

Required Findings/Rationale

Required Findings: The following is a list of the required findings as set forth in Chapters 3, 4, 30, 37 and 50 of the TRPA Code of Ordinances. Following each finding, Agency staff has indicated if there is sufficient evidence contained in the record to make the applicable findings or has briefly summarized the evidence on which the finding can be made.

1. Chapter 3 – Required Findings:

Based on the information submitted in the IEC, and other information know to TRPA, TRPA shall make one of the following findings and take the identified action:

- (a) The proposed project could not have a significant effect on the environment and a finding of no Significant effect shall be prepared in accordance with the Rules of Procedure, Section 6.6;
- (b) The proposed project could have a significant effect on the environment but, due to the mitigation measures that have been added to the project, the project could have no significant effect on the environment and a finding of no significant effect shall be prepared in accordance with Rules of Procedure Section 6.7; or
- (c) The proposed project may have a significant effect on the environment and an environmental impact statement shall be pared in accordance with Chapter 3 of the TRPA Code of Ordinances and the Rules of Procedure, Article 6.

Based on the information provided in this staff report, the project application, the Initial Environmental Checklist (IEC), and Article V(g) Findings Checklist, there is sufficient evidence demonstrating that the proposed project, with the proposed conditions in the draft permits, will not have a significant effect on the environment and a finding of no significant effect shall be prepared.

2. Chapter 4 – Required Findings:

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

Based on the information provided in this staff report, the project application, the Initial Environmental Checklist (IEC), and Article V(g) Findings Checklist, there is sufficient evidence demonstrating that the proposed project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, the TRPA Code and other TRPA plans and programs.

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

TRPA staff has completed the “Article V(g) Findings” in accordance with Chapter 4, Subsection 4.3 of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. The applicant also completed an IEC.

No significant environmental impacts were identified, and staff has concluded that the project will not have a significant effect on the environment.

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

TRPA is requiring that all potential environmental effects of the project be mitigated through the project design, including the installation of both temporary and permanent Best Management Practices and ongoing maintenance, and payment of mobility and excess coverage mitigation fees. The project is also required to comply with all City of South Lake Tahoe and Lahontan Regional Water Quality Control Board requirements. As a result, upon completion of construction, the project should have no impact upon air or water quality standards.

3. Chapter 30 – Land Coverage Relocation

- (a) The relocation is to an equal or superior portion of the parcel or project area

The slope, vegetation, and soil type in the area of relocation is the same. The site is classified as Land Capability Class 7 and is therefore suitable for development. The building site is identified in the recently adopted City of South Lake Tahoe 56-Acre Master Plan as suitable and appropriate for the project area.

- (b) The area from which the land coverage was removed for relocation is restored in accordance with subsection 30.5.3.

The area from where the land coverage will be relocated will be revegetated with landscaping consisting of vegetation from the TRPA approved species list. The design of the project and associated designated walkways will prevent future disturbance of the restored area.

- (c) The relocation shall not be to Land Capability Districts 1a, 1b, 1c, 2, or 3, from any higher numbered land capability district.

The relocation is entirely within a Land Capability Class 7 area.

4. Chapter 37 – Required Finding:

37.7 – Findings for Additional Height

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

The proposed project will be visible from Highway 50 and the EL Dorado Beach day use picnic area. The proposed building is set back approximately 160 to 260 feet from the edge of Highway 50 and a total of 300 feet from the highwater line of Lake Tahoe. The height of the top of the forest canopy is approximately 80 to 100 feet.

The proposed building is 38 feet seven inches therefore, when viewed from the major arterial and public recreation areas or the waters of Lake Tahoe, from 300 feet, the additional height will not cause a building to extend above the forest canopy

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

The proposed building is set back approximately 160 to 260 feet from the edge of Highway 50. And will not interfere with views from the Highway, bike trail or the El Dorado Beach day use picnic area. The design of the building is the lowest possible height needed to accommodate the large interior spaces associated with the pool and gymnasium areas.

- 3) The function of the structure requires a greater maximum height than otherwise provided for in this chapter.

The design of the building is the lowest possible height needed to accommodate the function of the large interior spaces. The new recreation center will house a swimming pool, lazy river, a gymnasium, indoor track, office and meeting spaces, and a commercial-grade kitchen. The proposed design incorporates shed-style architecture, using low-pitched roofs with clerestory windows. This design was also selected to provide solar access to the interior of the building, which can help reduce energy demands from lighting and heating and to also span large spaces (i.e., swimming pool, gymnasium). The proposed recreation center was designed for the functionality of services, energy efficiency, and its compatibility to the surrounding neighborhood and to ensure consistency with TRPA's scenic threshold standard. A strict adherence to the standard would cause a greater scenic impact and energy demand due to additional building height and greater volume.

- 4) The portion of the building that is permitted additional building height is adequately screened, as seen from major arterials, the waters of lakes, and other public areas from which the building is frequently viewed. In determining the adequacy of screening, consideration shall be given to the degree to which a combination of the following features causes the building to blend or merge with the background.
A. The horizontal distance from which the building is viewed;
B. The extent of screening; and
C. Proposed exterior colors and building materials.

The proposed project is designed to maintain the site's natural slope and is primarily constructed over existing disturbed areas (i.e., campground). The building is set back approximately 160 to 260 feet from the edge of Highway 50 and a total of 300 feet from the highwater line of Lake Tahoe. Approximately 200 trees to be retained of varying height are located between Highway 50 and the Recreation and Aquatics Center that will help to screen the structure from Highway 50 and the adjacent bike trail. Additional trees are located between Highway 50 and Lake Tahoe which will, in addition to its location on a bluff above the lake, prevent the Recreation and Aquatics Center from being visible from Lake Tahoe.

The building will be constructed primarily of fiber cement siding, vertical standing seam panels, precast textured concrete, standing seam metal roof, stone cladding and metal corrugated metal panels. The design includes overhangs, fenestration, and recessed facades to create architectural interest and façade articulation. The project proposes a range of colors consistent with the TRPA Munsell Color Chart.

- 5) The additional building height is the minimum necessary to feasibly implement the project and there are no feasible alternatives requiring less additional height.

The design of the building is the lowest possible height needed to accommodate the function of the large interior spaces. The new recreation center will house a swimming pool, lazy river, a gymnasium, indoor track, office and meeting spaces, and a commercial-grade kitchen. The proposed design incorporates shed-style architecture, using low-pitched roofs with clerestory windows. This design was also selected to provide solar access to the interior of the building, which can help reduce energy demands from lighting and heating and to also span large spaces (i.e., swimming pool, gymnasium). The proposed recreation center was designed for the functionality of services, energy efficiency, and its compatibility to the surrounding neighborhood and to ensure consistency with TRPA's scenic threshold standard. A strict adherence to the standard would cause a greater scenic impact and energy demand due to additional building height and greater volume.

- 6) The maximum building height at any corner of two exterior walls of the building is not greater than 90 percent of the maximum building height.

The maximum building height is 38 feet 7 inches and the maximum building height at any corner of two exterior walls of the building is 32 feet, which is less than 90 percent of the maximum building height.

5. Chapter 50 – Allocation of Development - Additional Recreation Facilities

- (a) There is a need for the project.

The project is identified in the recently adopted City of South Lake Tahoe 56-Acre Master Plan as needed for enhancing public recreational opportunities and to replace the outdated existing recreation center building. The project is also listed in the TRPA Environmental Improvement Program under the *Improve Public Recreation Facilities Action Priority*.

- (b) The project complies with the Goals and Policies, the applicable plan area statements, and Code.

Based on the information provided in this staff report, the project application, the Initial Environmental Checklist (IEC), and Article V(g) Findings Checklist, there is sufficient evidence demonstrating that the proposed project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, the TRPA Code and other TRPA plans and programs.

- (c) The project is consistent with the following TRPA maximum allowances for outdoor recreation.

There are 2,301 unallocated day use PAOTs in the Summer Day Use Pool. This project will utilize 211 Summer Day Use PAOTs and there will be 2,090 remaining in the pool.

- (d) The project meets the findings adopted pursuant to Article V(g) of the Compact as set forth in Chapter 4: Required Findings, as they are applicable to the project's recreational service capacity.

The project is an allowed use in the Bijou/Al Tahoe Community Plan and there are sufficient Summer Day Use PAOTs available in the pool to accommodate the capacity of the project.

- (e) If the project is consistent with the TRPA Environmental Improvement Program.

The project is also listed in the TRPA Environmental Improvement Program under the *Improve Public Recreation Facilities Action Priority* (Project Number 03.01.02.0023).