, dated 01/06/2010, which attachments are appended hereto and incorporated herein.

Section 3.00 Amendment of Chapter II, Land Use, and Chapter VII, Implementation, of the Kings Beach Commercial Community Plan

Subsection 6.10, subparagraph (30) of TRPA Ordinance No. 87-9, as amended, is hereby further amended as set forth in Exhibits 2, respectively, dated 01/06/2010, which attachments are appended hereto and incorporated herein.

Section 4.00 Amendment of Plan Overlays

Subsection 6.20, subparagraph (1) of TRPA Ordinance No. 87-9, as amended, is hereby further amended as set forth in Exhibit 3, dated 12-22-2009, which attachment is appended hereto and incorporated herein.

Section 5.00 Interpretation and Severability

The provisions of this ordinance and the amendments to the Regional Plan Package adopted hereby shall be liberally construed to effect their purposes. If any section, clause, provision or portion thereof is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance and the amendments to Regional Plan Package shall not be affected thereby. For this purpose, the provisions of this ordinance and the amendments to the Kings Beach Commercial Community Plan and the TRPA Code of Ordinances are hereby declared respectively severable.
Section 6.00  Effective Date

The provisions of this ordinance amending the Code, policies within Chapter II, Land Use and Chapter VII, Implementation of the Kings Beach Commercial Community Plan and amending the boundary line and creating Special Areas #5 & #6 in the Kings Beach Commercial Community Plan shall be effective immediately upon adoption.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held January 27, 2010 by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

________________________________________
Allen Biaggi, Chairman
Tahoe Regional Planning Agency
List of Exhibits to Ordinance 2010-__

Exhibits
1. Code of Ordinance Language Amendments Chapter 21 & Chapter 22
2. Kings Beach Commercial Community Plan Chapter II and Chapter VII Text Amendments
3. Kings Beach Commercial Community Plan Boundary Line and Special Area Map Amendments
PROPOSED CODE OF ORDINANCES AMENDMENTS – CHAPTER 21, DENSITY
CHAPTER 22, HEIGHT

The following changes are proposed to the TRPA Code of Ordinances. Code language additions are shown as “bolded and double underlined” text. Deleted language is shown as “struck through” text.

Proposed Chapter 21, Density Amendments

Chapter 21 is amended as follows:

21.3 Table of Maximum Densities: Except where a plan area statement, community plan, master plan, redevelopment plan, or specific plan sets a more restrictive standard, no person shall create a density that exceeds the limits set forth in the following table, or as provided in Subsection 21.3.B.

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

21.3.B Affordable Housing: Density for affordable housing meeting TRPA requirements may be increased as follows:

(1) Affordable housing projects may be permitted to increase the density permitted in the table or the applicable plan area statement, community plan, master plan, redevelopment plan, or specific plan, whichever is less, by 25 percent, provided TRPA finds that: (1) the project, at the increased density, satisfies a demonstrated need for additional affordable housing; and (2) the additional density is consistent with the surrounding area, or

(2) Affordable housing projects located in designated special areas for affordable housing within the Kings Beach Commercial Community Plan may be permitted to increase the density permitted in the table or applicable community plan whichever is less, by 100 percent, provided TRPA finds that:

(a) The project, at the increased density, satisfies a demonstrated need for additional affordable housing;

(b) The additional density is consistent with the surrounding area; and

(c) The project meets the Kings Beach Commercial Community Plan improvement requirements and special policies of the Special Area.
Proposed Chapter 22, Height Amendments

Chapter 22 is amended as follows:

22.4 Additional Height For Certain Buildings: TRPA may approve building heights greater than those set forth in Section 22.3 in accordance with the following provisions and if TRPA makes the specified findings.

22.4.A Additional Height For Public Service, Tourist Accommodation, and Certain Recreation Buildings: TRPA may approve building heights greater than those set forth in Section 22.3 for buildings whose primary use is public service, tourist accommodation, certain recreation uses which include downhill skiing facilities, cross country skiing facilities or whose primary recreation use is participant sports facilities, recreation centers, or sport assembly as follows:…

22.4.B Additional Height For Tourist Accommodation Buildings Within Community Plan Areas: In addition to the provisions set forth in Subsection 22.4.A, TRPA may approve building heights greater than those set forth in Section 22.3 for buildings whose primary use is tourist accommodation, and which are located within an approved community plan as set forth in Chapter 14. The maximum heights specified in Table A may be increased up to a maximum height of 48 feet in accordance with the following provisions, if TRPA makes the findings required in Subparagraph (4) of this subsection:…

22.4.C Additional Height For Redevelopment Projects Within The City Of South Lake Tahoe: Additional height for redevelopment projects within the City of South Lake Tahoe is set forth in Chapter 15:…

22.4.D Additional Height for Special Height Districts: TRPA may designate special height districts as specified below. These special height districts shall be limited to areas which are within both a TRPA adopted redevelopment plan and a TRPA adopted community plan. The boundaries of the special height districts and special standards for the district shall be included in the applicable redevelopment plan:…

(5) Security for Improvements: Projects which utilize any of the additional height provisions provided in subsections 22.4.D and 22.4.E and shall ensure the public benefit(s) for which the additional height was earned is implemented consistent with the following provisions.

(a) Project Approval: TRPA shall require, as a condition of approval, of any project which relies on the use of an additional height provision provided in subsections 22.4.D and 22.4.E and, that all necessary permits for development of the associated public benefit be issued prior to commencement of construction of the project utilizing the additional height.

(b) Project Funding: Prior to the commencement of construction of any project which relies on the use of an additional height provision provided in subsections 22.4.D and 22.4.E, the project applicant
shall demonstrate, and TRPA shall find, for each project, that irrevocable commitments to fund the public benefit for which the additional height was earned, have been obtained or secured.

(c) **Project Completion:** For each irrevocable commitment, the project applicant shall demonstrate, and TRPA shall find, sufficient evidence of intent and ability to complete development of the public benefit for which the additional height was earned.

**22.4.E Additional Height for Affordable Housing Projects.** Affordable housing projects located in designated special areas for affordable housing within the Kings Beach Commercial Community Plan may be permitted to increase the height permitted in Table A up to a maximum of 48 feet provided that TRPA finds that:

1. The project meets the findings set forth within Section 22.7(1), (3), (6), (8), and (9).

2. The additional height is required because of the increase in density permitted by Subsection 21.3.B.

3. The project meets the Kings Beach Commercial Community Plan improvement requirements and special policies of the Special Area; and

4. The project meets the security requirements of Subparagraph 22.4.D(5) above.
The following changes are proposed to the TRPA Code of Ordinances. Code language additions are shown as “bolded and double underlined” text. Deleted language is shown as “struck through” text.

Chapter II – Land Use Amendments

Chapter II, Land Use Policy 9 of the Urban Design and Development Objectives and Special Policies is amended as follows:

9. The development of better quality affordable housing is a primary goal of this Plan for the neighborhoods in and surrounding the Community Plan.

   a. Policy: An employee housing mitigation program shall be required of projects creating jobs for 20 or more employees.

   b. Policy: Placer County APNs 090-122-036, and 090-122-037, and APN 090-126-026 shall be deed restricted for affordable housing to facilitate implementation of affordable housing in the Kings Beach Community Plan. Community Plan development incentives may only apply to this parcel if and when a deed restricted affordable housing project is developed.

   c. Policy: Special Area # 6 is designated as an affordable housing areas and is eligible for height incentives pursuant to Subsection 22.4.E of the TRPA Code of Ordinances provided that TRPA finds that:

      (1) The project incorporates Pedestrian Transit-Oriented Development (PTOD) design features;

      (2) The project shall implement a TRPA designated EIP Project;

      (3) The project shall demonstrate a combination of public and private funding support, and demonstrate the necessity of a partnership approach in order to accomplish the project with associated threshold improvements;

      (4) The project shall be certified under the United States Green Building Council’s Leadership in Energy and Environmental Design (LEED) or under an equivalent sustainable/green building program; and

      (5) The project shall ensure the required public benefit(s) set forth above and in the community plan are implemented consistent with the provisions of subparagraph 22.4.D(5)
(d) Policy: Special Area #5 and Special Area #6 are designated as affordable housing areas and are eligible for density incentives pursuant to Subparagraph 21.3.B (2) of the TRPA Code of Ordinances provided that TRPA make findings in c (1) – (5) above.

Chapter II, Permissible Uses is amended as follows:

Special Area #1 (Downtown Commercial Area) and Special Area #5 (Affordable Housing Area): The following list of permissible uses are applicable throughout the Special Areas.

Special Area #2 (East Entry Commercial Area) and Special Area #6 (Affordable Housing Area): The following list of permissible uses is applicable throughout the Special Areas.

Chapter VII – Implementation Amendments

Chapter VII, Incentive Program 10 and 13 are amended as follows:


11. Environmental documentation: Projects consistent with the plan description may tier off the Community Plan EIS.

12. Sign replacement: Arrangements shall be made through the County or assessment districts to give financial assistance for sign replacement for conformance.

13. Density Bonus: Additional density bonus pursuant to Subparagraph 21.3.B (2) for deed restricted affordable housing projects.
Exhibit 3
PROPOSED KINGS BEACH COMMUNITY PLAN BOUNDARY LINE
AMENDMENT TO INCORPORATE PLACER COUNTY APN 090-126-026 (265 Fox Street) and ADOPTION OF SPECIAL AREAS #5 AND #6
12/22/2009
Issues and Concerns

Issues/Concerns:

1. **Narrow Focus of Amendments**
   There is a concern that these Code and Community Plan amendments are too specific to the proposed projects and might be considered spot zoning. It is important to note that the TRPA land use system does not prohibit site specific regulations. However, good planning generally does not encourage Code amendments based on specific projects. Primarily staff is recommending this course of action because the circumstances tend to dictate this course if we desire to approve these affordable housing projects in a timely manner. Second, considering the need for affordable housing, the time and financial constraints for considering environmental documentation on a region-wide basis, the limitations of Code amendments during the Regional Plan Update, and the funding deadlines for the projects, this appears to be the best course of action. Staff has attempted to base the amendments to ensure consistency with the recently amended Placer County standards and good planning principles such as existing Regional Plan and Community Plan policies, site constraints, surrounding uses, and pedestrian transit oriented development design criteria. The basic structure and concept of the amendments can be incorporated into the updated regional plan and applied region-wide if it is determined to be appropriate in the future.

2. **Appropriateness of the KBCCP Boundary Line Amendment**
   The boundary line amendment will facilitate the development of affordable housing in the Kings Beach Commercial Community Plan, as the Fox St. parcel will be deed restricted for affordable housing as proposed by the revised Urban Design and Development Policy 9.b. TRPA Code of Ordinances, Section 14.3 allows for adjustments of boundaries subject to findings being made regarding uses, traffic, concentration of development, and size. The specific findings associated with this boundary line amendment have been made (See Attachment A, Chapter 14 findings).

3. **100% Increase in Density**
   The proposed amendment to Chapter 21 of the TRPA Code of Ordinances would provide a 100% increase in allowable density for affordable housing projects located within the proposed KBCCP Special Areas #5 & #6 only, subject to specific findings being met (See Attachment B, Exhibit 1). This calculates out to be an increase from 15/units an acre to 30/units an acre. This matches Placer County’s density bonus and will allow for a consistent planning in relation to affordable housing projects. As shown in the analysis provided by the applicants, within the KBCCP and surrounding neighborhoods similar densities to the proposed densities already exists on several small parcels within the Kings Beach area (See Table 1 and Attachment D2). Although these densities are non-conforming per the Table of Maximum densities in Chapter 21, and the KBCCP; the TRPA Code would allow these densities to remain even after redevelopment, as long as all other TRPA required improvements were completed, such as BMPs, parking and/or KBCCP improvements.
Attachment D2 also shows all multi-family, mobile home parks, and converted tourist accommodation units (zoned Tourist, operating as residential, no TOT being collected). The hatching represents those parcels that are currently over TRPA’s allowable density of 15 units/acre. The parcels outlined in blue are the examples of multi-family residential that are over the density supplied by the applicant. TRPA’s analysis further indicates that there are several properties within the vicinity of the subject parcels that exceed the allowable maximum density. Additionally, the parcels highlighted in blue and the associated table (Table 1) below, indicate that 10 of the 20 parcels exceed the 30 units/acre proposed by the applicant. To compare to the overall land use map, see Attachment D6.

Staff has noted that the non-conforming densities appear to be related to smaller parcels. The purple areas are zoned for Tourist Uses; however, these are old motel units that are now operating as Multi-family residential. Placer County has verified that these units are no longer paying TOT and that the Assessor’s Office taxes them as residential units. These units are often small and substandard, and are indicative of the need in Kings Beach for new affordable housing stock that contain the proper amenities found in a standard residence and are located within walking distance to services and transit.

TRPA feels there is sufficient evidence in the project record to make the findings that the proposed densities are compatible with the existing density. Additionally, amending the Code to increase the affordable housing density bonus to match Placer County will ensure a consistent planning effort will be maintained to allow our affordable housing policies within the KBCCP to be met.
Table 1:
Small Parcel Development Exceeding the Density Allowed by Chapter 21

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<thead>
<tr>
<th>No.</th>
<th>Street</th>
<th>Name</th>
<th>Parcel #</th>
<th>Size</th>
<th># Of Units</th>
<th>Housing Type</th>
<th>Density</th>
<th>Comm. Plan Area</th>
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<td></td>
<td></td>
<td>&amp; 029 KB SA#2</td>
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4. **Increase in Height**

The proposed amendment to Chapter 22 of the TRPA Code of Ordinances would allow affordable housing projects located within proposed KBCCCP Special Area #6 to receive additional height up to 48 feet subject to specific findings being met (See Attachment B, Exhibit 1). This is an increase of 15 feet over what is currently allowable for multi-family residential; however, Tourist Accommodation uses are already allowed heights up to 48 feet pursuant to TRPA Code Section 22.4.B. An evaluation of the effect that the proposed amendments may have on the scenic thresholds was also completed by Tom Packard & Associates. The evaluation reports that there would be no effect or impact on the Travel Route Ratings, the Scenic Quality Ratings, nor on the Community Design thresholds. (See Attachment D3 for details).
5. **Increase in VMT**
   The proposed amendments could potentially increase overall Vehicle Miles Traveled by .02 percent according to the applicant. Although this is a minor increase, to ensure any future project reduces overall VMT, the project shall, as a condition of approval, require that the project's Air Quality mitigation fee (required per TRPA Code Section 93.3.C to mitigate its regional and cumulative air quality impacts) be utilized to purchase transit passes for each resident living in the affordable housing units. The total amount expended on transit passes shall not exceed the contribution required under subparagraph 93.3(1), and any remaining Air Quality mitigation fees shall be applied to the mitigation fund as established by TRPA Code. This will ensure that the overall project provides reduction in VMT.
Attachment D1
LOCATION MAP and EXISTING BOUNDARIES
12/22/2009
Attachment D3

An Evaluation of the Effect of Proposed Amendments to TRPA Height and Density Codes on Scenic Thresholds

December 2009

By Tom Packard & Associates
Travel Route Ratings

Shoreline Travel Route Unit 22, Brockway
A review of TRPA Shoreland Inventory data shows that the project site would not be within view from the waters of Lake Tahoe. This is due to screening by large trees that stand in the area between the lake and the project site. The project site is a minimum of 640 feet from the lake and is north of North Lake Boulevard (SR 28). The trees in areas on all sides of the project site include numerous specimens that are substantially taller than 50 feet. Thus the proposed building height of 48 feet would be below the height of the surrounding tree canopy. Since the proposed project would not be visible from Lake Tahoe, the proposed amendments would have no effect on the scenic threshold ratings of any shoreline travel route, including Shoreline Travel Route Unit 22, Brockway.

Roadway Travel Route Unit 20B, Kings Beach
The project site is located at 200 Chipmunk Street on the northeast quadrant of the intersection of Chipmunk Street and RS 28. The area is at the eastern end of the Kings Beach Downtown Commercial Area and is identified in the Kings Beach Community Plan as the East Entry area. The project site is visible from SR28 and from Chipmunk Street Street. This stretch of SR 28 is within TRPA Roadway Travel Unit 20B, Kings Beach. This roadway travel unit was formerly part of a larger unit. The Kings Beach segment (Unit 20B) was established in 2001. The initial composite travel route rating for the unit was 12.5; 2.5 points below attainment of the scenic threshold of 15 for roadway units. During the 2006 threshold evaluations, the composite score for Unit 20B showed an increase to 13.5. The 2006 threshold evaluation report notes that improvements of various kinds including commercial building remodeling, removal of overhead utilities, installation of new landscaping, and removal of certain unsightly roadside features contributed to increased scores for man-made features and roadway distractions which are two subcomponents of the composite score. Similar improvements would be implemented as part of the proposed project including placing overhead utilities underground, installing new landscaping, demolition and replacement of multiple existing buildings on the site that are in poor or blighted condition, and installation of sidewalks, curbs, and gutters along SR 28 and Chipmunk Street. These aspects of the project would improve the appearance of the highway corridor in the immediate vicinity of the site and could potentially result in an increase in the numerical composite score for this travel unit. Movement toward scenic threshold attainment is consistent with the Kings Beach Community Plan, Chapter IV, Conservation Element, Section B.3, Scenic. The proposed height amendment and proposed density amendment contain findings that would contribute to scenic threshold attainment.

The proposed amendment would allow for a building height of 48 feet on the site, the same as allowed for buildings used for tourist accommodations. The visual character of the proposed building, as defined by its proposed architectural style, exterior materials, colors, and textures, as well as its size and scale would be consistent with many buildings in the Tahoe Basin that serve as tourist accommodations. The proposed amendment to allow a building height of 48 feet on the project site would not itself cause a decrease in the current composite rating of Roadway Travel Route Unit 20B, Kings Beach or any of
its subcomponents, especially since the project would include design and site improvements identified in the Kings Beach Community Plan.

**Scenic Quality Ratings**

**Shoreline Scenic Resources**
TRPA records identify seven individual scenic resources associated with Shoreline Travel Unit 22, Brockway. These include the hills and ridges to the north of Kings Beach that form the background of views from the lake. They also include views of the shoreline and of Stateline Point. The proposed project would not be visible from the lake due to screening by tall trees and existing development near the shore. The proposed building height of 48 feet would be below the height of the surrounding tree canopy. The proposed amendments would have no effect on current scenic quality ratings.

**Roadway Scenic Resources**
TRPA records identify two individual scenic resources, 20-1 and 20-3, associated with the Roadway Travel Unit in the vicinity of the project site. They are also shown on Figure 6 of the Kings Beach Community Plan, Chapter IV, Conservation Element. They both refer to views of the natural landscape from a point on SR 28 at the intersection of Park Lane looking generally westward. The views include the forested hills and ridges that form the background of the scene, and views that include residential development above and below the road as well as commercial development in Kings Beach. The ratings for 20-1 and 20-3 have not changed from their original scores established in 1982. The proposed amendments would have no effect on the scenic quality rating of the distant, background view (20-3). Assuming the proposed project would be at least partially visible in 20-1 it would be seen in conjunction with existing development in Kings Beach and would replace buildings currently on the project site. The proposed amendments would not affect the unity, vividness, variety, or intactness of the scene. The scenic quality ratings of Scenic Resource 20-1 would not be impacted.

**Community Design**

The TRPA Community Design Threshold is non-numerical policy that requires implementation of design standards and guidelines that improve travel route ratings and result in built projects that are compatible with the natural, scenic, and recreational values of the region. The proposed amendments would not hinder or constrain the implementation of applicable design standards and guidelines contained in the Kings Beach Community Plan or the TRPA Regional Plan with the proposed project. The project proposes to include implementation of such design standards and guidelines. The proposed amendments would not impact Community Design.
MEMORANDUM

Date: January 6, 2010
To: TRPA Advisory Planning Commission
From: TRPA Staff
Subject: Recommendation to the Governing Board on certification of the Final Supplemental Environmental Impact Statement for the Kings Beach Commercial Core Improvement Project, Placer County, CA.

Requested Action: Advisory Planning Commission (APC) recommendation to the TRPA Governing Board to make the required findings and certify the Final Supplemental Environmental Impact Statement (SEIS) for the Kings Beach Commercial Core Improvement Project.

Staff Recommendation: Staff recommends the APC make a recommendation to the Governing Board to conduct the public hearing as noticed and, based on the findings in the record, certify the Final SEIS and recommend approval of the findings for the proposed project and related Community Plan amendments.

Required Motions: To recommend certification of the Final SEIS, the APC must make the following motions based on the Final SEIS, this staff memorandum, and the complete administrative record:

I. A motion to recommend that the Governing Board certify the Final Supplemental Environmental Impact Statement for the Kings Beach Commercial Core Improvement Project.

II. A motion to recommend that the Governing Board make the required findings for the Final Supplemental Environmental Impact Statement on the Kings Beach Commercial Core Improvement Project (See Attachment A).

Background & Environmental Documentation: The Final SEIS is intended to supplement the Final EA/EIR/EIS for the Kings Beach Commercial Core Project, which was reviewed by the APC on June 11, 2008, and subsequently reviewed and certified by the TRPA Governing Board on June 25, 2008.

In 2002, Placer County began preparation of the Kings Beach Commercial Core Improvement Project and supporting environmental documentation. The purpose and need of the proposed project focused on achieving three goals: 1) Improving pedestrian and bicycle mobility and safety through the commercial core; 2) Improving water quality throughout the commercial core; and 3) Improving the scenic quality of the commercial core. The various designs under consideration included redesign of SR 28 into a three-
lane highway with the aim of providing for wider sidewalks, safer pedestrian crossings, and increased opportunities for landscaping.

A joint document containing a Draft Environmental Assessment (EA), required pursuant to the National Environmental Policy Act (NEPA), a Draft Environmental Impact Report (EIR), required pursuant to the California Environmental Quality Act (CEQA), and a Draft Environmental Impact Statement (EIS), required pursuant to TRPA Rules and Ordinances, was produced that analyzed three project alternatives and a no-project alternative. The Draft EA/EIR/EIS was circulated for public comment for 87 days between March 24 and June 18, 2007.

The Draft EA/EIR/EIS examined the potential project level impacts associated with construction of the alternatives, and the potential impacts associated with any required Community Plan amendments. The alternatives analyzed in the EIS are:

**Alternative 1: No Action/No Project.** Under this alternative the existing roadway configuration would be unchanged. Bike lanes, sidewalks, and water quality improvements would not be constructed.

**Alternative 2: Two Travel Lanes with On-Street Parking and Two Roundabouts.** Under this alternative, SR-28 would be modified from a four-lane cross section roadway to a three-lane cross section roadway. Alternative 2 also proposes single-lane roundabouts at Bear and Coon Streets, as a roundabout would allow more traffic flow than a signalized intersection with a 3-lane cross section. To accommodate the roundabouts, travel lanes would be reduced to one 3.6-meter (12.0-foot) wide lane in each direction with a continuous 3.6-meter (12.0-foot) wide two-way left turn lane. Parallel parking spaces and designated bike lanes would be provided on both sides of the roadway, and 2.9-meter (9.5-foot) wide pedestrian sidewalks with landscaped amenities would be provided on each side. Enhanced and clearly marked pedestrian crossings at the SR 267, Deer, Bear, Coon, Fox, and Chipmunk intersections (with a signal at the SR 267 intersection) would be included as part of this alternative. The SR 28 signalized intersection with SR 267 would be maintained with four lanes and turn pockets. A transition from four lanes to two lanes would occur on SR 28 between SR 267 and Secline Street. A two-way left-turn lane would be provided and parallel parking prohibited within this section of SR 28. Sidewalks would be 1.7 meters (5.5 feet) wide on each side of SR 28. The standard two-lane section with two-way left-turn lane would begin east of Secline Street. Bike lanes, sidewalks, and parallel parking would be provided eastward to Chipmunk Street. Parallel parking would be prohibited at driveways and bus turnouts and within intersection sight lines. A 2.4-meter (8.0-foot) parking lane would be created in each direction (with space for 198 vehicles), but on-street parking would be prohibited during the peak summer season from Independence Day to Labor Day. Restrictions would be accomplished by signage, temporary barricades, and enforcement. The on-street parking loss would be compensated by the creation of off-site parking spaces as part of the proposed action. Water quality improvements would be installed throughout the project area.

**Alternative 3: Four Travel Lanes with On-Street Parking.** Alternative 3 includes improvements to pedestrian and bicycle access, bus stops, and parking. Under Alternative 3, SR 28 would remain a four-lane cross-section roadway with two 3.3-
meter (11-foot) wide east/west traffic lanes until just east of the Fox Street intersection. Between the Fox Street and Chipmunk Street intersections, SR 28 would narrow to a three-lane roadway, with one traffic lane in each direction and a two-way left turn lane. Traffic signals would be installed at Bear Street and modified at SR 267 and Coon Street. Left-turn lanes, which are based upon traffic volumes, would be provided at SR 267, Bear Street, Fox Street, Coon Street, Chipmunk Street, and Secline Street. A 1.5-meter (5-foot) wide bike lane and 2.4-meter (8-foot) wide parking lane would be created in each direction. Along the roadway, a 1.7-meter (5.6-foot) wide sidewalk would be installed on both sides of SR 28. Enhanced and clearly marked pedestrian crossings at the SR 267, Deer, Bear, Coon, Fox, and Chipmunk intersections (with signals at the SR 267, Bear, and Coon intersections) would also be included as part of this alternative. The narrow Right of Way width of 24.4 meters (80.1 feet) would restrict the travel lanes to 3.3 meters (11 feet) wide and the sidewalks to 1.7 meters (5.6 feet) wide on each side. Water quality improvements would be installed throughout the project area.

Alternative 4: Two Travel Lanes with No On-Street Parking and Two Roundabouts. Alternative 4 is similar to Alternative 2 in that SR 28 would be modified from a four-lane cross-section roadway to a three-lane cross-section roadway. The significant difference between Alternative 2 and 4 is that Alternative 4 would not provide parallel parking along SR 28. One 3.6-meter (12-foot) east/west wide traffic lane and a two-way left-turn lane of the same width would be provided. Along the roadway, a single 1.5-meter (5.0-foot) wide bike lane would be created in each direction. The width saved from parking spaces would be incorporated into the sidewalks and landscaped planting area, making them 5.3 meters (17.4 feet) wide on each side. Bus stop turnouts are provided under Alternative 4, and at these locations the sidewalk narrows to 2.9 meters (9.5 feet) in width. Two roundabouts would be created at the SR 28 intersections with Bear and Coon Streets. Enhanced and clearly marked pedestrian crossings at the SR 267, Deer, Bear, Coon, Fox, and Chipmunk intersections (with signals at the SR 267 intersection) would also be included. Water quality improvements would be installed throughout the project area.

A Final EA/EIR/EIS was prepared and then distributed to the public on May 22 and 23, 2008. The Final EA/EIR/EIS also identified Placer County’s preferred project alternative, referred to as the “hybrid alternative.”

Preferred Hybrid Alternative/Proposed Project: Two Travel Lanes with Limited On-Street Parking and Two Roundabouts. This alternative is similar in design to Alternative 2 except on-street parking along SR 28 has been significantly reduced from 198 to 63 parking spaces. Under the Preferred Alternative, SR 28 would be modified from a four-lane cross section roadway to a three-lane cross section roadway, with single-lane roundabouts at Bear and Coon Streets. Travel lanes would consist of one 3.6-meter (12.0-foot) wide lane in each direction with a continuous 3.6-meter (12.0-foot) wide two-way left turn lane. Parallel parking spaces and designated bike lanes would be provided on both sides of the roadway, and 2.9-meter (9.5-foot) wide pedestrian sidewalks with landscaped amenities would be provided on each side. Enhanced and clearly marked pedestrian crossings at the SR 267, Deer, Bear, Coon, Fox, and Chipmunk intersections (with a signal at the SR 267 intersection) would be included. The SR 28 signalized intersection with SR 267 would be maintained with four lanes
and turn pockets. A transition from four lanes to three lanes would occur on SR 28 between SR 267 and Secline Street. A two-way left-turn lane would be provided and parallel parking prohibited within this section of SR 28. Sidewalks would be 1.7 meters (5.5 feet) wide on each side of SR 28. The three-lane section with a two-way left-turn lane would begin east of Secline Street. Bike lanes, sidewalks, and parallel parking would be provided eastward to Chipmunk Street. Parallel parking would be in designated areas, and on-street parking would be prohibited during the peak summer season from Independence Day to Labor Day. Restrictions would be accomplished by signage, temporary barricades, and enforcement. The on-street parking loss would be offset by the creation of off-site parking spaces proposed as part of the proposed action. Water quality improvements would be installed throughout the project area.

The Final EIS concluded that Alternatives 2, 4, and the preferred hybrid alternative could result in significant impacts that could not be feasibly mitigated to a level that is considered less than significant. The significant and unavoidable impacts included the potential to degrade TRPA’s Level of Service (LOS) for roadways and signalized intersections below the adopted standards. Additionally, the Final EIS found that potential roadway congestion on SR 28 may cause the diversion of traffic onto residential streets and reduce the efficiency of transit operations, which were also identified as significant and unavoidable impacts.

On June 11, 2008, the APC conducted a public hearing and unanimously recommended that the TRPA Governing Board make the required findings and certify the Final EA/EIR/EIS for the Kings Beach Commercial Core Project. In addition, the APC recommended approval of the findings necessary to approve the preferred alternative. Because the Final EIS identified unmitigated significant impacts with the preferred alternative, the findings stated that prior to approving the preferred alternative, the TRPA Governing Board would need to find specific considerations such as economic, social, or technical (i.e. overriding considerations), make infeasible the mitigation measures or project alternatives discussed in the EIS. The APC recommended that the Governing Board make the finding of overriding consideration, amend the Kings Beach Community Plan to reflect a three-lane SR 28 highway configuration, and approve the applicant’s preferred alternative (the hybrid alternative).

On June 25, 2008, the TRPA Governing Board made the required findings and certified the Final EA/EIR/EIS for the Kings Beach Commercial Core Project as technically adequate. However, the Governing Board did not make the findings necessary to approve the community plan amendments and the proposed project, and therefore failed to approve both the proposed community plan amendments and the proposed project. While the reasons for failing to approve the project were not expressly stated, a significant amount of discussion focused on the potential traffic impacts and the diversion of autos onto the residential streets during periods of congestion on SR 28.

On July 22, 2008, the Placer County Board of Supervisors certified the Final EA/EIR/EIS and approved the preferred hybrid project alternative. On September 23, 2008, Placer County adopted the Final Findings of Fact and Statement of Overriding Consideration for the 3-lane hybrid, and approved a community plan amendment recognizing SR 28 as a 3-lane facility through Kings Beach.
Need for the Supplemental EIS: On July 23, 2008, the TRPA Governing Board approved a motion to reconsider their June 25, 2008 decision on the proposed Kings Beach Commercial Core Improvement Project and related Community Plan amendments. In approving the motion to reconsider, the Board recognized the need for redevelopment in the area, but expressed concern with the impacts of cut-through traffic in the neighborhood backstreets of the Commercial Core area. The FEIS identified cut-through traffic as a potentially significant impact associated with the preferred alternative that would be mitigated, in part but not fully, by implementation of a Neighborhood Traffic Management Plan (NTMP). The Board requested that the Neighborhood traffic Management Plan be developed and provided for its reconsideration of the Project.

In addition to development of the NTMP, TRPA staff decided, based on Board and public comments heard at the June 25, 2008, Governing Board hearing, to further examine the noise and air quality impacts (including an examination of green-house gas emissions although such emissions are not currently part of the TRPA adopted environmental thresholds) that might be associated with the cut-through traffic that could result under the hybrid alternative and alternatives 2 and 4.

Consistent with the Final EA/EIR/EIS, no potentially significant air quality impacts were discovered. However, the noise analysis found that without additional mitigation, such as the use of low-noise pavement, cut-through traffic could cause community noise equivalent levels (CNEL) to increase by 3 dBA or more on certain street sections. TRPA considers a 3 dBA or greater increase in CNEL to be a significant impact. Although the proposed project and NTMP included low-noise asphalt in certain areas as an enhancement feature, the noise analysis identified street sections that would require low-noise asphalt as mitigation that were not previously discussed in the Final EA/EIR/EIS.

Pursuant to Subsection 6.15(a)(3)(iii) of the TRPA Rules of Procedure, a Supplemental EIS is required when, “mitigation measures or alternatives, previously not found to be feasible or not previously discussed, would substantially reduce a significant adverse effect of the project or matter which has not already been reduced to a less than significant level.” Because mitigation measures were found that would reduce a previously unidentified potentially significant noise impact to a less than significant level; and those measures were not previously discussed in the Final EA/EIR/EIS, TRPA prepared and distributed a Supplemental EIS to the Final EA/EIR/EIS for the Kings Beach Commercial Core.

Summary of SEIS: The Final SEIS analysis was limited to noise and air impacts that could be associated with cut through traffic, which the FEIS identified might occur under the hybrid alternative and alternatives 2 and 4. The Final Supplemental EIS concludes that there is the potential for the hybrid alternative to cause significant noise impacts (an increase in CNEL of 3 dBA or more) due to diverted or cut-through traffic in the neighborhood backstreets of Kings Beach (see Attachments B and C) during high traffic volume periods in 2028. No potential noise impacts were identified prior to 2028. To mitigate the potential noise impacts to a level that is less than significant, the Final Supplemental EIS suggests overlaying certain roads within the grid neighborhood with low-noise or noise-reducing asphalt. The EIS indicates that the use of low noise asphalt would mitigate these potential notice impacts to less than significant.
In addition to noise, the Final SEIS also analyzed two aspects of air quality. First, the SEIS analyzed the alternatives’ potential to cause greenhouse gas emissions. This analysis yielded additional air quality information, but concluded that there is no significant impact from the project on air quality related to greenhouse gas emissions. Second, it has been determined that clarification is needed to explicitly address air quality impacts within the grid neighborhood. The Final SEIS concludes that no significant air quality impacts will occur within the grid neighborhood. Note that all new analysis done (and included in the Final SEIS) does not change any conclusions within the Air Quality or Cumulative Impacts chapters of the Final EA/EIR/EIS, as certified by TRPA on June 25, 2008.

Public Review Process and Issues Raised During the Draft Circulation Period: In accordance with TRPA Code 5.8.A (4), the Draft SEIS was distributed for a 60-day public comment period, which began on August 19, 2009, and ended on October 18, 2009. The public review period provided the opportunity for agencies, organizations, and members of the public to provide comments on the new analysis and information published in the Draft SEIS. A Final SEIS, which responded to all comments on the Draft SEIS, was prepared and made available at TRPA and other locations the week of December 14, 2009. The Final SEIS was mailed to APC members on December 21.

TRPA received 44 comment letters during circulation of the Draft SEIS, of which 41 expressed support for the proposed hybrid alternative. The comment letters and the response to the comments are included in Chapters 7 and 8 of the Final SEIS respectively. Generally, the primary issues raised were the following:

1. Concern that the SEIS over-estimated the amount of cut-through traffic in the grid.
2. A desire for a trial run using one lane of traffic in each direction on SR 28.
3. Specific comments on the placement of speed bumps and stop signs that are a part of the NTMP.
4. Placer County’s preferred hybrid alternative and the inconsistency of a SR 28 three-lane design configuration with the Kings Beach Community Plan.
5. The analysis used for the noise and air quality studies and the proposed mitigations measures.
6. Public safety in residential grid neighborhood of Kings Beach, most notably along the streets that may experience cut-through traffic.
7. The potential to adversely impact scenic quality within the residential grid neighborhood of Kings Beach.

In addition to the Responses to Comments included within Chapter 8 of the Final SEIS, TRPA staff, Placer County staff, and the SEIS consultant team will be prepared to discuss these issues with the APC at the meeting.
If you have any questions concerning this item, please contact Jill Miller at jmiller@trpa.org or (775)589-5271.

Attachments:

A. Findings: SEIS Certification Findings and Article VII (d) Findings
B. Map of Kings Beach with potential diversion routes
C. Table Summarizing Potential Noise Effects
Findings

SEIS Certification Findings: Rules of Procedure 6.16

Finding: The Final SEIS is in compliance, procedurally and substantively, with Article VII of the Compact, Chapter 5 of the Code, and these Rules of Procedure.

Rationale: The Final SEIS supplements the Final EA/EIR/EIS for the Kings Beach Commercial Core Improvement Project, and was prepared pursuant to, and in conformance with, all TRPA rules. The Final SEIS augments and contributes to the interdisciplinary approach of the Final EA/EIR/EIS by expanding its analysis of potential environmental and social impacts that may be caused by different project alternatives. The public, as well as State, Federal, and local agencies have been notified of the document through the required noticing procedures; and they have been solicited and provided the opportunity to review and comment on its contents and conclusions. A Draft SEIS was distributed for public review for a 60 day period, which began on August 19, 2009, and ended on October 18, 2009.

The contents of the Final SEIS includes a project description, identifies the potential for air quality and noise impacts, and where necessary identifies mitigations measures. The Final SEIS also includes responses to all comments received during circulation of the Draft SEIS. The purpose of the SEIS was to augment the analysis of project alternatives previously established in the certified Final EA/EIR/EIS by focusing on impacts associated with the three-lane alternatives (Alternatives 2 and 4, and the preferred hybrid alternative).

Project Findings Based on the SEIS: Compact Article VII (d) Findings - The Final SEIS focused on the potential noise and air quality impacts resulting from SR 28 autos diverting into and through the residential neighborhood of Kings Beach during periods of congestion, which may result from the proposed Kings Beach Community Improvement Project and associated Community Plan amendments. The findings that follow pertain only to those potential noise and air quality impacts. The APC, at its June 11, 2008 meeting, reviewed the Final EA/EIR/EIS and recommended the Governing Board make the required findings that pertain to all other potential impacts associated with the proposed Kings Beach Commercial Core Improvement Project and associated Community Plan amendments (Agenda Item V.A – June, 2008).

These findings must be made prior to approval of the Kings Beach Commercial Core Improvement Project for which the SEIS has been prepared:

1. Finding: With respect to the significant and possible significant effects on AIR QUALITY identified in the EIS, changes or alterations have been required in or incorporated into the project which avoid or reduce the potentially significant adverse effects to a less than significant level.
Rationale: The identified air quality impacts associated with the proposed project are either not significant or are mitigated to a less than significant level as demonstrated in the Final EA/EIR/EIS (see Chapters 3.1 and 5.3.1) and Final SEIS (See Chapters 3 and 6). While significant transportation impacts resulting from traffic congestion are forecasted, there is not a corresponding significant impact to air quality. Additionally, compliance with the Regional Plan and Code requirements relating to air quality will provide assurances that no adverse impacts will occur.

2. Finding: With respect to the significant and possible significant effects on NOISE identified in the EIS, changes or alterations have been required in or incorporated into the project which avoid or reduce the potentially significant adverse effects to a less than significant level.

Rationale: The identified noise impacts associated with the proposed project are either not significant or are mitigated to a less than significant level as demonstrated in the Final EA/EIR/EIS (see Chapters 3.9 and 5.3.9), and Final SEIS (see Chapter 5). Compliance with the County and State laws and TRPA Regional Plan and Code requirements relating to noise will provide assurances that no adverse impacts will occur.
### Table 1. Predicted Existing and Existing Plus Project Traffic Noise Levels

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<td>Trout Ave. to Rainbow Ave.</td>
<td>50</td>
<td>55/65^2</td>
<td>50.9</td>
<td>70 dB 65 dB 60 dB</td>
<td>70 dB 65 dB 60 dB</td>
</tr>
<tr>
<td>Coon St.</td>
<td>Trout Ave. to Rainbow Ave.</td>
<td>50</td>
<td>55</td>
<td>49.8</td>
<td>3 6 12</td>
<td>3 6 13</td>
</tr>
<tr>
<td>Fox St.</td>
<td>Minnow Ave to Salmon St.</td>
<td>50</td>
<td>65</td>
<td>52.8</td>
<td>4 8 16</td>
<td>4 8 16</td>
</tr>
<tr>
<td>Fox St.</td>
<td>Brook Ave. to Trout Ave.</td>
<td>50</td>
<td>65</td>
<td>50.2</td>
<td>2 5 11</td>
<td>2 5 11</td>
</tr>
<tr>
<td>Chipmunk St.</td>
<td>SR 28 to Minnow Ave</td>
<td>50</td>
<td>65</td>
<td>48.8</td>
<td>2 4 9</td>
<td>2 4 9</td>
</tr>
<tr>
<td>Speckeled Ave.</td>
<td>Secline St. to Deer St.</td>
<td>50</td>
<td>65</td>
<td>47.5</td>
<td>2 3 7</td>
<td>2 3 7</td>
</tr>
<tr>
<td>Speckeled Ave.</td>
<td>Coon St. to Fox St.</td>
<td>50</td>
<td>55/65^2</td>
<td>44.5</td>
<td>1 2 5</td>
<td>1 2 5</td>
</tr>
<tr>
<td>Dolly Varden Ave.</td>
<td>Secline St. to Deer St.</td>
<td>50</td>
<td>55</td>
<td>45.8</td>
<td>1 3 6</td>
<td>1 3 6</td>
</tr>
<tr>
<td>Dolly Varden Ave.</td>
<td>Coon St. to Fox St.</td>
<td>50</td>
<td>55</td>
<td>42.8</td>
<td>1 2 4</td>
<td>1 2 4</td>
</tr>
<tr>
<td>Beaver St.</td>
<td>SR 28 to Cutthroat Ave.</td>
<td>50</td>
<td>55/65^2</td>
<td>47.5</td>
<td>2 3 7</td>
<td>2 3 7</td>
</tr>
</tbody>
</table>

1. Distances are measured in feet from the centerline of the roadway.
2. In these instances, these roadway segments traverse through more than one Plan Area or Community Plan which have different CNEL standards.
Table 2. Predicted Average August Saturday 2028 Alternatives 1 and 2 Traffic Noise Levels

<table>
<thead>
<tr>
<th>Roadway</th>
<th>Segment</th>
<th>Distance¹ (feet)</th>
<th>Traffic Noise Levels (dBA, CNEL)¹</th>
<th>Distance to Traffic Noise Contours, CNEL (feet) Alternative 1</th>
<th>Distance to Traffic Noise Contours, CNEL (feet) Alternative 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rainbow Ave.</td>
<td>Secline St. to Deer St.</td>
<td>50</td>
<td>Standard (dB) 55/65²</td>
<td>2 dB 4 dB 9 dB</td>
<td>3 dB 7 dB 16 dB</td>
</tr>
<tr>
<td>Deer St.</td>
<td>Trout Ave. to Rainbow Ave.</td>
<td>50</td>
<td>Alt. 1* (dB) 50.2</td>
<td>2 dB 5 dB 11 dB</td>
<td>2 dB 5 dB 11 dB</td>
</tr>
<tr>
<td>Bear St.</td>
<td>Trout Ave. to Rainbow Ave.</td>
<td>50</td>
<td>Alt. 2* (dB) 50.2</td>
<td>4 dB 8 dB 17 dB</td>
<td>4 dB 8 dB 17 dB</td>
</tr>
<tr>
<td>Coon St.</td>
<td>Trout Ave. to Rainbow Ave.</td>
<td>50</td>
<td>Change (dB) 3.7</td>
<td>6 dB 12 dB 27 dB</td>
<td>6 dB 12 dB 27 dB</td>
</tr>
<tr>
<td>Fox St.</td>
<td>Minnow Ave to Salmon St.</td>
<td>50</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fox St.</td>
<td>Brook Ave. to Trout Ave.</td>
<td>50</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chipmunk St.</td>
<td>SR 28 to Minnow Ave</td>
<td>50</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Speckeled Ave</td>
<td>Secline St. to Deer St.</td>
<td>50</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Speckeled Ave</td>
<td>Coon St. to Fox St.</td>
<td>50</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dolly Varden Ave</td>
<td>Secline St. to Deer St.</td>
<td>50</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dolly Varden Ave</td>
<td>Coon St. to Fox St.</td>
<td>50</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Beaver St.</td>
<td>SR 28 to Cutthroat Ave.</td>
<td>50</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

¹Distances are measured in feet from the centerline of the roadway.
²In these instances, these roadway segments traverse through more than one Plan Area or Community Plan which have different CNEL standards.
*Alt. 1 is No Project Scenario and Alt. 2 is Plus Project Scenario
### Table 3. Predicted Average August 2028 Plus 10% Growth Alternatives 1 and 2 Traffic Noise Levels

<table>
<thead>
<tr>
<th>Roadway</th>
<th>Segment</th>
<th>Distance(^1) (feet)</th>
<th>Traffic Noise Levels (dBA, CNEL)*</th>
<th>Change (dB)</th>
<th>Distance to Traffic Noise Contours, CNEL (feet) Alternative 1</th>
<th>Distance to Traffic Noise Contours, CNEL (feet) Alternative 2</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Standard (dB)</td>
<td>Alt. 1(^*) (dB)</td>
<td>Alt. 2(^*) (dB)</td>
<td></td>
</tr>
<tr>
<td>Rainbow Ave.</td>
<td>Secline St. to Deer St.</td>
<td>50</td>
<td>55/65(^2)</td>
<td>48.8</td>
<td>49.3</td>
<td>0.5</td>
</tr>
<tr>
<td>Deer St.</td>
<td>Trout Ave. to Rainbow Ave.</td>
<td>50</td>
<td>65</td>
<td>50.2</td>
<td>50.2</td>
<td>0.0</td>
</tr>
<tr>
<td>Bear St.</td>
<td>Trout Ave. to Rainbow Ave.</td>
<td>50</td>
<td>55/65(^2)</td>
<td>53.0</td>
<td>53.0</td>
<td>0.0</td>
</tr>
<tr>
<td>Coon St.</td>
<td>Trout Ave. to Rainbow Ave.</td>
<td>50</td>
<td>55</td>
<td>50.6</td>
<td>50.7</td>
<td>0.1</td>
</tr>
<tr>
<td>Fox St.</td>
<td>Minnow Ave to Salmon St.</td>
<td>50</td>
<td>65</td>
<td>54.2</td>
<td>54.5</td>
<td>0.3</td>
</tr>
<tr>
<td>Fox St.</td>
<td>Brook Ave. to Trout Ave.</td>
<td>50</td>
<td>65</td>
<td>51.5</td>
<td>51.6</td>
<td>0.1</td>
</tr>
<tr>
<td>Chipmunk St.</td>
<td>SR 28 to Minnow Ave</td>
<td>50</td>
<td>65</td>
<td>50.9</td>
<td>51.3</td>
<td>0.4</td>
</tr>
<tr>
<td>Speckeled Ave.</td>
<td>Secline St. to Deer St.</td>
<td>50</td>
<td>65</td>
<td>49.8</td>
<td>50.0</td>
<td>0.2</td>
</tr>
<tr>
<td>Speckeled Ave.</td>
<td>Coon St. to Fox St.</td>
<td>50</td>
<td>55/65(^2)</td>
<td>46.7</td>
<td>46.7</td>
<td>0.0</td>
</tr>
<tr>
<td>Dolly Varden Ave</td>
<td>Secline St. to Deer St.</td>
<td>50</td>
<td>55</td>
<td>46.7</td>
<td>47.1</td>
<td>0.4</td>
</tr>
<tr>
<td>Dolly Varden Ave</td>
<td>Coon St. to Fox St.</td>
<td>50</td>
<td>55</td>
<td>42.8</td>
<td>42.8</td>
<td>0.0</td>
</tr>
<tr>
<td>Beaver St.</td>
<td>SR 28 to Cutthroat Ave.</td>
<td>50</td>
<td>55/65(^2)</td>
<td>47.5</td>
<td>48.0</td>
<td>0.5</td>
</tr>
</tbody>
</table>

1 Distances are measured in feet from the centerline of the roadway.
2 In these instances, these roadway segments traverse through more than one Plan Area or Community Plan which have different CNEL standards.

\* Alt. 1 is No Project Scenario and Alt. 2 is Plus Project Scenario