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STAFF REPORT

Date: December 8, 2022

To: TRPA Hearings Officer

From: TRPA Staff

Contract Planner: A. Lyn Barnett, AICP; Senior Principal
Wells Barnett Associates, LLC

Subject: Edelweiss, LLC, Commercial Construction Modification, 760 River Road, Placer County, CA; Assessor's Parcel Number (APN) 095-110-011, 095-110-022, and 095-110-026; TRPA File Number ERSP2022-0090

Proposed Action:

Hearings Officer action on the proposed project and related findings based on this staff report and the Initial Environmental Checklist, Article V(g) Findings, and the draft permit (Attachments A through C).

Staff Recommendation:

Staff recommends that the Hearings Officer make the required findings and approve the proposed project subject to the special conditions in the draft permit.

Applicant:

Eidelweiss, LLC, Maureen O. Sullivan, Manager.

Applicant's Representative:

Kevin Agan, Agan Consulting Corporation.

Project Description/Background:

This project involves the remodel and upgrade of an existing restaurant property known as the "Pfeifer House" (defined in the TRPA Code as an "eating and drinking place") to be renamed "Savoie." The project includes expansion of an existing 26-space parking lot to a 30-space parking lot, tree removal, new irrigated landscaping, interior and exterior building upgrades, new handicap access, and new exterior lighting. The project also involves a decrease in seating capacity from 164 to 156 seats, an upgraded unisex restroom, upgraded kitchen and similar improvements.

Placer County has reviewed and approved the proposed project. New landscaping and exterior lighting are proposed, and the property will be upgraded to include TRPA-required stormwater treatment best management practices (BMPs). New signs are to be reviewed by Placer County under their delegation memorandum of understanding with TRPA.

The existing restaurant building contains 6,684 square feet of commercial floor area (CFA) verified by TRPA in 2020. The applicants are requesting an allocation of 1,038 square feet of CFA to improve the kitchen, restrooms, and other areas within the building. A portion of the project area crosses the State Route 89 right-of-way and includes a private parking easement area on an adjacent parcel (Placer County APN 095-110-026). There is a permit condition in the draft permit that requires a TRPA deed restriction for all land included in the project area. Please see Section 11, below (Regional Plan Compliance) for additional information.

Existing nonconforming well-water and septic systems will be replaced with new water and sewer connections to be provided by the Tahoe City Public Utility District (TCPUD). After these new connections are completed, the project will comply with TRPA basic service requirements found in Chapter 32 of the TRPA Code. These new utility services are to be constructed and provided to the site in accordance with a memorandum of understanding between TCPUD and TRPA and are not part of the current application for this reason. Caltrans approval is also required for the new utility service due to construction and grading in the State Route 89 right-of-way and the applicant has made application to Caltrans for this purpose. TCPUD will be the lead agency under the California Environmental Quality Act (CEQA) for work on these improvements.

Site Description:

The affected commercial property is located on California State Route 89 in the Truckee River Canyon about one-quarter of a mile west (downslope) of the new intersection of California State Routes 89 and 28 in Tahoe City. Existing development on the property is more than 50 years old but is not a TRPA historic resource. The property has been extensively graded into a hillside and much of the natural site topography has been altered. The affected highway section is a TRPA scenic travel route that is not in conformance with the TRPA scenic threshold. The existing parking area has a wide driveway entrance that does not conform to ingress and egress design standards. The existing restaurant building and infrastructure is old and in need of upgrades. There are four land capability districts in the project area being stream environment zone (land capability class 1b, or SEZ), and classes 2, 3 and 4. All proposed work will occur in the class 4, high land capability area. The property contains excess land coverage and no new land coverage is proposed for this reason, although some relocation of land coverage is proposed. Some tree removal is proposed to accommodate the upgraded parking area. Several dead trees on the property were recently removed for safety reasons. TRPA has officially determined that the existing building, which is more than 50 years in age, is not a historic resource.

Issues:

The proposed project involves an allocation of CFA in an amount less than 3,000 square feet, and therefore requires Hearings Officer review in accordance with Subsection 2.2.2.A.2

Environmental Review:

An Initial Environmental Checklist (IEC) has been prepared for this project. No significant or unmitigated environmental impacts were identified in the IEC.

Regional Plan Compliance:

1. Compliance with the Placer County Tahoe Basin Area Plan. The proposed project is located in the Placer County portion of the Lake Tahoe Region and complies with the Placer County Tahoe Basin Area Plan, adopted in 2017 by Placer County and TRPA. The project area is located in the Tahoe City Western Entry Special Planning Area (TCWE-SPA) overlay and Mixed-Use Town Center (MU-TC) subdistrict. Restaurants, defined as Eating and Drinking Places, are permissible uses subject to an Administrative Review Permit. This project has been reviewed and approved by Placer County under their administrative review process.
2. Storm Water Best Management Practices (BMPs). The project area does not currently contain adequate TRPA-required storm water BMPs. The proposed project includes new infiltration trenches to collect and infiltrate building runoff. Runoff from the modified parking area will be collected into a drainage system, pre-treated for sand removal, and infiltrated onsite for the TRPA design storm. Overflow from this system will be collected in an offsite water quality control and treatment system constructed by Caltrans within the Highway 89 right-of-way.
3. Basic Service Requirements: The affected property is served by a paved road and has electrical service as required in Chapter 30 of the TRPA Code (Basic Service Requirements). However, the property currently has an onsite sewage septic system and does not have a wastewater service connection as required in Subsections 32.5 (waste water connection) and 60.1.3.c (wastewater discharge prohibition) of the TRPA Code. These upgrades are required before the remodeled restaurant may operate. As noted above, the applicant is working with TCPUD and Caltrans to provide these services.
4. Scenic Quality: The project is located on a segment of State Route 89 that is not in conformance with the TRPA scenic travel route threshold. Exterior improvements to the older building, new landscaping, and a reconfiguration of the driveway will have positive impacts on scenic quality and will incrementally improve the scenic threshold for the affected section of the TRPA scenic highway travel route. The project area is located downstream from the Lake Tahoe Dam in Tahoe City, and the project is not visible from Lake Tahoe or other TRPA scenic resources. New exterior lighting shall conform to TRPA and Area Plan standards. The applicant has prepared a landscape plan for the property that will improve the appearance of the site from the TRPA scenic travel route. The project area is across the highway from an existing bicycle trail.
5. Proposed Building Height: The Placer County Tahoe Area Plan defers allowable building height to the TRPA Code of Ordinances. The proposed building conforms to TRPA height requirements. Three roof planes are proposed (1/4:12, 3:12 and 8:12) and there is no dominant roof pitch which represents 50-percent or more of the roof area in plan-view. Cross slope of the building site, which was graded in the past, is estimated to be about 9 or 10-percent. Each of the individual roof planes conform to the allowable building heights provided in Table 37.4.1-1 of the TRPA Code, as follows:

Roof Pitch	Allowable Height	Proposed Height
¼:12	26'-6"	15'-8"
3:12	30'-1"	28'-3"
8:12	38'-1"	23'-1"

TRPA Code findings necessary to allow building heights greater than 26-feet are included in the Findings section of this report.

6. Vehicle Miles Travelled (VMT): The applicant has provided evidence that the previous restaurant operated at least 90 days in the past five years. In addition, although the restaurant building is being expanded, total seating capacity for the business is reduced. No VMT mitigation is required for these reasons.
7. Allocation of Commercial Floor Area (CFA): The project includes an increase of CFA in the amount of 1,038 square feet. A condition of approval in the attached draft permit allocates this amount of CFA to the project, subject to approval by the Hearings Officer. Placer County has reviewed and approved the proposed project, including the allocation of CFA from the CFA pool assigned to them by TRPA.
8. Basic Service Requirements: The affected property is served by a paved road and has electrical service as required in Chapter 30 of the TRPA Code (Basic Service Requirements). However, the property has an existing onsite sewage septic system and does not have a wastewater service connection as required in Subsections 32.5 (waste water connection) and 60.1.3.c (wastewater discharge prohibition) of the TRPA Code. These upgrades are required before the remodeled restaurant may operate. In addition, the property is served by an onsite water well which does not appear to meet minimum flows required in the TRPA Code for fire flow and water service. As noted above, the applicant is working with TCPUD and Caltrans to provide new water and sewer services in compliance with the TRPA Code, and the new restaurant will not be allowed to operate unless these basic services are provided.
9. Signs. Signs will be reviewed by Placer County in accordance with a Memorandum of Understanding with TRPA.
10. Grading. Proposed excavation for the parking area reconfiguration will conform to TRPA excavation limits. New retaining walls are proposed, and drainage from a French drain system behind these walls will be directed to the parking area infiltration system.
11. Project Area. The project area includes two Assessor's Parcels owned by the Applicant, these being APNs 095-110-022 (the location of the restaurant) and 095-110-011 (a vacant parcel across Highway 89); in addition to an existing offsite parking easement area located on an adjacent parcel (APN 095-110-026). As a condition of approval, the applicant shall be required to record a TRPA-project area deed restriction for the affected properties in accordance with Subsection 30.4.1C.2.a(iii) of the TRPA Code. The draft deed restriction is attached to this report.
12. Land Capability and Land Coverage. The project area includes four land capability districts (1b (stream environment zone), 2, 3 and 4) with 16,128 square feet of existing land coverage verified by TRPA. Total base allowable land coverage is 7,248 square feet. Excess land coverage is equal to 8,880 square feet and excess land coverage mitigation is required. Relocation of existing land coverage within high capability land (Class 4) is proposed and there will be no new disturbance or land coverage in low capability land. Land coverage relocation findings are found in the attachments to this report.

13. Future Sidewalks. The applicant is working with Placer County to design a future sidewalk in front of their restaurant building within the Highway 89 right-of-way. Rather than constructing a segment of a larger future sidewalk system identified in the Area Plan, the applicant may be required to contribute a fair share of funding for this capital improvement project when the entire project is designed and funded.

Required Actions:

Staff recommends that the Hearings Officer take the following actions, based on the staff report:

- 1) Approve the required findings, including a finding of no significant effect; and
- 2) Approve the proposed project subject to the conditions in the draft permit.

Contact Information:

For questions regarding this agenda item, please contact Theresa Avance, Senior Planner at (775) 588-4547 or tavance@trpa.gov.

Attachments:

- A. Required Findings
- B. Draft Permit
- C. Initial Environmental Checklist (IEC)
- D. Draft TRPA Project Area Deed Restriction
- E. Preliminary Plans

Attachment A

Required Findings

Attachment B

Draft Permit

Attachment C

Initial Environmental Checklist (IEC)

Attachment D

Draft TRPA Project Area Deed Restriction

Attachment E

Preliminary Plans