Attachment A
Required Findings

The following is a list of the required findings as set forth in Chapters 4, 21, 30 and 37 of the TRPA Code of Ordinances. Following each finding, agency staff has briefly summarized the evidence on which the finding can be made.

1. Chapter 4 – Threshold Findings:

    a. Finding 4.4.1.A: The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code and other TRPA plans and programs.

    The project is located within the Meyers Community Center District of the Meyers Area Plan (MAP – 1), which is designated as a Town Center. Warehousing is identified as a TRPA special use under the Meyers Area Plan. The project consists of the replacement of two unmaintained single-story warehouse structures built in 1976 with a three-story mini-storage/warehouse building that is designed to meet the Design Standards and Guidelines of the Meyers Area Plan, including landscaping, parking and access, bicycle parking, colors and materials, and site-wide water quality improvements. There is no evidence showing the proposed project will have an adverse effect on Land Use, Transportation, Conservation, Recreation, Scenic Quality, Public Service and Facilities, or Implementation sub-elements of the Regional Plan in general or the Meyers Area Plan specifically. As conditioned, the project is consistent with the Meyers Community Center District of the Meyers Area Plan, complies with the TRPA Code of Ordinances, and will not adversely affect implementation of the Regional Plan or other TRPA plans and programs.

    b. Finding 4.4.1.B: The project will not cause the environmental threshold carrying capacities to be exceeded.

    TRPA staff has completed the Article V(g) Findings analysis in accordance with Section 4.4.2 of the TRPA Code of Ordinances, and that analysis is incorporated into this finding. The applicant has also completed an Initial Environmental Checklist (IEC), which is incorporated into this analysis. Based on the IEC, the Article V(g) findings, and the permit conditions, the project will not cause the environmental threshold carrying capacities to be exceeded.

    c. Finding 4.4.1.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(d) of the TRPA Compact, the project meets or exceeds such standards.

    As conditioned, the project will not have an adverse impact on applicable air or water quality standards for the Region. The project includes the installation of water quality best management practices and related drainage improvements designed to improve stormwater treatment and site function. In addition, the project includes a mitigation fee to offset the increase in VMT associated with the project.

2. Chapter 21 - Special Uses:

   a. Finding 21.2.2.A: The project to which the use pertains is of such a nature, scale, density, intensity, and type to be an appropriate use for the parcel on which and surrounding area in which it will be located.

      The project is located within the Meyers Community Center District of the Meyers Area Plan (MAP – 1), which is designated as a Town Center where a higher density mix of residential, commercial, industrial, public service and recreation uses are existing and encouraged, and where all structures have a maximum allowed height of 42 feet. The existing development in this Town Center area consists of single- and two-story structures that range from 20 to 30 feet in height. Although the proposed structure is taller than existing nearby structures, it is below the 42-foot height limit applicable in the Meyers Community Center District, is located within a designated Town Center where higher-intensity commercial development is anticipated, and is designed to comply with the Meyers Area Plan Design Standards and Guidelines. The project therefore complies with applicable TRPA regulations and is of a nature, scale, and intensity that is appropriate for the parcel and surrounding area.

   b. Finding 21.2.2.B: The project to which the use pertains will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water, and air resources of both the applicant's property and that of surrounding property owners.

      Potential scenic impacts have been considered and appropriately addressed. The applicant will install and maintain permanent best management practices onsite to protect water quality of the area. A shade diagram was completed that indicates the height of the new structure will not result in loss of sunlight on the residential structures to the north. Based on the proposed use and its consistency with all applicable regulations, the project will not result in significant adverse impacts and will not be injurious or disturbing to the surrounding neighborhood or the general welfare of the region.

   c. Finding 21.2.2.C: The project to which the use pertains will not change the character of the neighborhood, or detrimentally affect or alter the purpose of the applicable local plan, and specific or master plan, as the case may be.

      The Meyers Community Center District is zoned for multiple uses including residential, commercial, and public service. The expanded commercial storage building will not change the character of the neighborhood which includes adjacent restaurants, small businesses, and the CHP building within the Town Center, and a single family neighborhood to the north. Accordingly, the project is consistent with the applicable plan and will not adversely affect neighborhood character.

3. Chapter 30-Land Coverage Relocation Findings

(a) Finding 30.4.4.A The relocation is to an equal or superior portion of the parcel or project area, as determined by references to the following factors:

1. Whether the area of relocation already has been disturbed
2. The slope of and natural vegetation on the area of relocation
3. The fragility of the soil on the area of relocation
4. Whether the area of relocation appropriately fits the scheme of use of the property
5. The relocation does not further encroach into a stream environment zone, backshore, or the setbacks established in the Code for the protection of stream environment zones or backshore
6. The project otherwise complies with the land coverage mitigation program set forth in section 30.6

The proposed project will modify and relocate existing coverage on a parcel that is verified entirely as land capability district Class 5, with a consistent slope of two percent. The existing development covers more than 90 percent of the 8,738 square foot parcel area; the proposed project will reduce coverage onsite and the new building will be placed over previously existing land coverage or prior disturbance. The relocation allows for the necessary access to the proposed commercial storage units and therefore fits the scheme of the property and the adjacent Town Center. There are no SEZ areas or SEZ setbacks on or near the subject parcel, and a portion of the existing excess coverage will be mitigated as required in the TRPA Code of Ordinances.

(b) Finding 30.4.4.B The area from which the land coverage was removed for relocation is restored in accordance with Subsection 30.5.3.

Areas where coverage will be removed and relocated shall be revegetated and restored in accordance with the TRPA Code of Ordinances.

(c) Finding 30.4.4.C. The relocation is not to Land Capability Districts 1a, 1b, 1c, 2, or 3 from any higher numbered land capability district.

The land capability on this parcel is entirely Class 5 and no relocation to land capability districts 1a, 1b, 1c, 2, or 3 will occur.

4. Chapter 37-Height Findings

(a) Finding 37.7.1: 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 structures will be partially visible from Highway 50 and the associated Class 1 bike trail. The project is more than 300 feet from the scenic corridors and is adjacent to a number of existing large trees that are approximately 50 - 60 feet in height. Because the proposed building height is 40 feet 4 inches and the adjacent trees are approximately 50 to 60 feet tall, the building will not extend above the forest canopy, and no ridgeline views will be obstructed when viewed from the scenic corridors at a distance of 300 feet.

(b) Finding 37.7.2: When outside a community plan, the additional height is consistent with the surrounding uses.

This finding is not applicable because the project is located within the Meyers Area Plan Town Center (formerly Meyers Community Plan).

(c) Finding 37.7.3: 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 existing views in the area include the ridgeline of surrounding mountains and pine forest. The overall height of the building, when viewed in perspective from Highway 50, does not interfere with these views. From the residential street north of the structure, near Arrowhead Avenue and Arrowhead Court, current views include the western end of Heavenly Mountain. The proposed structure will reduce some mountain views from the end of Arrowhead Court but will not entirely obscure the mountain or existing ridgeline view.

(d) 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 height at the corner of two exterior walls is the difference between the point of lowest natural ground elevation along an exterior wall of the building, and point at which the corner of the same exterior wall meets the roof. This standard shall not apply to an architectural feature described as a prow.

The proposed structure has a gable roof with a 5:12 roof pitch. The maximum height at the corner of two exterior walls is 29 feet 4 inches, or approximately 72 percent of the proposed maximum building height of 40 feet 4 inches. Therefore, the height at the corner of two exterior walls is not greater than 90 percent of the proposed maximum building height.