

Attachment A

Required Findings/Rationale

Required Findings: The following is a list of the required findings as set forth in Chapters 3, 4, 37, and 61 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 permit, 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 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 Bijou/Al Tahoe Community Plan, 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 TPRA 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 a water quality mitigation fee. As a result, upon completion of construction, the project should have no impact upon air or water quality standards.

3. Chapter 37 – Height Findings:

Pursuant TRPA Code, Section 37.5.2.E, Additional Building Height for Public Service Buildings, the maximum building heights specified in Table 37.4.1-1 may be increased if the buildings are classified as “Schools” or “Regional Public Health and Safety Facilities – Solid Waste Transfer Stations” that TRPA finds to be regionally serving, pursuant to Chapter 21: Permissible Uses, and the buildings are not visible from Lake Tahoe and are not located within or are not visible from designated scenic highway corridors and designated Class I or II bikeways and recreations sites identified in the Lake Tahoe Scenic Resource Evaluation, and provided TRPA makes findings 1, 3, 4, 7, 8, and 10 in Section 37.7. Additional height shall be calculated as follows:

1. The maximum height in Table 37.4.1-1 may be increased by up to 14 feet, but not to exceed a total building height of 56 feet, provided that the project proponent demonstrates that the additional height is necessary for the proper function of the building; and

The maximum specified height per Table 37.4.1-1 for a project with a building slope of 10% and roof pitch of 4:12 is 31 feet 3 inches. The maximum proposed height of the building is 37 feet and six inches. Thus, the proposed building will be 6 feet and 3 inches above what is specified in Table 37.4.1-1. The proposed building will not be visible from Lake Tahoe and is not located within or visible from a designated scenic highway corridor, designated Class I or II bikeways, or recreation sites identified in the Lake Tahoe Scenic Resource Evaluation. Findings 1, 3, 4, 7, 8, and 10 in Section 37.7 are addressed below.

2. Additional height beyond that set forth in 1 above may be earned up to a maximum total building height of 56 feet, provided that the new structure incorporates community design features such as pitched roofs, articulated facades, articulated roof planes, and the use of earthtone colors consistent with the Design Review Guidelines.

Not applicable.

Finding 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. For height greater than that set forth in Table 37.4.1-1 for a 5:12 roof pitch, the additional height shall not increase the visual magnitude beyond that permitted for structures in the shoreland as set forth in subsection 66.3.7, Additional Visual Magnitude, or Appendix H, Visual Assessment Tool, of the Design Review Guidelines.

The building is not visible from major arterials, scenic turnouts, or the waters of Lake Tahoe. The additional height does not cause the building to extend above the forest canopy, and there is no nearby ridgeline present.

Finding 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 additional height will not significantly impact existing views.

Finding 4

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

The additional height is required to provide two full stories of affordable student accommodation, with a peaked roof that conceals code-required HVAC equipment in the attic space.

Finding 7

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

To provide the 100 affordable student housing beds at a lower building height, the project would have to either:

1. Be reduced to one (1) story tall, which would require doubling its footprint and would require significantly more tree removal and impermeable site coverage; or
2. The building would need to have a flat roof and exposed HVAC equipment on the roof, which would significantly diminish the architectural character of the building and is not consistent with the context of the LTCC campus.

These two options are significantly less feasible than the proposed design. Therefore, the additional building height is the minimum necessary to feasibly implement the project. The proposed building height is consistent with the height of the other building on the LTCC campus.

Finding 8

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 maximum building height at any corner of two exterior walls does not exceed 90 percent of the maximum building height, due to the pitched roof. This standard does not apply to the central prow on the East and West facades of the building.

Finding 10

The building is no more than two stories above grade (excluding basement) in height.

The building is no more than two stories above grade.

4. Chapter 61 – Vegetation and Forest Health:

Within non-SEZ urban areas, individual trees larger than 30 inches diameter at breast height (dbh) that are healthy and structurally sound shall be retained as desirable specimen trees having aesthetic and wildlife value, unless no reasonable alternative exists to retain the tree, including reduction of parking areas or modification of the original design.

Fifty (50) trees are proposed to be removed in locations directly required for construction of the building and sitework, including 47 trees with a diameter at breast height (dbh) greater than 14 inches (trees with a dbh less than 14 inches that are non-lakefront and outside of a stream environment Zone (SEZ) are exempt from TRPA review). Three of the trees proposed to be removed are considered old growth because they have a dbh greater than 30 inches. The old growth trees proposed to be removed are within the footprint of the proposed building and sitework and no reasonable alternative exists to retain the trees. No tree removal will occur in an SEZ.