

**TRPA
GOVERNING BOARD
PACKETS**

**MAY
1993**

FC

NOTICE OF MEETINGS
TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

NOTICE IS HEREBY GIVEN that on May 26 and 27, 1993, the Governing Board of the Tahoe Regional Planning Agency will conduct its regular meeting. The May 26 session will commence at 9:30 a.m. at the South Lake Tahoe City Council Chambers, 1900 Lake Tahoe Boulevard, South Lake Tahoe, California. The May 27 session will commence at 9:30 a.m. at the new TRPA office, 308 Dorla Court, Elks Point, Nevada. The official agenda is attached hereto and made a part of this notice.

NOTICE IS FURTHER GIVEN that on May 26, 1993, at 8:30 a.m. in the same location, the Finance Committee will discuss receipt of the April financial statement and check register, release of shorezone mitigation funds for EIS preparation relative to reconsideration of the location standards for certain shorezone structures, amendment of TRPA/Caltrans overall work program FY 92-93, and release of water quality mitigation funds (\$25,021) to El Dorado County for final payment on vector and sweeper trucks. (Finance Committee: Klein, Neft, Lau, Pruett, Chairman Bennett)

NOTICE IS FURTHER GIVEN that on May 27, 1993, at 8:30 a.m. in the downstairs conference room at the City of South Lake Tahoe Administrative Center, 1052 Tata Lane, South Lake Tahoe, California, the Legal Committee will discuss settlement of Rutter Shaffer v. TRPA; plaintiff compliance with settlement agreement in Leroy Land v. TRPA (Bitterbrush); and dispute resolution for Chase illegal tree removal, permit modification, and boat house conversion, El Dorado County APN 26-042-03. If the Legal Committee does not conclude its agenda by 9:30 a.m., it will reconvene at noon in the City's Administrative Center. (Legal Committee: Upton, Westergard, Waldie, Cronk, Chairman DeLanoy)

NOTICE IS FURTHER GIVEN that the Rules Committee will not meet at noon due to a Tahoe Basin Association of Governments (TBAG) meeting.

NOTICE IS FURTHER GIVEN that on May 27, 1993, at the TRPA office, 308 Dorla Court, Elks Point, Nevada, at 8:00 a.m., the Capital Financing Committee will discuss implementation of financing plans for water quality and transportation. (Capital Financing Committee: Bennett, Westergard, Cronk, Waldie, Chairman Upton)

Date: May 17, 1993


David S. Ziegler
Executive Director

NOTE: Items on the agenda without a time designation may not necessarily be considered in the order in which they appear on the agenda.

This agenda has been posted at the TRPA office and at the following post offices: Zephyr Cove and Stateline, Nevada, and Tahoe Valley and Al Tahoe, California.

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

South Lake Tahoe Council Chambers
1900 Lake Tahoe Boulevard
South Lake Tahoe, California

May 26, 1993 9:30 a.m.

TRPA Office, 308 Dorla Court
Elks Point, Nevada

May 27, 1993 9:30 a.m.

All items are action items unless otherwise noted.

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OFFICIAL AGENDA

- I. PLEDGE OF ALLEGIANCE
- II. ROLL CALL AND DETERMINATION OF QUORUM
- III. APPROVAL OF MINUTES
- IV. APPROVAL OF AGENDA
- V. CONSENT CALENDAR (see page 2)
- VI. PUBLIC HEARING AND ADOPTION OF ORDINANCES/RESOLUTIONS
 - A. Amendment of Chapter 35, Bonus Unit Incentive Program, and Chapter 43, Subdivision Standards, Relative to Multi-Residential Bonus Units and Allocations 115-130
- VII. SPECIAL DETERMINATION
 - A. Severance of McDonald's From Redevelopment Project #1 and Stipulation Regarding Reservation of Rights in Bankruptcy Proceeding 131-142
- VIII. PLANNING MATTERS
 - A. Proposed Community Planning Schedule 143-147
 - B. Status Report on Employee Trip Reduction Program and Parking Ordinance 148-150
- IX. ADMINISTRATIVE MATTERS
 - A. Discussion of Draft Five-Year Strategy (July 1993 - June 1998) 151

X. COMMITTEE RECOMMENDATIONS AND BOARD ACTION

A. Finance Committee

- 1. Receipt of April Financial Statement and Check Register

B. Legal Committee

- 1. Settlement of Rutter Shaffer v. TRPA
- 2. Plaintiff's Compliance With Settlement Agreement in Leroy Land v. TRPA (Bitterbrush)

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C. Capital Financing committee

XI. REPORTS

A. Executive Director

- 1. Status Report on Processed Projects
- 2. Status Report on IPES and Land Capability Determinations
- 3. Other

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B. Agency Counsel

C. Governing Board Members (No Action)

XII. RESOLUTION

- A. Supporting Federal Clean Water Grant to Monitor California Other Lakes

208-209

XIII. PUBLIC INTEREST COMMENTS (No Action)

XIV. ADJOURNMENT

CONSENT CALENDAR

<u>Item</u>	<u>Recommendation</u>
1. Garza, Commercial Change in Operation, Special Use Determination, El Dorado County APN 23-191-19	Approval Of Findings 1-9
2. Layton, Commercial Building Remodel, 8325 North Lake Boulevard, Kings Beach, Placer County APN 90-075-21	Approval With Findings And Conditions 10-22

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|---|---------------------------------------|---------|
| 3. Release of Shorezone Mitigation Funds for EIS Preparation Relative to Reconsideration of the Location Standards for Certain Shorezone Structures | Approval | 23-25 |
| 4. South Tahoe Public Utility District, South Upper Truckee Backup Generator, Special Use Determination, El Dorado County, APN 36-581-01 | Approval of Findings | 26-30 |
| 5. Boland, New Commercial/Residential Building, 8445 Brock Avenue, Kings Beach, Placer County APN 90-122-19 | Approval With Findings And Conditions | 31-46 |
| 6. Graham/LaMarca, Multi-Family Triplex Dwelling, 1089 Herbert Avenue, City of South Lake Tahoe, El Dorado County APN 27-202-06 | Approval With Findings And Conditions | 47-56 |
| 7. Graham/LaMarca, Multi-Family Triplex Dwelling, 1097 Herbert Avenue, City of South Lake Tahoe, El Dorado County APN 27-202-11 | Approval With Findings And Conditions | 57-66 |
| 8. Amendment of TRPA/Caltrans Overall Work Program FY 92-93 | Approval | 67-70 |
| 9. Agate Bay Water Company, Replace and Enlarge Existing Community Water Tank, Special Use Findings, Placer County APNs 116-010-07 and -08 | Approval Of Findings | 71-76 |
| 10. Martin/Wheeler/Kraus Pier Relocation and Expansion, Multiple-Use Determination, Placer County APN 85-202-01 | Approval With Findings And Conditions | 77-94 |
| 11. La Tourette, Pier and Boathouse Repair/Modification, Multiple-Use Determination, Placer County APN 117-020-08 | Approval With Findings And Conditions | 95-110 |
| 12. U.S. Forest Service, Tahoe Mountain Timber Harvest/Hazard Reduction Project, 1,521 Acres, Resource Management, El Dorado County, File #580-101-93 | Approval With Findings And Conditions | 111 |
| 13. Release of Water Quality Mitigation Funds (\$25,021) to El Dorado County for Final Payment on Vector and Sweeper Trucks | Approval | 112-114 |

These consent calendar items are expected to be routine and noncontroversial. They will be acted upon by the Board at one time without discussion. The special use determinations will be removed from the calendar at the request of any member of the public and taken up separately. If any Board member or noticed affected property owner requests that any item be removed from the calendar, it will be taken up separately under the appropriate agenda category.

Four of the members of the governing body from each State constitute a quorum for the transaction of the business of the agency. The voting procedure shall be as follows:

(1) For adopting, amending or repealing environmental threshold carrying capacities, the regional plan, and ordinances, rules and regulations, and for granting variances from the ordinances, rules and regulations, the vote of at least four of the members of each State agreeing with the vote of at least four members of the other State shall be required to take action. If there is no vote of at least four of the members from one State agreeing with the vote of at least four of the members of the other State on the actions specified in this paragraph, an action of rejection shall be deemed to have been taken.

(2) For approving a project, the affirmative vote of at least five members from the State in which the project is located and the affirmative vote of at least nine members of the governing body are required. If at least five members of the governing body from the State in which the project is located and at least nine members of the entire governing body do not vote in favor of the project, upon a motion for approval, an action of rejection shall be deemed to have been taken. A decision by the agency to approve a project shall be supported by a statement of findings, adopted by the agency, which indicates that the project complies with the regional plan and with applicable ordinances, rules and regulations of the agency.

(3) For routine business and for directing the agency's staff on litigation and enforcement actions, at least eight members of the governing body must agree to take action. If at least eight votes in favor of such action are not cast, an action of rejection shall be deemed to have been taken.

- Article III (g) Public Law 96-551

TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: Garza, Bicycle Rental Business

Application Type: Commercial Change in Operation, Special Use Determination

Applicant: Ronald H. Gallagher

Applicant's Representative: Ronald H. Gallagher

Agency Planner: Craig R. Wicks, Assistant Planner

Location: 921 Highway 89, South Lake Tahoe, California

Assessor's Parcel Number/Project Number: 23-191-18 and 23-191-19/930139

Staff Recommendation: Staff recommends the Governing Board make the special use findings as outlined in Section C of this staff summary.

Project Description: The applicant proposes to use a portion of an existing paved parking lot to operate an outdoor bicycle rental business. The Bpplicant proposes to display approximately 25 bicycles. In lieu of a permanent structure, the applicant will use a portable table to operate the business. No commercial floor area is needed for the project pursuant to Subsection 33.3.B of the TRPA Code of Ordinances. All signs associated with the bicycle rental business will be reviewed by the City of South Lake Tahoe pursuant to the Memorandum of Understanding between TRPA and the City.

Site Description: The proposed bicycle rental site is located on Highway 89 approximately 800 feet north of the "Wye" intersection. The paved site, intended for use as a bicycle rental area, is an extension of the parking lot for the Casa Del Rey Restaurant located on the parcel immediately to the north. Both parcels are part of the same project area. A Class 3 bicycle path is established on Highway 89, directly adjacent to the site.

Issues: This project involves a special use, and thus requires Governing Board action in accordance with Appendix A, Chapter 4 of the TRPA Code of Ordinances. The primary project related issues are:

1. Parking and Circulation: TRPA staff required the applicant to prepare and submit a parking and circulation analysis to address parking within the project area. The parking lot will be shared by an existing restaurant and the proposed bicycle renting business. Staff has determined, based on the parking analysis, that the project area has adequate parking to accommodate the needs of both uses. A copy of the parking analysis is attached as Exhibit A.

As a condition of approval the parking spaces required in the parking analysis shall be shown on the site plan. The site plan shall also include directional arrows on the pavement to control traffic flow within the parking lot. In addition, existing parking off of Fifth Street (which currently requires patrons of the restaurant to back into the roadway when leaving the property) will be closed-off.

2. Future Site Improvements: The City of South Lake Tahoe has indicated that the permittee may be required to install landscaping, sidewalks, parking lot improvements, and other modifications to the property in the near future to meet City requirements.

Currently the project, as conditioned, meets TRPA requirements for parking and scenic quality. However, the modifications required by the City will require TRPA review and approval prior to implementation. TRPA will require that the project area (after modification) shall meet TRPA requirements for scenic quality, traffic, parking, water quality improvements, and use.

Staff Analysis:

- A. Environmental Documentation: TRPA Staff has completed an Initial Environmental Checklist (IEC) in order to assess the potential environmental impacts of the project. No significant environmental impacts were identified and staff has concluded that the project will not have a significant effect on the environment. A copy of the completed IEC will be made available at the Governing Board hearing and at TRPA.
- B. Plan Area Statement: The project is located within Plan Area 110, South "Y". The Land Use Classification is Commercial-Public Service and the Management Strategy is Redirection. Agency staff has reviewed the subject Plan Area and has determined that the project is consistent with the applicable planning statement, planning considerations and special policies. The proposed activity is listed as a special use.
- C. Required Findings: The following is a list of the required findings as set forth in Chapter 18 of the TRPA Code of Ordinances. Following each finding, Agency staff has briefly summarized the evidence on which the finding can be made.
 1. 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 properties in the surrounding area are predominantly commercial and tourist accommodation. A restaurant, automobile dealership, and motel are in the immediate vicinity. The proposed bicycle rental facility is smaller in size and scale than the existing activities in the area.

2. 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.

The current parking along Fifth Street, which requires business patrons to back into the traffic flow, will be prohibited. Arrow indicators and parking space striping will be applied to the pavement to identify the entrance and exit to the parking area, improve the efficiency of the lot, and increase safety. The applicant shall be required to install Best Management Practices (BMPs) on the subject parcels by October 15, 1997 in accordance with TRPA retrofit requirements.

3. The project, to which the use pertains, will not change the character of the neighborhood, detrimentally affect or alter the purpose of the applicable planning area statement, community plan and specific or master plan, as the case may be.

This project involves the placement of a table, approximately 25 bicycles, and a fixed, freestanding sign on an existing section of paved parking area in a commercial neighborhood. The project is not within an adopted community, specific or master plan area.

- D. Required Actions: Agency staff recommends that the Governing Board make the following motions based on this staff summary and the evidence in the record:
 - I. A motion based on this staff summary, for the findings contained in Section C above, and a finding of no significant environmental effect.
 - II. A motion to direct staff to complete review of the project, and if appropriate, approve the project with the following special conditions:

Special Conditions:

1. By acceptance of this permit, the permittee acknowledges that the TRPA Code of Ordinances requires that the owner of this property, located within a priority 2 watershed group, install and maintain all required Best Management Practices (BMPs) prior to October 15, 1997.
2. Prior to commencement of the use, the following special conditions must be satisfied:
 - A. An Air Quality Mitigation Fee of \$540 shall be paid to TRPA. This fee is based on 27 daily vehicle trip ends multiplied by \$20 per trip.
 - B. The site plan shall be revised to indicate:
 - (1) The parking spaces described by the parking analysis prepared by Basin Systems in their report dated May 10, 1993. At a minimum, this shall include three employee spaces and eleven customer spaces for the shared use of the restaurant and the bicycle rental business. All parking spaces shall be on existing pavement.
 - (2) Elimination of the existing parking spaces off of Fifth Street. Methods to satisfy this condition shall be approved by TRPA.
 - (3) Directional arrows for the parking lot entrance and exit.
 - (4) Identification of employee and handicapped parking spaces.
 - (5) Parking barriers to prevent access to any unpaved portions of the project area. Additional parking barriers shall be installed between the restaurant structure and Fifth Street.
 - C. The permittee shall consolidate lots 18 and 19 into one legal lot of record pursuant to applicable City subdivision ordinances and State subdivision laws.
 - D. The permittee shall paint the parking lot striping and arrows in accordance with the approved site plan.
3. By acceptance of this permit, the property owner agrees to allow patrons of the bicycle rental business to use the rest rooms located in the restaurant.

4. By acceptance of this permit, the permittee acknowledges that future work required by the City of South Lake Tahoe (such as landscaping improvements, modifications to the parking areas, new sidewalk requirements, etc.) require TRPA review and approval. The permittee shall retain adequate parking spaces for the restaurant and bicycle rental business after any such required modifications.

Basin Systems

May 10, 1993

Parking and Traffic Discussion

Project: Gallagher / Garza Bicycle Rental, APN 023-191-18 & 19

The applicant, Mr. Ron Gallagher, proposes to rent up to 25 bicycles at the above referenced location. APN 023-191-18 is a quarter acre parcel occupied by the Casa Del Rey restaurant. APN 023-191-18 is also a quarter acre parcel and presently has most of the parking for the Casa Del Rey restaurant. Both parcels have a significant amount of land coverage in the form of buildings, paving, and disturbance.

The site is located on S.R. 89 approximately one quarter mile north of the South Tahoe Wye.

Although 25 bicycles are available, it is rare for all bicycles to be rented. Several years of observation has noted that bicycle rental operation usually have bicycles available regardless of the day of the week or holiday. This discussion will assume 20 bicycles rented for the parking discussion.

Parking. There are two methods to calculate the parking demand for a proposed use. First, published data or standards can be used. Second, a quantitative analysis may be done using the preceding data or standards and other information. This discussion will briefly discuss both options.

City Standards. The City of South Lake Tahoe parking standards are applicable in this case. City staff has determined that three parking spaces would meet their criteria.

Quantitative Analysis. The average vehicle occupancy for Visitor Home Base Recreation trip purposes is approximately 3.46 persons per vehicle (Basin Systems et al, 1990 through 1993). At one person per bicycle, this results in 6 customer vehicle and, occasionally, one employee vehicle. There may be some overlap between half day renters and full day renters, but this overlap should be infrequent.

Based on the preceding, three to seven parking spaces would be necessary.

Traffic. Published traffic generation data are not available for a bicycle rental operation. Therefore, this discussion will attempt to derive a worse-case estimate. Assuming that 20 bicycles will be rented twice each day, and using the above vehicle occupancy, the proposed operation will generate 23.1 customer vehicle trips and, occasionally, two to four employee vehicle trips. This results in a worse case of 27 daily vehicle trip ends (DVTE). 27 DVTE is an insignificant increase in traffic generation and no further analysis is required.

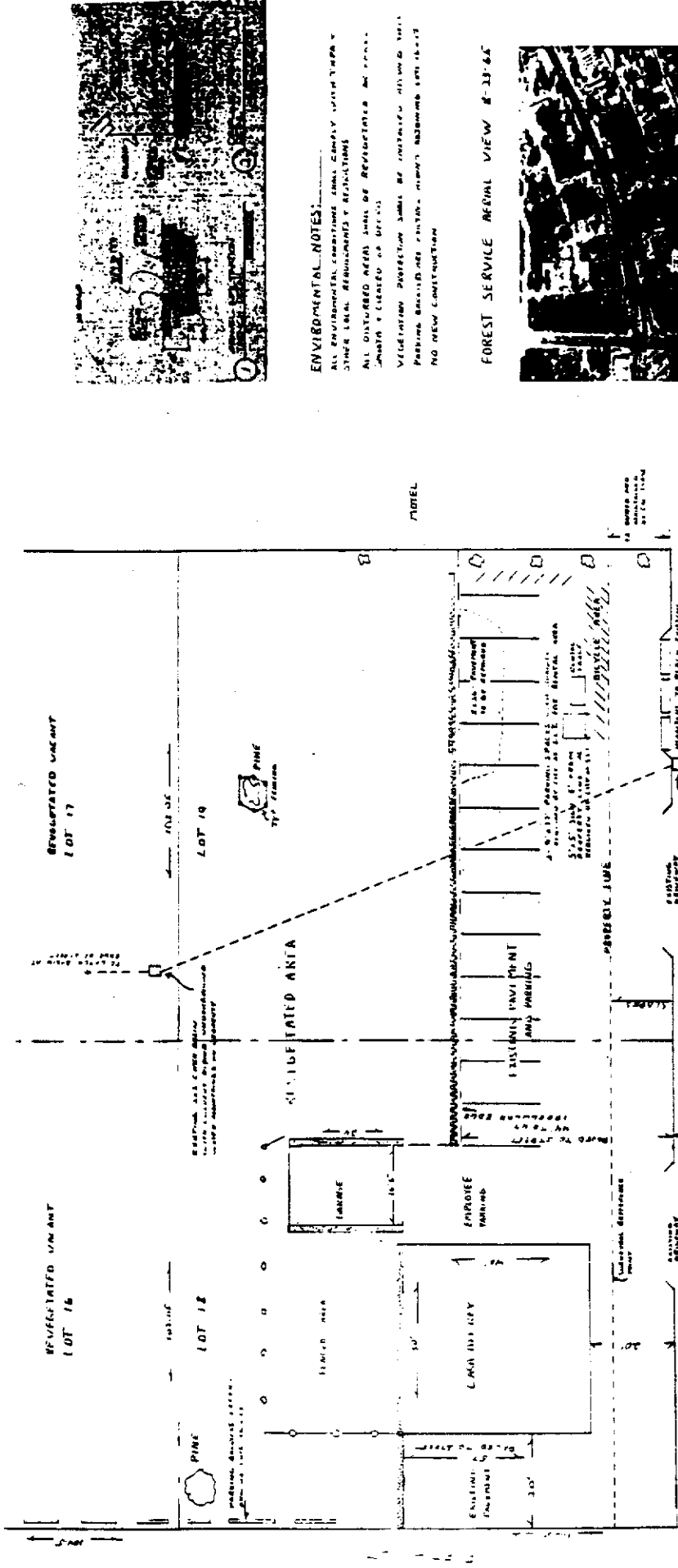
Recommendation. The applicant and the property owner intend to develop a permanent parking design in conjunction with required BMP improvements. For this season, the applicant should aggressively market to motel properties within walking distance or those providing shuttle service; a preliminary arrangement has been made with Embassy Suites. A fourth parking space should be made available on the site or stacked parking should be utilized to increase customer parking to approximately six vehicles.

The restaurant parking should be signed or striped to maximize its efficiency and, if possible, the existing picnic tables should be moved to an unpaved portion of the property. Employees should also utilize stacked parking in front of the existing garage.

With adequate barriers to prevent access to unpaved portions of the lot, parking impacts will be confined to paved surfaces onsite and, occasionally, offsite. No significant impacts are expected.

If there are any questions regarding this discussion, please contact Curtis Jordan.

/cj



SITE PLAN
 1" = 10'
DATA
 PROPERTY: [illegible]
 ADDRESS: [illegible]
 APR 23-71: MATHEW
 FORWOM: [illegible]
 APR 11-71: [illegible]
 PREP: [illegible]
 DATE: [illegible]
 SHEET: [illegible]

LABORABILITY
 LOT 16: [illegible]
 LOT 17: [illegible]
 LOT 18: [illegible]
 LOT 19: [illegible]
 CONSTRUCTION: [illegible]
 ALLOWABLE COVERAGE: [illegible]
 TOTAL ALLOWABLE: [illegible]
 THE PROJECT: [illegible]
 AND [illegible]
 IS [illegible]
 ON [illegible]

COVERAGES
 FIREWORKS: [illegible]
 RECREATION: [illegible]
 GROUND: [illegible]
 FIVE FOOT: [illegible]
 TOTAL: [illegible]

PARKING
 2 SPACES FOR EACH OF THE
 BUILDING TYPICAL OF OTHER AREAS BY CITY
 3 SPACES FOR EACH BUILDING TYPICAL
 3 SPACES FOR EACH AREA BUILDING



ENVIRONMENTAL NOTES:
 ALL ENVIRONMENTAL CONCERNS HAVE BEEN FULLY ADDRESSED SINCE THE INITIAL SUBMITTALS AND REVISIONS.
 ALL DISTURBED AREAS SHALL BE REVEGETATED AND STABILIZED WITHIN 90 DAYS OF COMPLETION.
 VEGETATION RESTORATION SHALL BE CONDUCTED WITHIN 90 DAYS OF COMPLETION.
 NO NEW CONSTRUCTION

FOREST SERVICE AERIAL VIEW 8-13-68



TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: Layton Commercial Building

Application Type: Commercial Floor Area Addition

Applicant: Betty Layton

Applicant's Representative: Tony Remenih

Agency Planner: Kathy Canfield, Associate Planner

Location: 8325 North Lake Boulevard, Kings Beach, Placer County

Assessor's Parcel Numbers: APN 90-075-21, 22 & 23

Staff Recommendation: Staff recommends approval of the subject project. The required actions and recommended conditions are outlined in Section F of this staff summary.

Project Description: The applicant is proposing to remove three existing commercial buildings on the site with 1,200 square feet of existing commercial floor area and construct a new two-story commercial building with associated parking and walkways. The applicant has received a recommendation from Placer County for an allocation of 1,087 square feet of additional commercial floor area. With the allocation, the proposed commercial building will have approximately 2,287 square feet of commercial floor area. The applicant proposes retail/general merchandise businesses on the lower floor and a professional office on the second floor. A previous CTRPA permit for the site acknowledged 4,800 square feet of existing land coverage. The applicant will be required to remain within the approved land coverage limit. Best Management Practices and landscaping will be added to the site.

Site Description: The project site is located between Deer and Bear Streets, directly across Highway 28 from the North Tahoe Conference Center in Kings Beach. The project site is relatively flat with some vegetation along the north property line adjacent to Trout Street. The project area currently has three existing one-story commercial buildings and associated parking on the site, which will be removed as a result of the project. Surrounding land uses include commercial buildings to the east and west, the North Tahoe Conference Center and commercial buildings to the south, and multi-family residences to the north.

Issues:

The proposed project involves an allocation of commercial floor area and therefore requires Governing Board review in accordance with Chapter 4,

Appendix A, of the TRPA Code of Ordinances. The primary project related issues are:

1. Commercial Floor Area:

This project proposes an additional 1,087 square feet of commercial floor area to a site with 1,200 square feet of existing commercial floor area. Placer County has recommended that the Governing Board grant the necessary amount of commercial floor area allocation proposed in the application.

2. Traffic/Air Quality:

- * Vehicle Trip Generation: The proposed commercial addition will result in 44 new daily vehicle trip ends (dvte) which is defined by the TRPA Code of Ordinances as an insignificant increase.
- * Ingress/Egress: The existing access to the site is from both Highway 28 and Trout Street. The applicant is proposing to eliminate vehicle access from Highway 28 and provide a 25 foot wide driveway from Trout Street to access the parking area.
- * Air Quality: The proposed project will result in an insignificant increase of 44 new dvte. The project is exempt from the requirement to provide a traffic analysis per Subsection 93.3.C of the Code. The applicant will be required to offset the additional air quality impacts of the project by paying an air quality mitigation fee.
- * Parking: The interim TRPA parking standards provide that the local jurisdiction parking standards apply to the project. This project will provide 8 parking spaces including one handicap space. This meets Placer County parking standards.

3. Scenic:

This project is located along Scenic Roadway Unit 20 (Tahoe Vista) which is targeted for restoration as required by the scenic threshold. The visual problems identified in the Kings Beach portion of the Scenic Roadway are building setbacks, landscaping, parking, signage and architectural quality. The proposed project addresses these problems by providing onsite parking, landscaping to buffer the parking area and building from the highway and a building setback of approximately 19 feet from the edge of the existing roadway. The proposed building will be located further back from the roadway than the adjacent buildings to the east and west of the

project area. This will create some variety to the streetscape rather than a linear line of building frontage. All signage will conform to Chapter 26 of the TRPA Code of Ordinances.

Staff Analysis:

- A. Environmental Documentation: The applicant has completed an Initial Environmental Checklist (IEC) in order to assess the potential environmental impacts of the project. No significant environmental impacts were identified and staff has concluded that the project will not have a significant effect on the environment. A copy of the completed IEC will be made available at the Governing Board hearing and at TRPA.
- B. Plan Area Statement: The project is located within Plan Area 029, Kings Beach Commercial. The Land Use Classification is Commercial/Public Service and the Management Strategy is Redirection. Agency staff has reviewed the subject plan area and has determined that the project is consistent with the applicable planning statement, planning considerations and special policies. The proposed activities (retail/general merchandise and professional offices) are allowed uses.
- C. Land Coverage:
1. Land Capability District:

The verified land capability district for the project area is class 5.
 2. Allowed Coverage:

9,399 square feet (project area) x 25% = 2,350 square feet

As a condition of project approval, the applicant will be required to provide a site survey verifying the square footage of the project area. The above project area figure does not include the 5 foot by 150 foot Trout Street roadway easement dedication required by Placer County.
 3. Existing Land Coverage:

A previous CTRPA project file indicates the existing land coverage to be 4,800 square feet.

4. Proposed Land Coverage:

The proposed land coverage for the project area shall not exceed the previously approved 4,800 square feet.

5. Coverage Mitigation:

Based upon the above figures, the project area contains existing excess coverage. In order to mitigate the existing excess coverage, the applicant shall be required to either pay a mitigation fee, or reduce existing land coverage pursuant to Subsection 20.5 of the TRPA Code of Ordinances.

D. Building Height:

Based upon a building cross slope of 2% and a proposed roof pitch of 6:12, the maximum building height for the project is 31 feet, 8 inches. The applicant has proposed a building height of 24 feet which meets the height requirements.

E. Required Findings: The following is a list of the required findings as set forth in Chapters 6 and 20 of the TRPA Code of Ordinances. Following each finding, Agency staff has briefly summarized the evidence on which the finding can be made.

1. 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.

- a. Land Use: The applicant will be required to mitigate existing excess land coverage and apply Best Management Practices (BMPs) to the project area. Retail/general merchandise and professional offices are allowed uses for the plan area.
- b. Transportation: This project will result in an increase of 44 additional dvte which is defined by the TRPA Code of Ordinances as an insignificant increase. The applicant shall be required to mitigate all additional dvte. The applicant is proposing to remove the existing driveway entrance from Highway 28.
- c. Conservation: This project is located within Scenic Roadway Unit 20 which is targeted for restoration. The applicant is providing improvements to the site which the TRPA Scenic Quality Improvement Program has indicated are

needed for this area. There are no known special interest species or sensitive or uncommon plants within the project area.

- d. Recreation: This project does not involve any recreation facilities or uses.
- e. Public Service and Facilities: This project does not require any additions to public services or facilities.
- f. Implementation: Pursuant to Subsection 33.3.C of the TRPA Code of Ordinances, Placer County has recommended that an allocation of 1,087 square feet of commercial floor area be issued to the project.

2. The project will not cause the environmental threshold carrying capacities to be exceeded.

The basis for this finding is provided on the checklist entitled "Project Review Conformance Checklist and Article V(g) Findings" in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Governing Board hearing and at TRPA.

3. 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.

(Refer to paragraph 2, above.)

4. The relocation of land coverage is to an equal or superior portion of the parcel or project area based upon the factors outlined in Subsection 20.5.C(1) of the TRPA Code of Ordinances.

The relocation of land coverage is within land capability class 5. The parcel is relatively flat with areas of existing disturbance where land coverage will be relocated.

5. The area from which the land coverage was removed for relocation is restored in accordance with Subsection 20.4.C.

The applicant has submitted a landscape/revegetation plan for the project area. All disturbed areas and areas impacted by construction are to be restored.

6. The relocation of land coverage is not to Land Capability Districts 1a, 1b, 1c, 2, or 3, from any higher numbered land capability district.

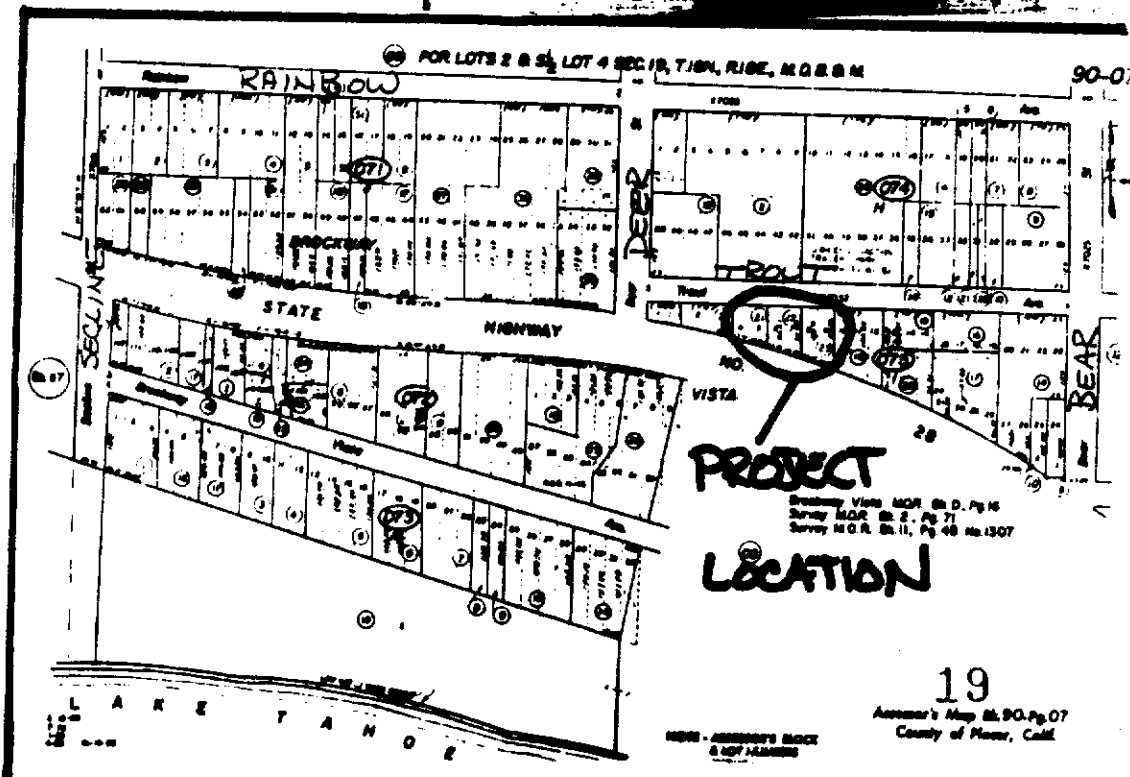
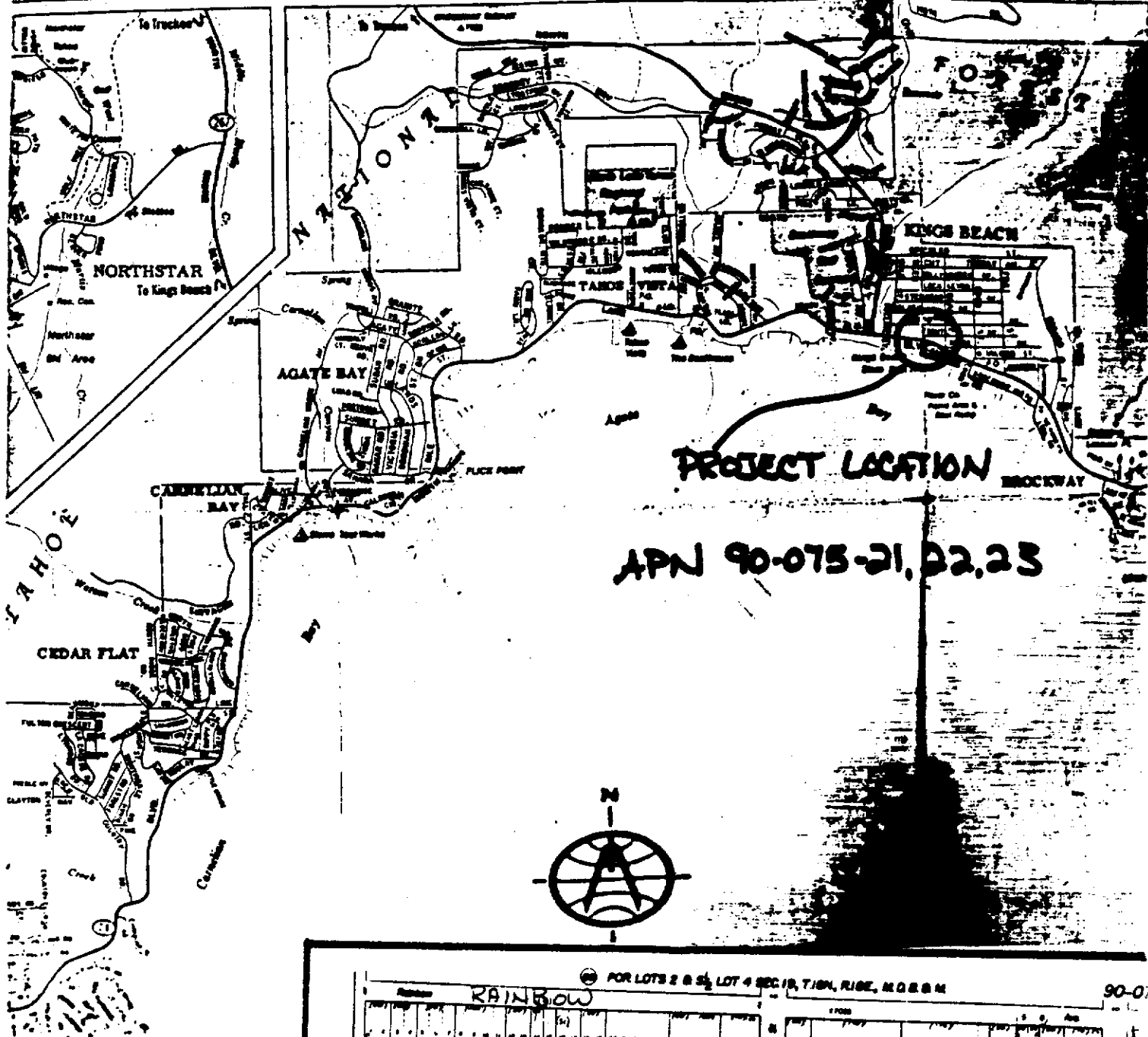
The entire project area has been verified by TRPA as land capability district 5. All relocated land coverage will be within land capability district 5.

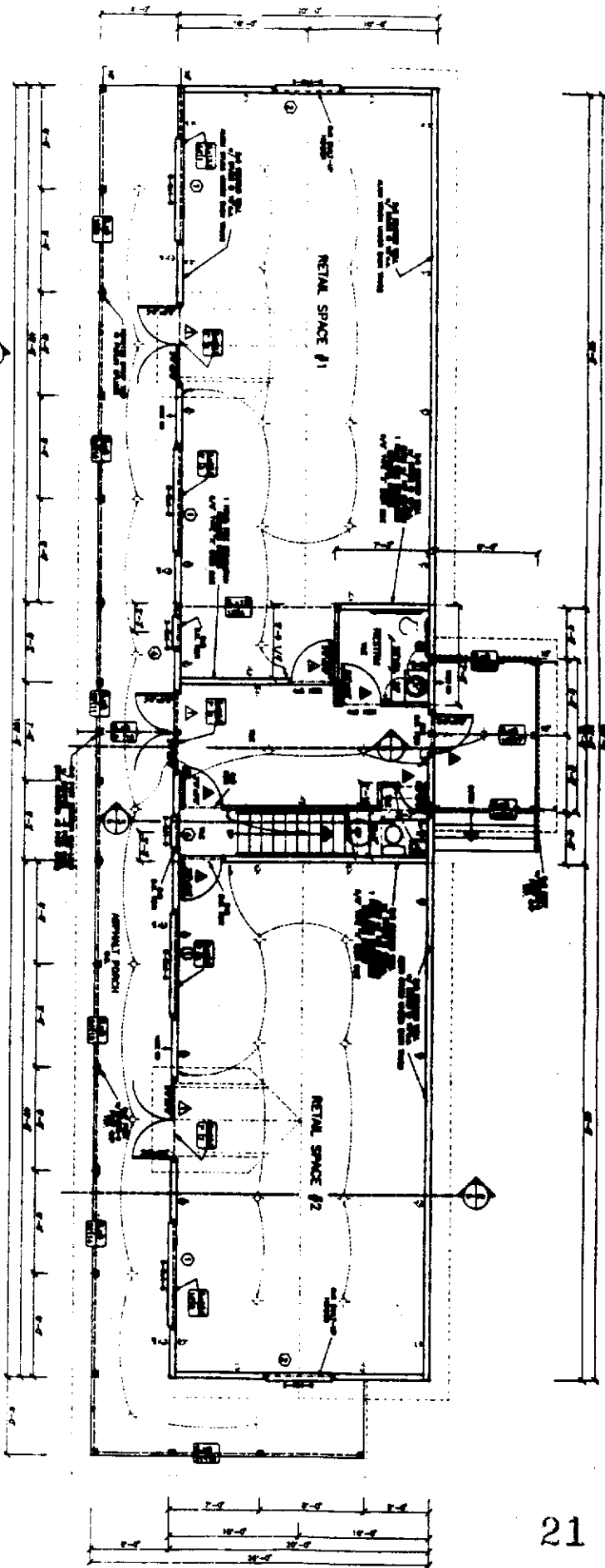
- F. Required Actions: Agency staff recommends that the Governing Board approve the project by making the following motions based on this staff summary and the evidence contained in the record.
- I. A motion based on this staff summary, for the findings contained in Section E above, and a finding of no significant environmental impact.
- II. A motion to approve the project, based on the staff summary, subject to the following conditions:
- (A) The Standard Conditions of Approval listed in Attachment Q, where applicable.
- (B) Prior to TRPA acknowledgement of the permit, the following special conditions of approval must be satisfied:
1. The site plan shall be revised to include:
- (a) The following revised land coverage calculations:
- i. Lot area shall be revised to exclude the proposed Trout Street easement. The applicant shall provide a survey of the site which provides accurate project area calculations.
- ii. Allowable land coverage shall be revised to reflect the accurate project area.
- iii. Existing land coverage shall be revised to reflect the CTRPA approved 4,800 square feet.
- iv. Proposed land coverage shall be revised so as not to exceed 4,800 square feet.

- (b) All utilities shall be underground upon project completion. Existing overhead utilities shall be removed within the project area.
 - (c) Ingress/egress arrows to be painted on the driveway.
 - (d) Vegetation protection fencing shall be revised to include more area of existing vegetation.
 - (e) Parking barriers to restrict parking to approved surfaces only.
 - (f) Plans for all proposed exterior lighting. All exterior lighting shall conform to Subsection 30.8 of the TRPA Code of Ordinances (copy enclosed with permit).
 - (g) Location of relocated trash facilities.
 - (h) A landscaped perimeter around the proposed parking area.
2. The permittee shall pay an air quality mitigation fee of \$880 based on 44 additional daily vehicle trip ends to offset the regional and cumulative air quality impacts of the project.
 3. The security required under Standard Condition 2 of Attachment Q shall be determined upon the permittee's submittal of required Best Management Practices plan and related cost estimate. Please see Attachment J, Security Procedures.
 4. The permittee shall mitigate excess land coverage on the within the project area by submitting an excess coverage mitigation fee, or by removing coverage within Hydrologic Transfer Area Number 9 in accordance with Subsection 20.5 of the TRPA Code of Ordinances.
 5. The permittee shall provide engineered calculations demonstrating that the proposed Best Management Practices shall provide infiltration for a 20 year/1 hour storm. Details of the proposed infiltration devices, including a grease/oil separator for the parking lot, shall be included on the plans.

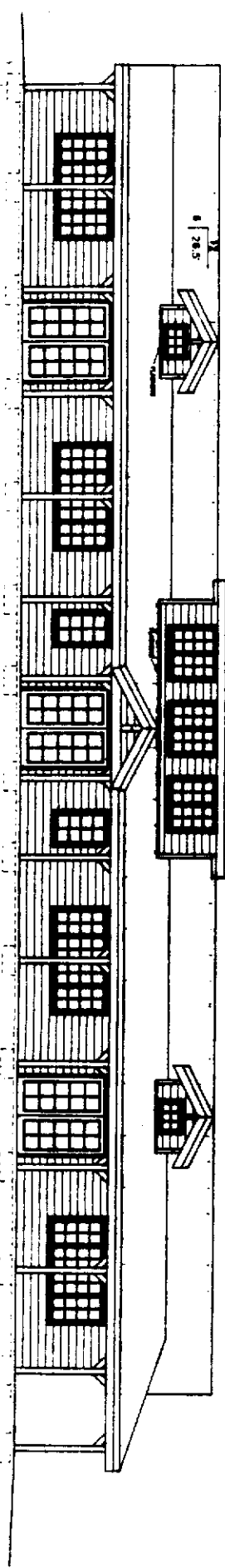
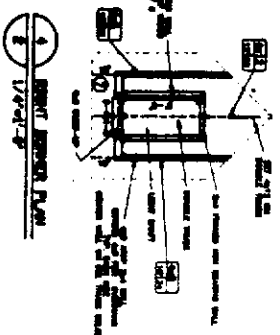
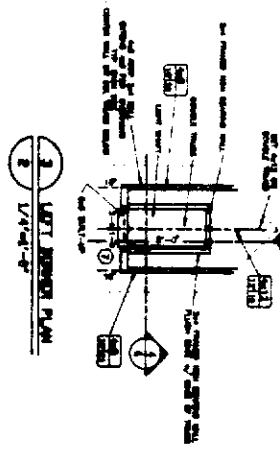
6. The permittee shall provide plans for the proposed storm drain relocation. The plans shall include but not be limited to: proposed location, amount of excavation, water treatment devices, easements, removal methods of existing drain, details of proposed drain and a construction schedule detailing the time of year construction shall take place.
7. The permittee shall provide details and cross-sections of the proposed new curb.
8. The permittee shall consolidate lots 4, 5, 6, 7, 8 and 9, Block I, Brockway Vista, into one legal lot of record pursuant to applicable county subdivision ordinances and state subdivision laws, or the permittee shall record a deed restriction permanently consolidating the affected parcels. The permittee shall provide TRPA with the new Assessor's Parcel Number for the consolidated parcel.
9. The applicant shall submit samples for TRPA review and approval and the final construction drawings shall have notes indicating conformance to the following design standards for color and roofs:
 - (a) Color: The color of this structure, including any fences on the property, shall be compatible with the surroundings. Subdued colors in the earthtone and woodtone ranges shall be used for the primary color of the structure. Hues shall be within the range of natural colors that blend, rather than contrast, with the existing vegetation and earth hues. Earthtone colors are considered to be shades of reddish brown, brown, tan, ochre, umber and sand.
 - (b) Roofs: Roofs shall be composed of nonglare earthtone or woodtone materials that minimize reflectivity.
10. The permittee shall provide evidence that all basic service requirements for minimum fire flow will be met or exceeded in accordance with Section 27.3.B, Table 27-1 of the TRPA Code of Ordinances (copy enclosed with permit).

11. The permittee shall demonstrate that all proposed signage shall be in conformance with Chapter 26 of the TRPA Code of Ordinances (copy enclosed with permit).
 12. The permittee shall submit 3 sets of final construction drawings and site plans to TRPA.
- (C) This approval does not authorize any outdoor sales or displays of merchandise.





1 MAIN FLOOR PLAN
2 1/4"=1'-0"



2 FRONT ELEVATION
2 1/4"=1'-0"

CEDARSIDE 2401

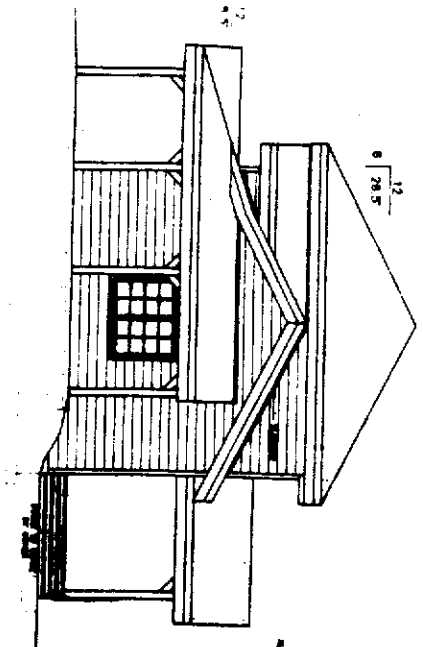
IHC INTERNATIONAL HOMES OF CEDAR, INC.

FOR BETTY & JUDY LAYTON

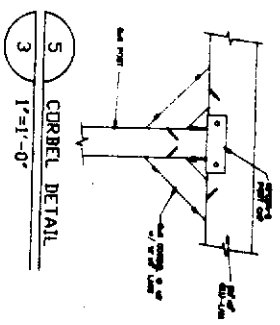
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 DEALER REMENIH _____
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 APPROVED _____

REVISIONS	DATE
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1-16-81	
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3-11-81	

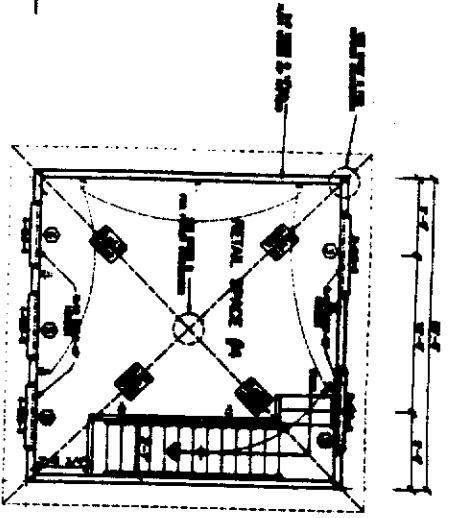
The drawing is the property of INTERNATIONAL HOMES OF CEDAR, INC. Unpermitted Use Prohibited



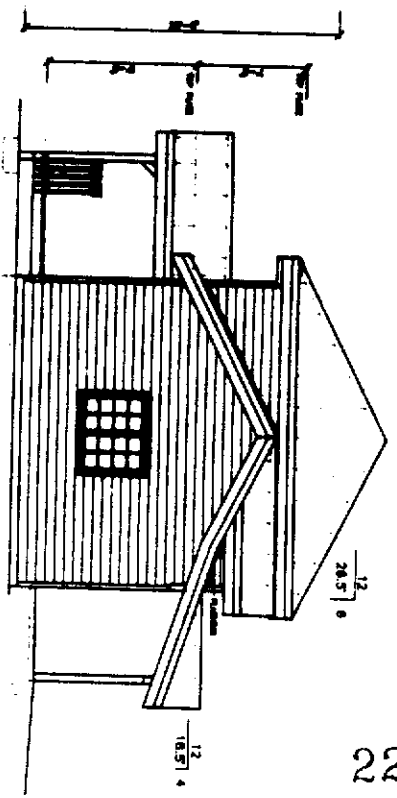
2 RIGHT ELEVATION
3 1/4"=1'-0"



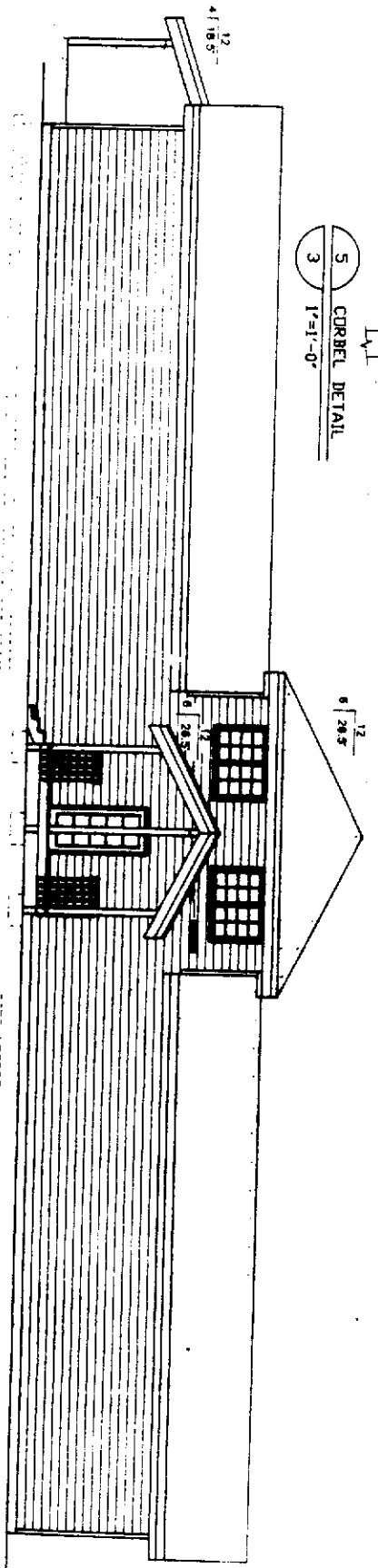
5 CORBEL DETAIL
3 1'-1'-0"



1 SECOND FLOOR PLAN
3 1/4"=1'-0" 3rd SMT.



3 LEFT ELEVATION
3 1/4"=1'-0"



4 REAR ELEVATION
3 1/4"=1'-0"

CEARSIDE 240F

TAHOE REGIONAL PLANNING AGENCY

308 Dorla Court
Elks Point, Nevada

P.O. Box 1038
Zephyr Cove, Nevada 89448-1038

(702) 588-4547
Fax (702) 588-4527

MEMORANDUM

May 17, 1993

To: TRPA Governing Board
From: TRPA Staff
Subject: Release of TRPA Shorezone Mitigation Funds

Requested Action: Staff requests release of \$90,000 from the Shorezone Mitigation fund for the purpose of preparing an Environmental Impact Statement (EIS) for the reconsideration of the location standards for new piers, mooring buoys, boat ramps, floating docks and platforms in the shorezone. The funds are to be used for the following: 1) hiring of mentors to guide staff in the research, writing and review of the document; 2) prepare written scenic analysis and associated visual simulations; 3) boat rental for shoreline inventory; 4) document reproduction and circulation of the draft and final draft documents; 5) and hiring an intern to help gather and analyze field data.

Background: Currently, the TRPA Code of Ordinances prohibits the placement of piers, boat ramps, mooring buoys, and floating docks and platforms within 200 feet of stream inlets of the creeks and rivers listed in Subsection 54.4.A(2) (24 stream inlets currently listed). The Code also prohibits the placement of these structures in areas identified as "Feeding And/Or Escape Cover Habitat", "Spawning Habitat" or "Areas Targeted For Habitat Restoration" on TRPA's adopted Prime Fish Habitat Map.

The Code states that TRPA shall reconsider these location standards once a study assessing the impacts resulting from the construction and use of structures on fish habitat and spawning areas in Lake Tahoe and the mouths of its tributaries has been completed. The final draft of this study, "Lake Tahoe Fish Community Structure Investigations Phase III Report", was submitted in late 1991. This final draft was accepted by all agencies involved in the joint sponsorship of the document (TRPA, California Department of Fish and Game and Nevada Department of Wildlife) in the summer of 1992.

In order to reconsider TRPA's location standards and disclose all potential environmental impacts of such a Code amendment, an Environmental Impact Statement which includes a cumulative impact analysis is required. Because of the compressed time schedule and budget constraints, the majority of this document will be prepared by TRPA staff. To assure the technical accuracy of the document, staff is proposing to use technical experts or mentors, an approach that was used for the "91 Evaluation" with a high level of success.

CS/
5/17/93

CONSENT CALENDAR ITEM 3

23

Staff proposes to fund the preparation of this document with Shorezone Mitigation Funds. Section 56.5 of the TRPA Code of Ordinances states: "Mitigation fees collected pursuant to this chapter shall be used to fund studies assessing existing or potential impacts created by shorezone structures, or methods for achieving restoration within the shorezone, or to fund habitat restoration projects." As of February, 1993 there was a total of \$119,569.56 in the Shorezone Mitigation account.

Discussion: Preparation of the document will take place almost entirely by TRPA staff with assistance from mentors or technical experts in specific subject areas. Staff anticipates contracting for outside expert technical assistance in each of the following categories:

1. Fisheries, Wildlife, and Vegetation
2. Air Quality, Transportation, and Noise
3. Water Quality
4. Soil Conservation (backshore stability, littoral drift)
5. Scenic and Recreation

Mentors: TRPA has solicited and received Statements of Qualifications from six firms having the technical expertise to provide assistance in one or more of the listed categories above. Included in the Statements of Qualification were current hourly rates for various members of these firms. With this information staff is able to estimate that each mentor's cost through this process will not exceed \$10,000. The total approximate cost for the mentors is not expected to be more than \$50,000. In addition, TRPA will contract for the production of specific photo-simulations of the shorezone for the cumulative analysis. Staff estimates the cost of these simulations will be approximately \$20,000.

Intern: Due to time and staffing constraints, staff recommends hiring one intern to assist in gathering field data and possibly some assimilation of this data into the environmental document. A stipend of \$1000 per month for June, July, and August, for a total not to exceed \$3000, is recommended.

Printing Costs: Document reproduction and circulation costs for both draft and final documents is estimated to be approximately \$11,250.

Lake Access: In order to survey and inventory the entire shoreline of Lake Tahoe, TRPA will need approximately \$5000 for boat rental fees to complete the necessary fieldwork.

Summary of Costs

Mentors	\$70,000
Intern	\$3,000
Printing Costs	\$11,250
Lake Access	\$5,000
<u>Misc.</u>	<u>\$750</u>
Total	\$90,000

Project Management: Coleen Shade will be the TRPA staff member responsible for the management of the document preparation which includes the management of the various contracts. The projected schedule is to have a draft EIS ready for circulation by the end of October, 1993 with a final EIS and response to comments ready for Governing Board certification in February, 1994. Coleen Shade will make bi-monthly progress reports to the Board commencing in July.

Proposed Tentative Schedule

- * June 1 Field work begins, Intern starts
- * June 15 Mentors under contract
- * July 15 The first three sections of the EIS written
- * July 28 First progress report submitted to Governing Board
- * Aug. 1 Completion of shoreline inventory
- * Aug. 31 EIS written with the exception of the cumulative analysis and summary
- * Oct. 27 Draft EIS submitted to Governing Board (Beginning of 60 day circulation period)
- * Nov. 10 Draft EIS submitted to Advisory Planning Commission (APC)
- * Feb. 9 Final EIS and response to comments submitted to APC along with appropriate code amendments
- * Feb. 23 Final EIS and response to comments submitted to Governing Board for certification along with appropriate code amendments

If you have any questions regarding this matter, please contact Coleen Shade, at 588-4547.

TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: South Upper Truckee Standby Generator

Application Type: Public Service Facility Addition, Special Use Determination

Applicant: South Tahoe Public Utility District (STPUD)

Applicant's Representative: John Thiel, STPUD

Agency Planner: Kathy Canfield, Associate Planner

Location: The northwest corner of South Upper Truckee Road and Egret Way,
El Dorado County

Assessor's Parcel Number: APN 36-581-01

Staff Recommendation: Staff recommends the Governing Board make the special use findings as outlined in Section C of this staff summary.

Project Description: The applicant is proposing to install a diesel powered generator at the existing South Upper Truckee well site. The existing backup power supply does not meet the needs of a recently upgraded well due to new pump orientation. The applicant proposes to install the generator within a new 130 square foot building addition to the existing 220 square foot well building.

Site Description: The site has two existing well buildings and a ten foot wide paved driveway that extends from South Upper Truckee Road to Egret Way. The remaining portion of the site is relatively flat and well vegetated. The surrounding land uses include single family residences to the north and south and vacant forested land to the east and west.

Issues: The proposed project involves the expansion of a special use and therefore requires Governing Board review in accordance with Chapter 4, Appendix A, of the TRPA Code of Ordinances.

Staff Analysis:

- A. Environmental Documentation: The applicant has completed an Initial Environmental Checklist (IEC) in order to assess the potential environmental impacts of the project. No significant environmental impacts were identified and staff has concluded that the project will not have a significant effect on the environment. A copy of the completed IEC will be made available at the Governing Board hearing and at TRPA.

B. Plan Area Statement: This project is located within Plan Area 137, Christmas Valley. The Land Use Classification is Residential and the Management Strategy is Mitigation. Agency staff has reviewed the subject plan area and has determined that the project is consistent with the applicable planning statement, planning considerations and special policies. The proposed activity is a special use.

C. Required Findings: The following is a list of the required findings as set forth in Chapter 18 TRPA Code of Ordinances. Following each finding, Agency staff has briefly summarized the evidence on which the finding can be made.

1. 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 proposed backup generator will be an accessory use to the existing well. The generator will be housed in a 130 square foot, 17 foot high addition to the existing well building. The well and generator service the surrounding neighborhood.

2. 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.

The proposed backup generator will provide emergency power to the existing well that serves the surrounding neighborhood. Both temporary and permanent Best Management Practices (BMPs) will be installed within the project area.

3. The project, to which the use pertains, will not change the character of the neighborhood, detrimentally affect or alter the purpose of the applicable planning area statement, community plan and specific or master plan, as the case may be.

The proposed backup generator will be an accessory use to the existing well on the property. Surrounding land uses include single family residences to the north and south, and vacant forested parcels to the east and west. This project is not located within a community, specific, or master plan area.

- D. Required Actions: Agency staff recommends that the Governing Board make the following motions based on this staff summary and the evidence contained in the record:
- I. A motion based on this staff summary, for approval of the findings contained in Section C above, and a finding of no significant environmental effect.
 - II. A motion to direct staff to complete review of this project, and if appropriate, approve the project with necessary conditions of approval.

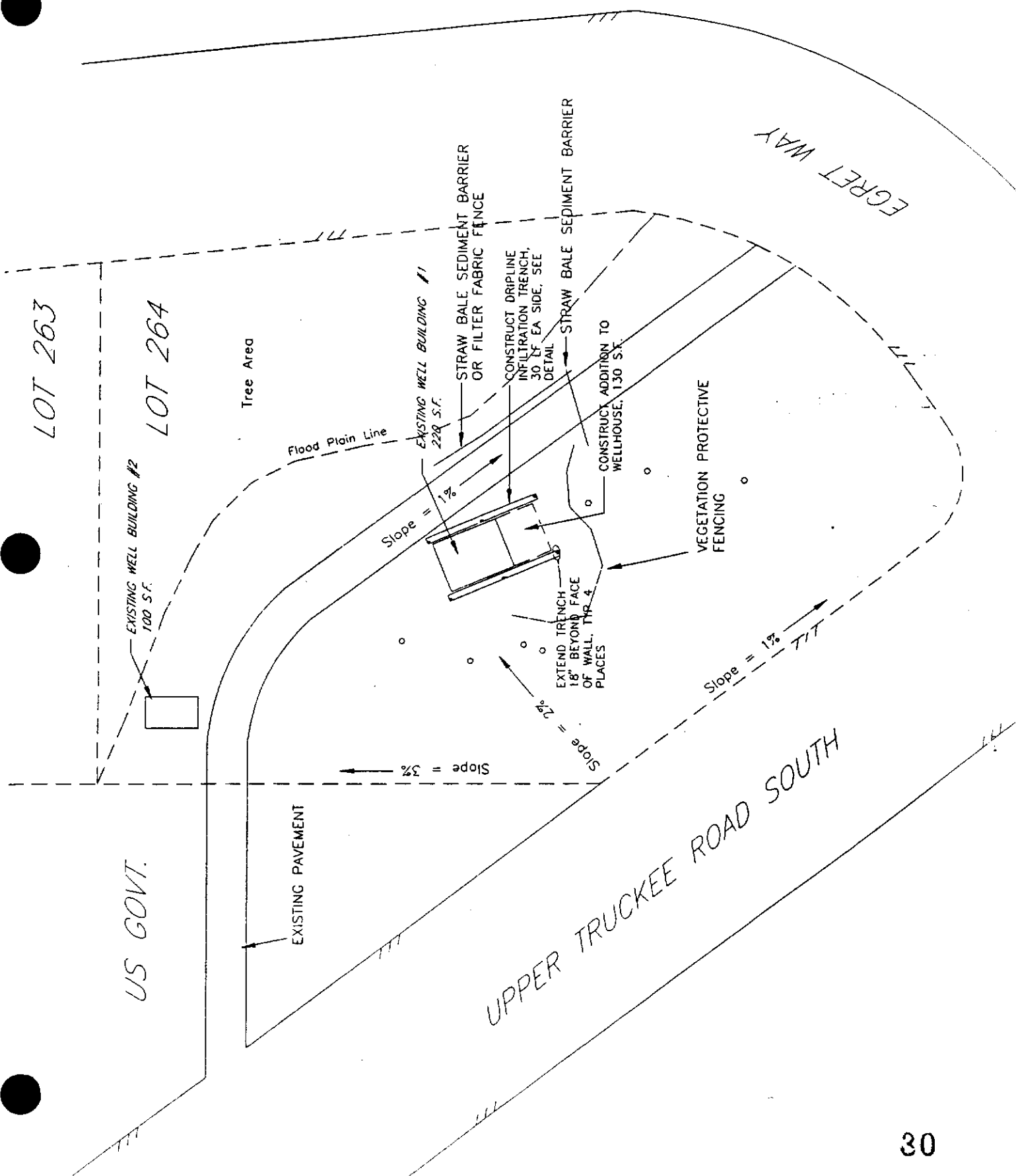


PROJECT LOCATION
APN 30-581-01



29

63



TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: Boland New Commercial and Residential Building

Application Type: Mixed Use, New Commercial and Residential Building

Applicant: John and Lanita Boland

Applicant's Representative: Dave Shelton, Shelton and Associates

Agency Planner: Kathy Canfield, Associate Planner

Location: 8445 Brook Avenue, Kings Beach, Placer County

Assessor's Parcel Number: APN 90-122-19

Staff Recommendation: Staff recommends approval of the subject project. The required actions and recommended conditions are outlined in Section F of this staff summary.

Project Description: The applicant proposes to construct a new mixed use building. The building will contain a commercial business for approximately 624 square feet of the ground floor with a single family residence occupying the remaining portion of the ground floor and all of the second floor. A garage for the single family residence is also proposed.

At the time of this review, the applicant does not have a tenant for the commercial space. A TRPA Change in Operation form will be required to be submitted prior to the commercial space being occupied. Submittal of a TRPA sign application will also be required prior to any signage being added to the site. If the proposed commercial use is defined as a special use for the plan area, or if the proposed commercial use daily vehicle trip ends (dvte) and the residential dvte exceed 200 dvte, Governing Board review of the proposed commercial use will be required.

Site Description: The site has been used as an unpaved parking area. The project area is relatively flat with very little vegetation growing on the site. Surrounding land uses include apartments to the north and east, a bank to the west and commercial business and associated parking to the south.

Issues: The proposed project involves an allocation of commercial floor area and a special use determination and, therefore, requires Governing Board review in accordance with Chapter 4, Appendix A of the TRPA Code of Ordinances. The primary project related issues are:

1. Commercial Floor Area:

This project proposes the addition of 654 square feet of commercial floor area. Placer County has recommended that the Governing Board

grant the necessary amount of commercial floor area allocation proposed in the application.

2. Residential Allocation:

The applicant has received a 1992 residential allocation from Placer County to construct a residential unit on the parcel.

3. Traffic/Air Quality:

- * Vehicle Trip Generation: The proposed single family dwelling will generate 10 additional daily vehicle trip ends (dvte). The dvte for the commercial use will be based upon the type of commercial use that will occupy the area. All additional dvte will be required to be mitigated. The applicant will be required to submit a TRPA Change in Operation form prior to any commercial use commencing within the project area. The proposed 10 additional dvte is defined by the TRPA Code of Ordinances as an insignificant increase.
- * Ingress/Egress: The existing unpaved parking on the site has no defined access. The applicant is proposing a 25 foot wide driveway which is consistent with the requirements of Subsection 24.2.E(3) of the TRPA Code of Ordinances.
- * Air Quality: At this time, the proposed project will result in an insignificant increase of 10 additional dvte. Any additional dvte associated with the commercial space will be evaluated upon the submittal of the required TRPA Change in Operation application. The applicant will be required to mitigate all additional dvte associated with the project.
- * Parking: The interim TRPA parking standards provide that the local jurisdiction parking standards apply to the project. The project will provide 12 parking spaces, two of which are located within the residential garage. The applicant will be required to provide evidence that the proposed parking meets Placer County standards.

4. Scenic Quality:

This project is located within Scenic Roadway Unit 20 (Tahoe Vista) which is targeted for restoration as required by the scenic threshold. Although not located along Highway 28, the project site is visible from the roadway. The visual problems identified in the Kings Beach portion of the scenic roadway unit are building setbacks, landscaping, parking, signage and architectural quality. The proposed building will have a setback of 20 feet from the front

property line. All parking is onsite and landscaping will be added to the entire site, including the perimeter of the parking areas. The color of the building and roof shall conform to the design standards of earthtone colors and materials. The applicant will be required to submit an exterior lighting plan for the building and parking lot. All proposed signage shall conform to Chapter 26 of the TRPA Code of Ordinances.

Staff Analysis:

- A. Environmental Documentation: The applicant has completed an Initial Environmental Checklist (IEC) in order to assess the potential environmental impacts of the project. No significant environmental impacts were identified and staff has concluded that the project will not have a significant effect on the environment. A copy of the completed IEC will be made available at the Governing Board hearing and at TRPA.
- B. Plan Area Statement: The project is located within Plan Area 029, Kings Beach Commercial. The Land Use Classification is Commercial/Public Service and the Management Strategy is Redirection. Agency staff has reviewed the subject plan area and has determined that the project is consistent with the applicable planning statement, planning considerations and special policies. The proposed single family dwelling is a special use.
- C. Land Coverage:
1. Land Capability District:

The land capability district for the project area is class 5 which allows for 25% land coverage.
 2. Allowed Coverage:

12,500 square feet (project area) x 25% = 3,125 square feet.
 3. Existing Coverage:

Compacted Dirt Parking Area: 11,000 square feet
 4. Proposed Coverage:

Buildings: 2,683 square feet
Paving: 5,116 square feet
Decks (with height reduction): 48 square feet
Walks: 402 square feet

5. Coverage Mitigation:

Based on the above figures, the project area has approximately 7,875 square feet of excess coverage. In order to mitigate the existing excess coverage, the applicant shall be required to either pay a mitigation fee, or reduce existing land coverage pursuant to Subsection 20.5 of the TRPA Code of Ordinances. The proposed reduction of 2,751 square feet may be credited towards the excess coverage mitigation requirement.

D. Building Height: Based on a 0% cross slope and 8:12 roof pitch, the maximum allowable height for the proposed building is 33 feet, 7 inches. The proposed building height is 32 feet, 3 inches, which complies with Chapter 22 of the TRPA Code of Ordinances.

E. Required Findings: The following is a list of the required findings as set forth in Chapters 6, 18 and 22 of the TRPA Code of Ordinances. Following each finding, Agency staff has briefly summarized the evidence on which the finding can be made.

1. 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.

- a. Land Use: The applicant will be required to revegetate areas of removed land coverage and apply Best Management Practices (BMPs) to the project area. The single family dwelling is a special use for the plan area.
- b. Transportation: No significant impacts to transportation have been identified. This project will result in 10 additional dvte for the residential unit, which is defined by the TRPA Code of Ordinances as an insignificant increase. Any additional dvte proposed for the commercial use shall be reviewed by TRPA. All additional dvte shall be mitigated.
- c. Conservation: This project is located within Scenic Roadway Unit 20 which is targeted for restoration. The applicant is providing improvements to the site which the TRPA Scenic Quality Improvement Program has indicated are needed for this area. There are no known special interest species, sensitive or uncommon plants or cultural resources within the project area.
- d. Recreation: This project does not involve any recreation facilities or uses.

- e. Public Service and Facilities: This project does not require any additions to public services or facilities.
- f. Implementation: Pursuant to Subsection 33.3.C of the TRPA Code of Ordinances, Placer County has recommended that an allocation of 654 square feet of commercial floor area be issued to the project. The applicant has received a 1992 residential allocation from Placer County to construct a residence on the parcel.

2. The project will not cause the environmental threshold carrying capacities to be exceeded.

The basis for this finding is provided on the checklist entitled "Project Review Conformance Checklist and Article V(g) Findings" in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Governing Board hearing and at TRPA.

3. 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.

(Refer to paragraph 2, above.)

4. 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 a transition area from the commercial area bordering Highway 28 and the residential neighborhood to the north. The project proposes a mixed use of both commercial and residential uses within the project area.

5. 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.

The applicant shall be required to apply both temporary and permanent Best Management Practices to the project area and

revegetate disturbed areas. The mixed use of both residential and commercial uses on the property is consistent with other existing uses in the surrounding area.

6. The project, to which the use pertains, will not change the character of the neighborhood, detrimentally affect or alter the purpose of the applicable planning area statement, community plan and specific or master plan, as the case may be.

The proposed residential and commercial uses are consistent with the existing commercial uses to the south and west and the existing multi-family residential uses to the north and east. This project is not located within an approved community plan, or part of a specific or master plan area.

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

The project area will be visible from Highway 28, which is designated as a TRPA scenic corridor. Agency staff has conducted a site visit to the project area and has determined that the proposed height of the project will not block any views of a ridgeline or extend above the forest canopy.

8. The maximum 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 height at any corner of the proposed building will be 60% of the maximum building height. This meets the above requirement.

- F. Required Actions: Agency staff recommends that the Governing Board approve the project by making the following motions based on this staff summary and the evidence contained in the record.

- I. A motion based on this staff summary, for the findings contained in Section E above, and a finding of no significant environmental impact.

II. A motion to approve the project, based on the staff summary subject to the following conditions:

A. The Standard Conditions of Approval listed in Attachment Q and Attachment R where applicable.

B. Prior to TRPA acknowledgement of the permit, the following special conditions of approval must be satisfied:

1. The site plan shall be revised to include:

a. The following revised land coverage calculations:

i. Allowable land coverage:

12,500 s.f. x 25% = 3,125 s.f.

ii. Existing land coverage:

Compacted dirt parking area: 11,000 s.f.

iii. Proposed land coverage:

Buildings:	2,683 s.f.
Paving:	5,116 s.f.
Decks (with height reduction):	48 s.f.
Walks:	<u>402 s.f.</u>
Total:	8,249 s.f.

b. Parking barriers to restrict parking to approved parking surfaces only.

c. Any proposed exterior lighting. All lighting shall comply with Subsection 30.8 of the TRPA Code of Ordinances.

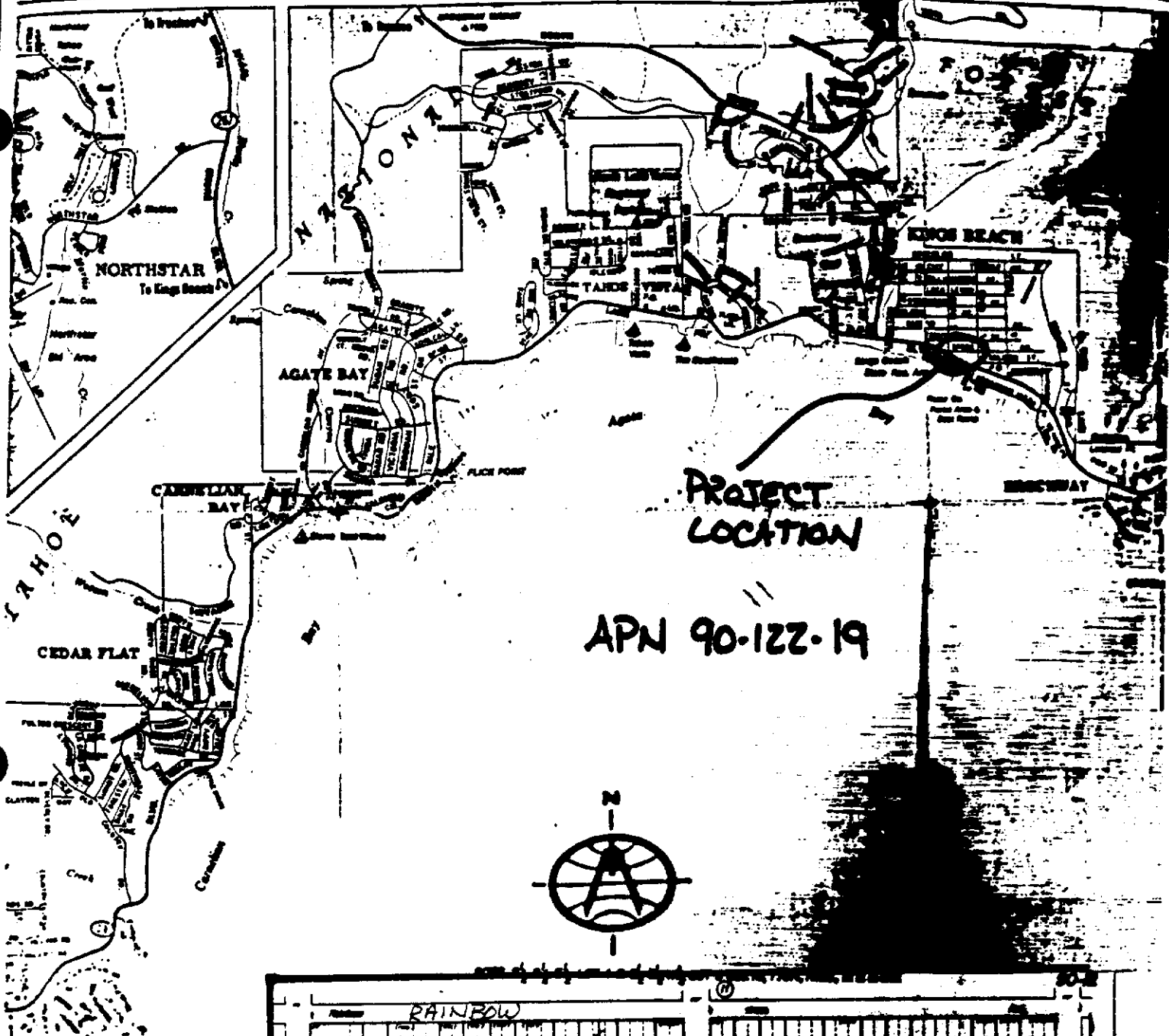
d. Any proposed fencing for the site.

e. A landscaped perimeter around the proposed parking area.

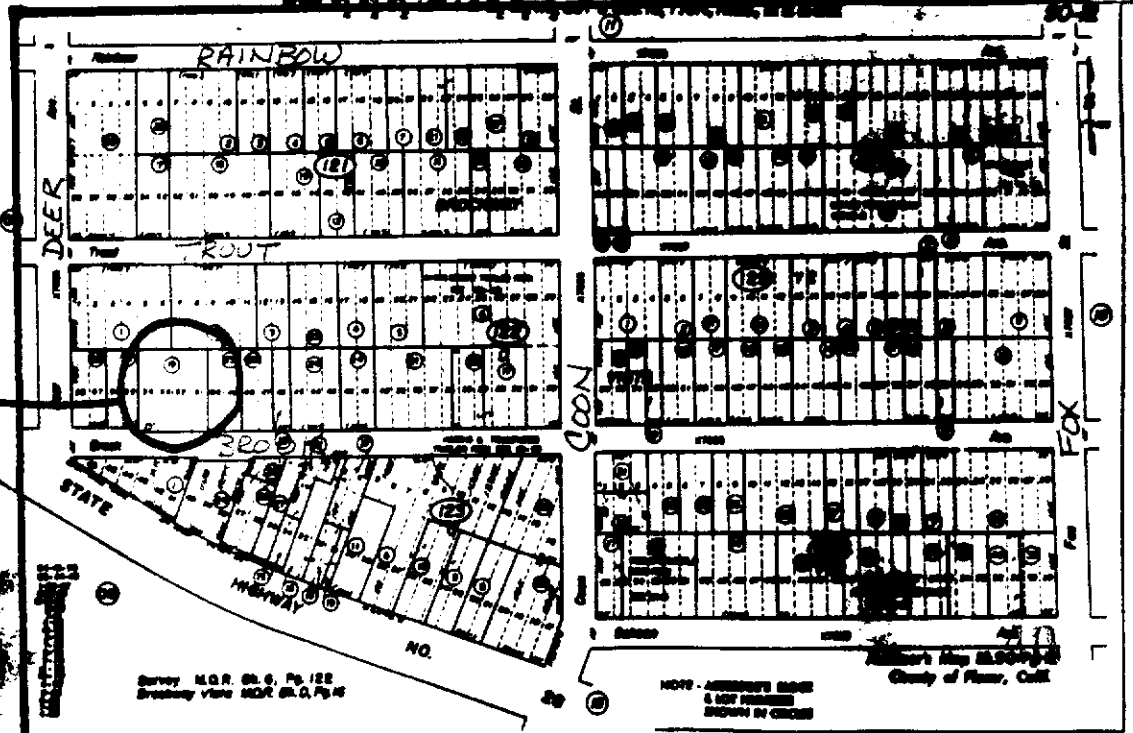
2. The permittee shall submit a \$2,000 air quality mitigation fee based on 10 additional daily vehicle trip ends (dvte) assessed at \$200 per each additional residential dvte.

3. The security required under Standard Condition 2 of Attachment Q shall be determined upon the permittee's submittal of required Best Management Practices plan and related cost estimate. Please see Attachment J, Security Procedures.
4. The permittee shall mitigate the approximately 7,785 square feet of excess land coverage on this property by submitting an excess coverage mitigation fee, or by removing coverage within Hydrologic Transfer Area Number 9. The proposed removal of existing coverage associated with the project may be credited towards the excess coverage mitigation.
5. The final construction drawings shall have notes indicating conformance to the following design standards for color, roofs, and fences:
 - (a) Color: The color of this structure, including any fences on the property, shall be compatible with the surroundings. Subdued colors in the earthtone and woodtone ranges shall be used for the primary color of the structure. Hues shall be within the range of natural colors that blend, rather than contrast, with the existing vegetation and earth hues. Earthtone colors are considered to be shades of reddish brown, brown, tan, ochre, umber and sand.
 - (b) Roofs: Roofs shall be composed of nonglare earthtone or woodtone materials that minimize reflectivity.
 - (c) Fences: Wooden fences shall be used whenever possible. If cyclone fence must be used, it shall be coated with brown or black vinyl, including fence poles.
6. The permittee shall consolidate lots 51, 52, 53 and 54, Block D, Brockway Vista, into one legal lot of record pursuant to applicable county subdivision ordinances and state subdivision laws, or, the permittee shall record a deed restriction permanently consolidating the affected parcels.
7. The permittee shall transfer one residential development right to the parcel pursuant to Chapter 21 of the TRPA Code of Ordinances (copy enclosed with permit). A separate application will be required to transfer the residential development right to the project area.

8. The permittee shall provide engineered calculations demonstrating that the proposed infiltration devices shall meet or exceed the water runoff level for a 20 year/1 hour storm. Devices to separate water and the grease/oil from the proposed parking lot infiltration device shall be included in the design.
 9. The permittee shall provide a landscape plan and fertilizer management plan for the entire project area in accordance with the standards required in Subsection 30.7 and 81.7 of the TRPA Code of Ordinances for TRPA review and approval.
 10. The permittee shall provide evidence that all basic service requirements for minimum fire flow will be met or exceeded in accordance with Section 27.3.B, Table 27-1 of the TRPA Code of Ordinances.
 11. The permittee shall submit 3 sets of final construction drawings and site plans to TRPA.
- C. This project is limited to 654 square feet of commercial floor area. The proposed vestibule, residence and garage shown on the site plan do not contain any commercial floor area.
- D. A Change in Operation form shall be required prior to any commercial occupancy of the commercial floor area. Upon submittal of application, TRPA shall assess the type of commercial use proposed and any additional daily vehicle trip ends associated with the commercial use. All additional daily vehicle trip ends shall be required to be mitigated.
- E. This permit does not address any signage. Any proposed signage shall require a separate TRPA permit.



PROJECT LOCATION



Survey M.G.R. 81.6, Pp. 122
 Boundary View M.G.R. 81.6, Pp. 122

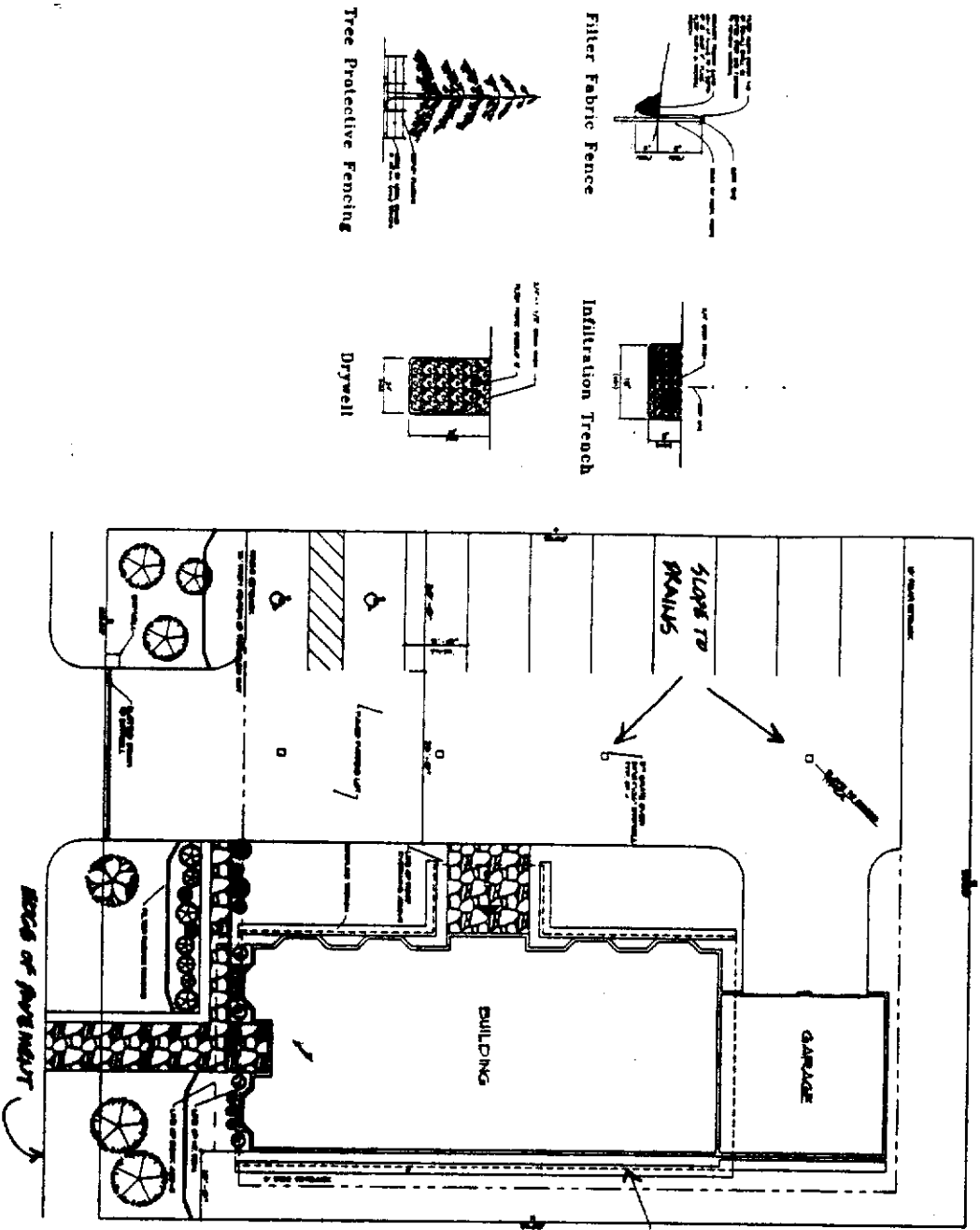
NOTE - ARREARERS' LIENS
 & LOT EASEMENTS
 SHOWN BY CIRCLES
 County of Fresno, Calif.

RECEIVED

DEC 31 1992

TANHOE REGIONAL
PLANNING AGENCY

NOTE: LOT IS FLAT. LESS THAN 2% SLOPE ACROSS SITE



BROOK AVENUE

PLOT PLAN

SCALE

SITE INFORMATION
OWNER: JOHN P. BOWEN
ADDRESS: 1415 BROOK AVENUE
COUNTY: PLACER
AP N: 94-12-18

T.R.P.A. ANALYSIS
I.P.E.S. SCORE: 822
I.P.E.S. % COVERAGE: 28%
IMPOSED CLASS: S
LOT AREA: 12,500 SF.
ALLOWABLE COVERAGE: 3,825 SF.

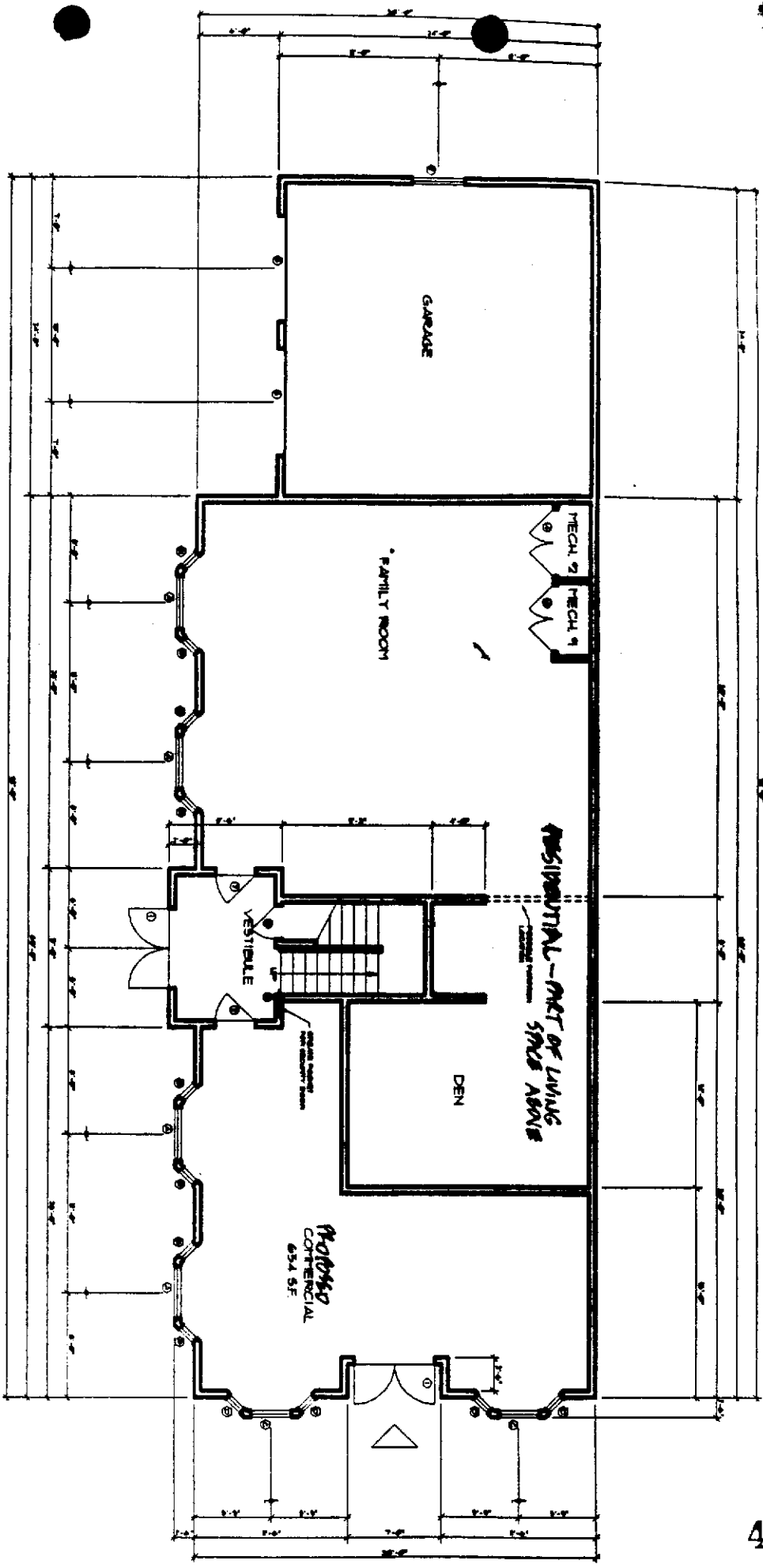
EXISTING COVERAGE

BUILDINGS	0 SF
PAVING LOT	12,500 SF
DRIVING	0 SF
WALKS	0 SF
OTHER	0 SF
TOTAL (sq. ft.)	12,500 SF.
OFF SITE	800 SF.

PROPOSED COVERAGE

BUILDINGS	2,028 SF.
DRIVING	5,171 SF.
WALKS (w/VEI. ROW)	248 SF.
OTHER	0 SF.
TOTAL (sq. ft.)	8,111 SF.
OFF SITE	287 SF.





Window Schedule

NO.	TYPE	LOCATION	REMARKS
1	6'-0" x 4'-0"	Living Room	See Note 1
2	6'-0" x 4'-0"	Living Room	See Note 1
3	6'-0" x 4'-0"	Living Room	See Note 1
4	6'-0" x 4'-0"	Living Room	See Note 1
5	6'-0" x 4'-0"	Living Room	See Note 1
6	6'-0" x 4'-0"	Living Room	See Note 1
7	6'-0" x 4'-0"	Living Room	See Note 1
8	6'-0" x 4'-0"	Living Room	See Note 1
9	6'-0" x 4'-0"	Living Room	See Note 1
10	6'-0" x 4'-0"	Living Room	See Note 1
11	6'-0" x 4'-0"	Living Room	See Note 1
12	6'-0" x 4'-0"	Living Room	See Note 1
13	6'-0" x 4'-0"	Living Room	See Note 1
14	6'-0" x 4'-0"	Living Room	See Note 1
15	6'-0" x 4'-0"	Living Room	See Note 1
16	6'-0" x 4'-0"	Living Room	See Note 1
17	6'-0" x 4'-0"	Living Room	See Note 1
18	6'-0" x 4'-0"	Living Room	See Note 1
19	6'-0" x 4'-0"	Living Room	See Note 1
20	6'-0" x 4'-0"	Living Room	See Note 1

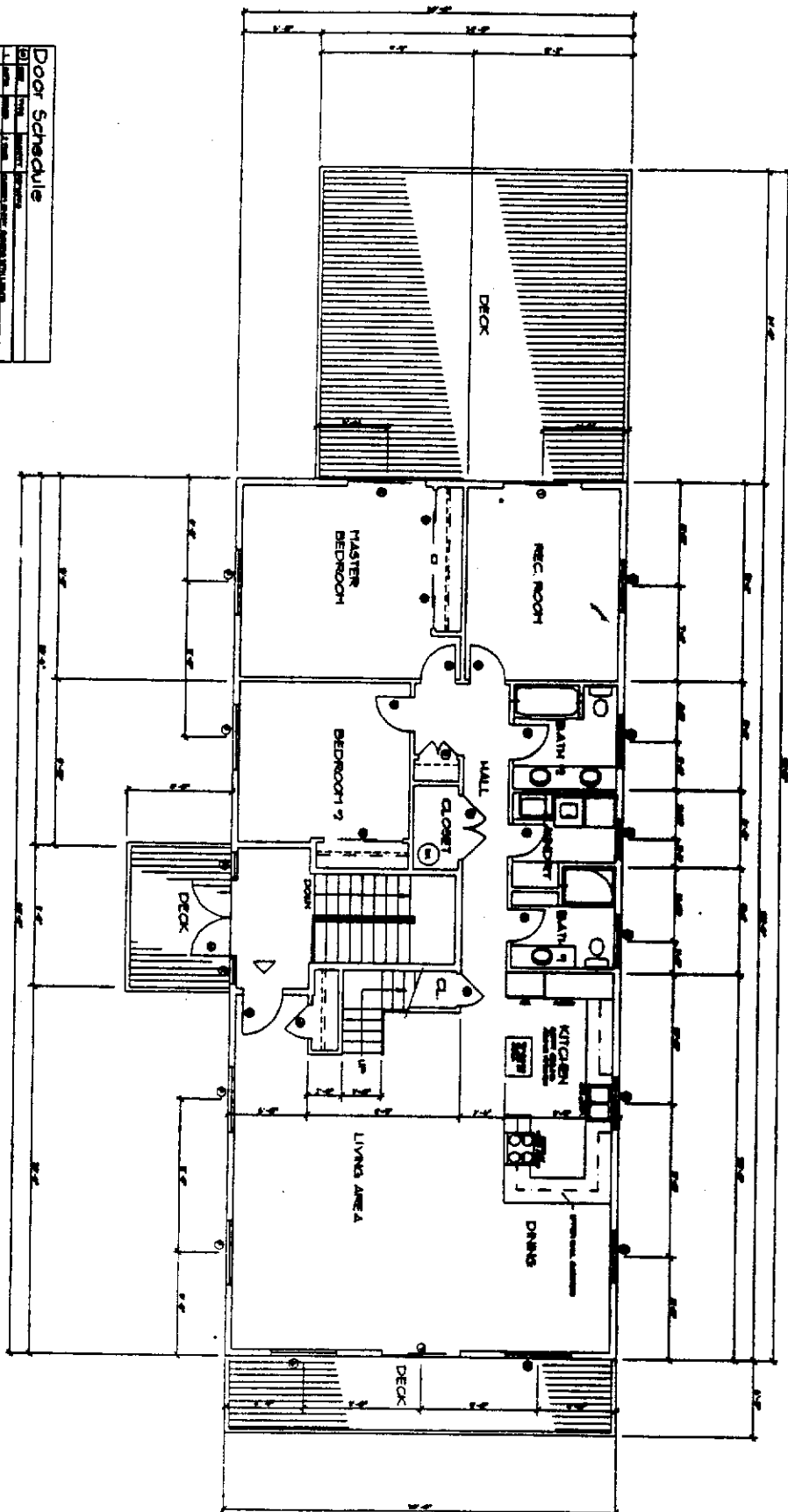
Window Notes

1. All windows to be installed in accordance with the manufacturer's instructions.
2. Windows to be installed in accordance with the manufacturer's instructions.
3. Windows to be installed in accordance with the manufacturer's instructions.
4. Windows to be installed in accordance with the manufacturer's instructions.
5. Windows to be installed in accordance with the manufacturer's instructions.
6. Windows to be installed in accordance with the manufacturer's instructions.
7. Windows to be installed in accordance with the manufacturer's instructions.
8. Windows to be installed in accordance with the manufacturer's instructions.
9. Windows to be installed in accordance with the manufacturer's instructions.
10. Windows to be installed in accordance with the manufacturer's instructions.
11. Windows to be installed in accordance with the manufacturer's instructions.
12. Windows to be installed in accordance with the manufacturer's instructions.
13. Windows to be installed in accordance with the manufacturer's instructions.
14. Windows to be installed in accordance with the manufacturer's instructions.
15. Windows to be installed in accordance with the manufacturer's instructions.
16. Windows to be installed in accordance with the manufacturer's instructions.
17. Windows to be installed in accordance with the manufacturer's instructions.
18. Windows to be installed in accordance with the manufacturer's instructions.
19. Windows to be installed in accordance with the manufacturer's instructions.
20. Windows to be installed in accordance with the manufacturer's instructions.

General Notes

1. All work shall conform to the applicable building codes and standards.
2. The contractor shall be responsible for obtaining all necessary permits.
3. The contractor shall be responsible for the accuracy of all dimensions.
4. The contractor shall be responsible for the quality of all workmanship.
5. The contractor shall be responsible for the safety of all workers.
6. The contractor shall be responsible for the protection of all existing structures.
7. The contractor shall be responsible for the cleanup of all debris.
8. The contractor shall be responsible for the disposal of all waste.
9. The contractor shall be responsible for the maintenance of all equipment.
10. The contractor shall be responsible for the insurance of all workers.
11. The contractor shall be responsible for the bonding of all workers.
12. The contractor shall be responsible for the training of all workers.
13. The contractor shall be responsible for the supervision of all workers.
14. The contractor shall be responsible for the coordination of all trades.
15. The contractor shall be responsible for the communication of all information.
16. The contractor shall be responsible for the documentation of all work.
17. The contractor shall be responsible for the completion of all work.
18. The contractor shall be responsible for the acceptance of all work.
19. The contractor shall be responsible for the payment of all bills.
20. The contractor shall be responsible for the maintenance of all records.

Lower Floor Plan



Door Schedule

NO.	TYPE	FINISH	REMARKS
1	1	1	DOOR TO REC ROOM
2	1	1	DOOR TO MASTER BEDROOM
3	1	1	DOOR TO BEDROOM 2
4	1	1	DOOR TO LIVING AREA
5	1	1	DOOR TO KITCHEN
6	1	1	DOOR TO BATH 1
7	1	1	DOOR TO BATH 2
8	1	1	DOOR TO HALL
9	1	1	DOOR TO CLOSET
10	1	1	DOOR TO DECK 1
11	1	1	DOOR TO DECK 2
12	1	1	DOOR TO DECK 3

Door No. 16

1. All windows to be installed in accordance with the manufacturer's instructions.
 2. All doors to be installed in accordance with the manufacturer's instructions.
 3. All doors to be installed in accordance with the manufacturer's instructions.
 4. All doors to be installed in accordance with the manufacturer's instructions.
 5. All doors to be installed in accordance with the manufacturer's instructions.
 6. All doors to be installed in accordance with the manufacturer's instructions.
 7. All doors to be installed in accordance with the manufacturer's instructions.
 8. All doors to be installed in accordance with the manufacturer's instructions.
 9. All doors to be installed in accordance with the manufacturer's instructions.
 10. All doors to be installed in accordance with the manufacturer's instructions.
 11. All doors to be installed in accordance with the manufacturer's instructions.
 12. All doors to be installed in accordance with the manufacturer's instructions.

Second Floor Plan

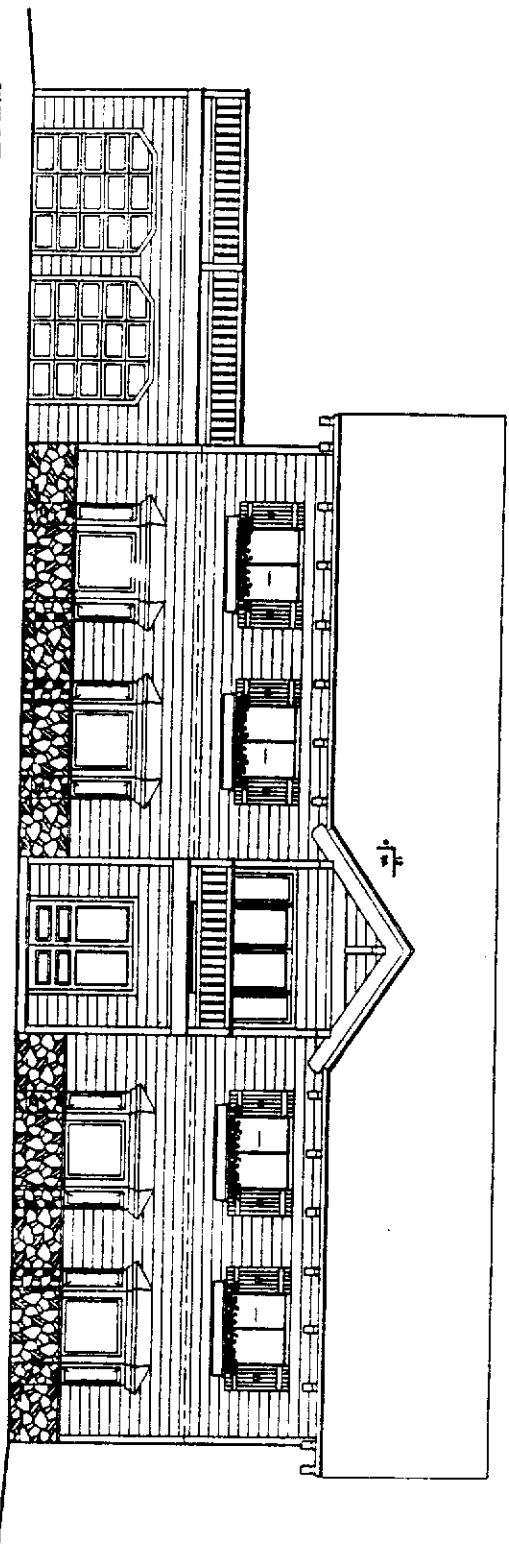
DATE 1/15/14

3 of 6

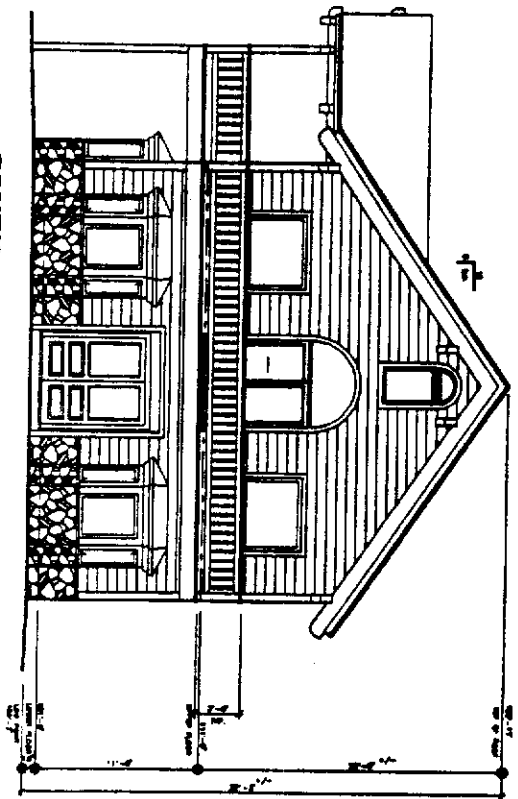
EXTERIOR ELEVATIONS

SCALE 1/8"=1'-0"

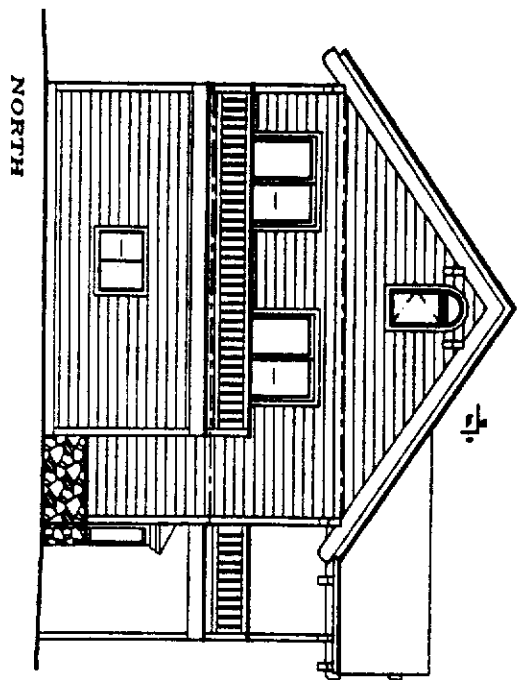
WEST



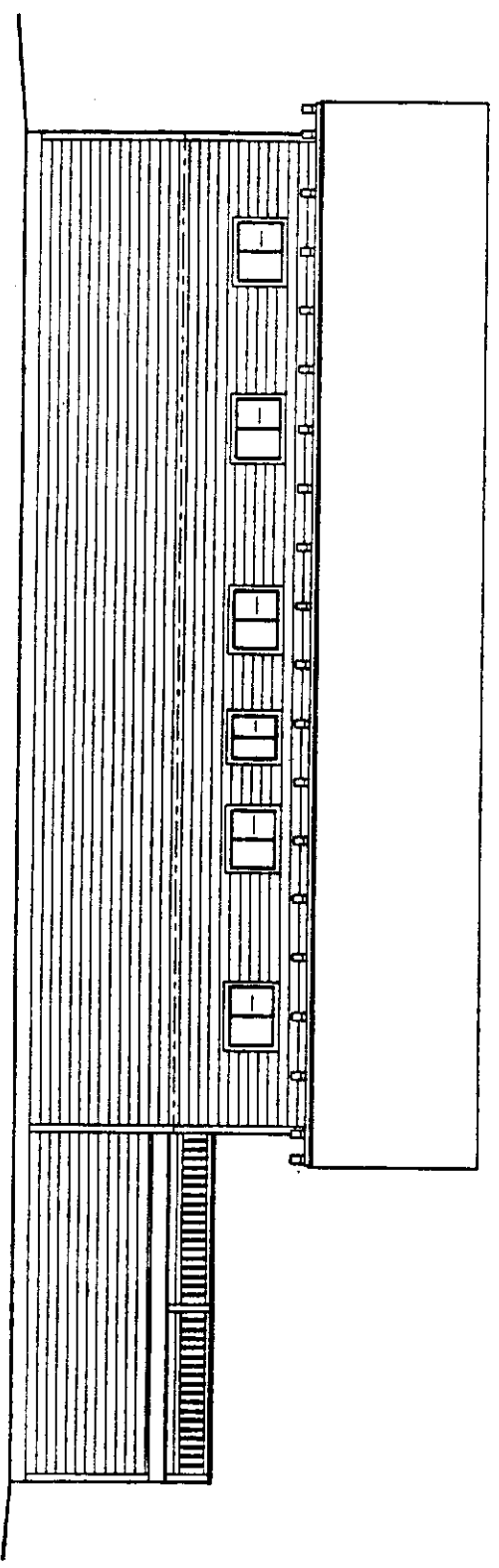
SOUTH



T.P.A. M. Calculations
No. 1000
No. 1000
No. 1000
No. 1000



NORTH



EAST

EXTERIOR ELEVATIONS

SCALE 1/8" = 1'-0"

L. W. S.

TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: La Marca/Graham New Multi-Family Triplex Dwelling

Application Type: New Multi-Family Residential Triplex

Applicant: John La Marca

Applicant's Representative: Paul Kaleta, Basin Strategies

Agency Planner: Jim Allison, Associate Planner

Location: 1089 Herbert Avenue, City of South Lake Tahoe, El Dorado County, California

Assessor's Parcel Number/File Number: 27-202-06/930339

Staff Recommendation: Staff recommends approval of the subject project. The required motions and recommended conditions are outlined in Section F of this staff summary.

Project Description: The applicant is proposing construction of a new multi-family residential triplex. The proposed structure is two story with an attached single car garage with each unit. Reductions of the site, elevation, and floor plans are attached at the end of this staff summary.

In order to build the triplex, the applicant proposes to utilize residential bonus units and allocations. The project is located in Plan Area Statement 93 (Bijou) which permits the use of residential bonus units and allocations or transfer of existing development for new multi-family development within the plan area statement.

Site Description: The site is a well forested parcel with a slope of approximately 4% through the length of the parcel.

Issues: The proposed project involves the use of multi-residential bonus units and therefore requires Governing Board review in accordance with Chapter 4, Appendix A, of the TRPA Code. The primary project related issue is:

1. Residential Bonus Units - The proposed multi-family triplex requires two bonus units in order for development to proceed. Pursuant to Subsection 35.2.D of the TRPA Code of Ordinances, with the permanent retirement of Assessor's Parcel Number (APN) 31-121-21, TRPA will recognize assignment of 2 bonus units to APN 27-202-06. These bonus units reduce the maximum bonus units available in Plan Area Statement 93 (Bijou) from 50 to 48 remaining residential bonus units.

Staff Analysis:

- A. Environmental Documentation: TRPA staff have completed an Initial Environmental Checklist (IEC) in order to assess the potential environmental impacts of the project. No significant environmental impacts were identified and staff has concluded that the project will not have a significant effect on the environment. A copy of the completed IEC will be made available at the Governing Board hearing and at TRPA.
- B. Plan Area Statement: The project is located within Plan Area 93 (Bijou). The Land Use Classification is Residential and the Management Strategy is Mitigation. Agency staff has reviewed the subject plan area and has determined that the project is consistent with the applicable planning statement, planning considerations and special policies. The proposed activity is listed as an allowed use.
- C. Land Coverage:
1. Land Capability District:

The land capability district of the project area is class 7. The total project area is approximately 9,500 square feet.
 2. Proposed Coverage:

Hard Coverage: 2,848 square feet
 3. Allowed Coverage:

Class 7 Area: 2,850 square feet
- D. Building Height: Based on a 4% cross-slope retained across the building site, and a 4:12 roof pitch, the maximum allowed height for the proposed building is 29 feet, 9 inches. The proposed building has a maximum building height of 29 feet, 9 inches.
- E. Required Findings: The following is a list of the required findings as set forth in Chapters 6 and 22 of the TRPA Code of Ordinances. Following each finding, Agency staff has briefly summarized the evidence on which the finding can be made.
1. 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.

- (a) Land Use: The proposed use is an allowed use within the plan area statement. The project has been reviewed and conditioned per the TRPA Code of Ordinances.
- (b) Transportation: Pursuant to the requirements of Chapter 93 of the TRPA Code of Ordinances, the applicant will be required to mitigate the impacts of the project on air quality and traffic.
- (c) Conservation: The applicant will be required to revegetate all areas disturbed by construction activity, and existing disturbed areas, in accordance with TRPA requirements. In addition, the applicant will be required to implement Best Management Practices in the project area.
- (d) Recreation: No recreational facilities exist within the project area. No impacts on recreational facilities within the immediate vicinity or the Region have been identified.
- (e) Public Service and Facilities: The project does not require additional public service facilities.
- (f) Implementation: This project has been issued three residential allocations. In addition, the project proponent will use one development right existing on the subject parcel and two bonus units.

2. The project will not cause the environmental threshold carrying capacities to be exceeded.

The basis for this finding is provided on the checklist entitled "Project Review Conformance Checklist and Article V(g) Findings" in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Governing Board hearing and at TRPA.

3. 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.

(Refer to paragraph 2, above.)

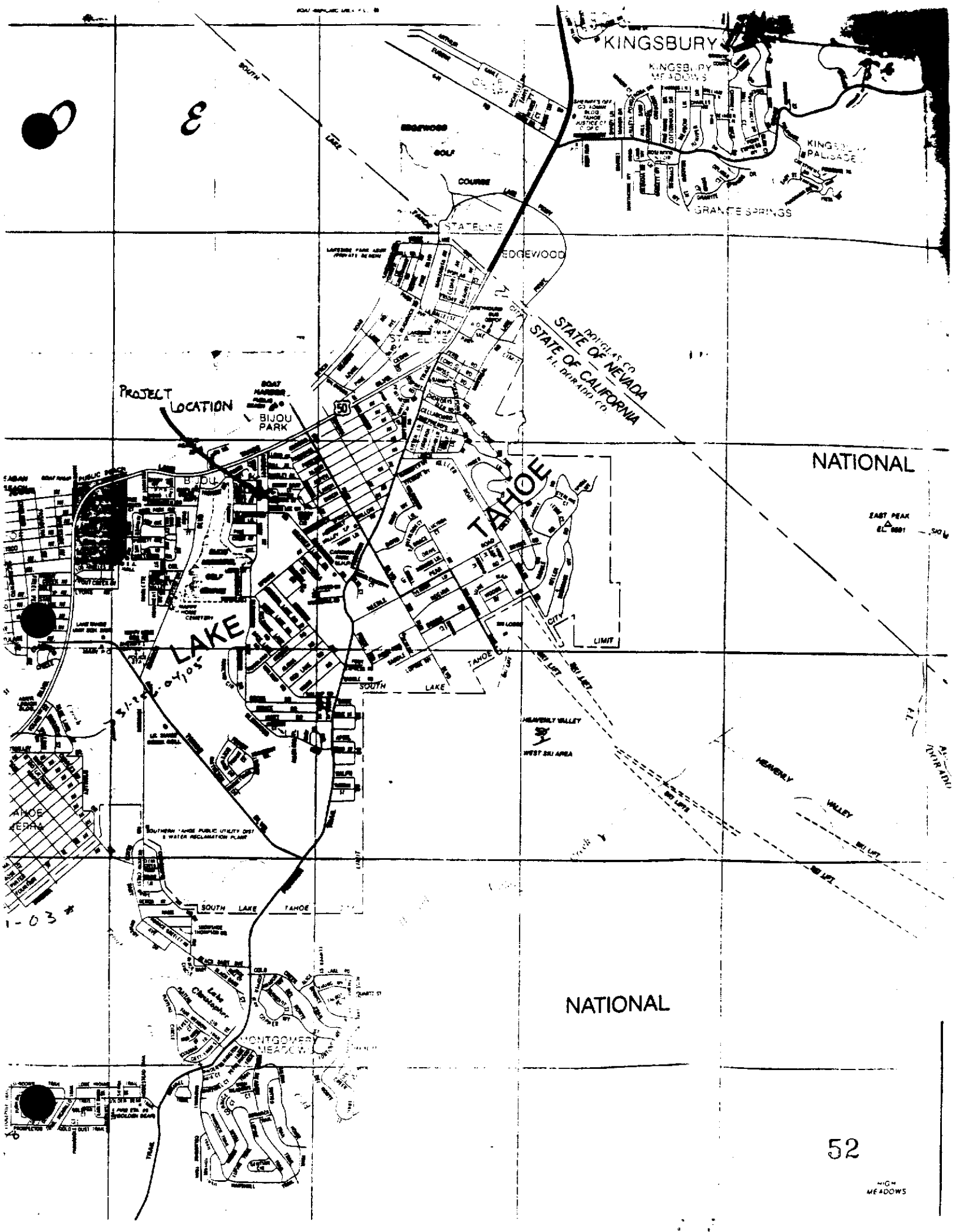
4. When viewed from major arterials, scenic turnouts, public recreation areas or the waters of Lake Tahoe, the additional height will not cause a building to extend above the forest canopy, when present, or a ridgeline.

The proposed structure is not visible from major arterials, scenic turnouts, public recreation areas or the waters of Lake Tahoe.

- F. Required Actions: Agency staff recommends that the Governing Board approve the project by making the following motions based on this staff summary and the evidence contained in the record:

- I. A motion based on this staff summary, for the findings contained in Section E above, and a finding of no significant environmental effect.
- II. A motion to approve the project, based on the staff summary, subject to the following conditions:
- (1) The Standard Conditions of Approval listed in Attachment R:
 - (2) Prior to commencement of construction the following special conditions of approval must be satisfied:
 - (a) A water quality mitigation fee of \$826 shall be paid to TRPA. This fee is based on the creation of 2,848 square feet of land coverage mitigated at \$.29/square foot.
 - (b) The applicant shall submit a \$1,830 air quality mitigation fee based on the \$100 per trip mitigation fee and the creation of 6.1 trips per unit.
 - (c) The security required under Standard Condition A.3 of Attachment R shall be \$2,500. Please see Attachment J, Security Procedures.
 - (d) The applicant shall submit an offsite coverage mitigation fee of \$1,050 for the creation of 210 square feet of land coverage in the public right-of-way.
 - (e) The applicant shall submit a projected construction completion schedule to TRPA prior to commencement of construction. Said schedule shall include completion dates for each item of construction, as well as BMP installations for the entire project area.

- (f) The applicant shall submit 5 sets of final construction drawings and site plans to TRPA.
 - (g) The permittee shall provide TRPA a copy of the deed restriction documenting that APN 31-121-21 has been permanently retired pursuant to Subsection 35.2.D of the TRPA Code of Ordinances. Upon proof that retirement has been completed, TRPA will recognize the assignment of two bonus units to APN 27-202-06.
- (3) By acknowledgement of this permit, the permittee recognizes that the development right previously transferred to this parcel is only available for transfer to another parcel and may not be used on this parcel.



KINGSBURY

KINGSBURY MEADOWS

KINGSBURY PALMADA

GRANITE SPRINGS

EDGEWOOD

STATE OF CALIFORNIA
STATE OF NEVADA
BOLINGERS CO.
T.L. PARKING CO.

PROJECT LOCATION

BOAT HARBOUR
BIYOU PARK

NATIONAL

EAST PEAK
ELEV. 8801

LAKE TAHOE

TAHOE

HEAVENLY VALLEY
WEST SSI AREA

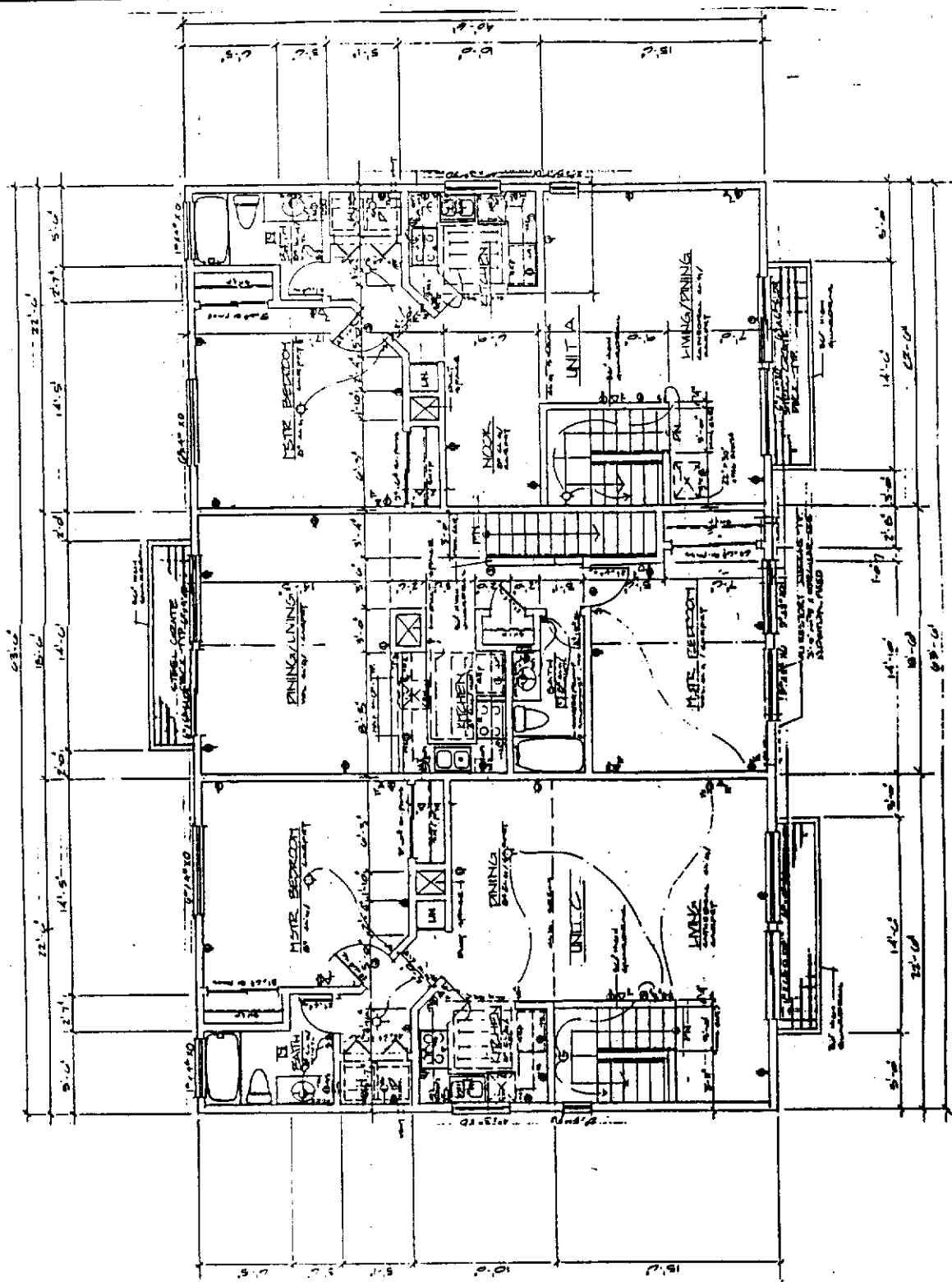
HEAVENLY VALLEY

SOUTHERN LAKE PUBLIC UTILITY DIST.
WATER RECLAMATION PLANT

SOUTH LAKE

NATIONAL

MONTGOMERY MEADOWS



John LaMarca
Triplex

Basin Strategies

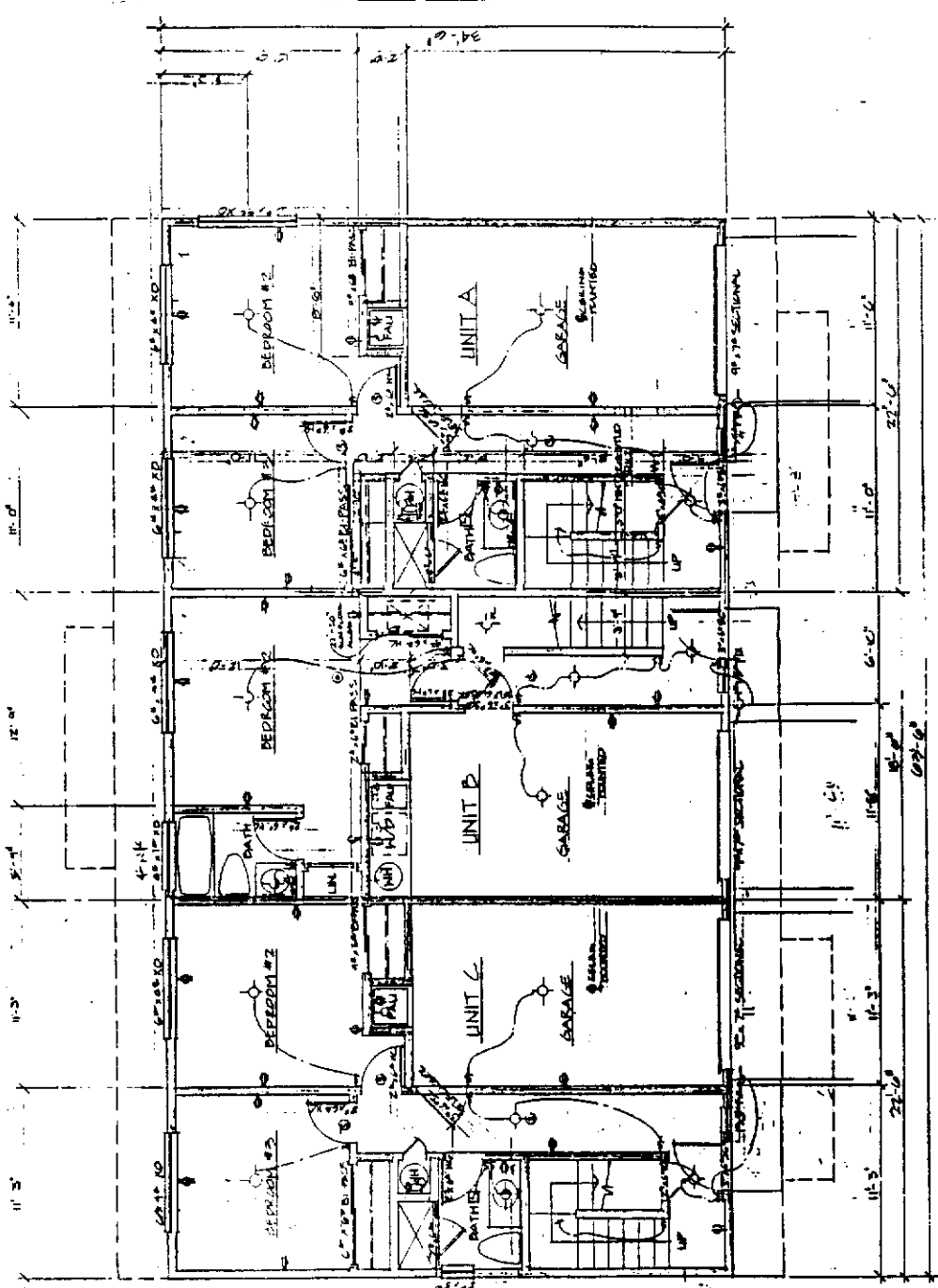
Planning and Consulting Services
 P. O. Box 11945, Zephyr Cove, NV 89448
 (702) 588-8722 (Fax) 588-8689

SECOND FLOOR PLAN

APN 27-202-06

54

Drawn By: VEB 5/14/92



John LaMarca
Triplex

Basin Strategies

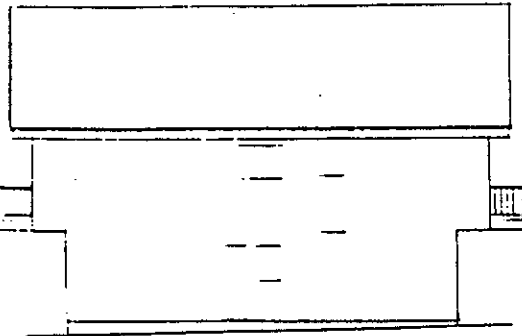
Planning and Consulting Services
 P. O. Box 11945, Zephyr Cove, NV 89448
 (702) 588-8722 (Fax) 588-8689

FIRST FLOOR PLAN

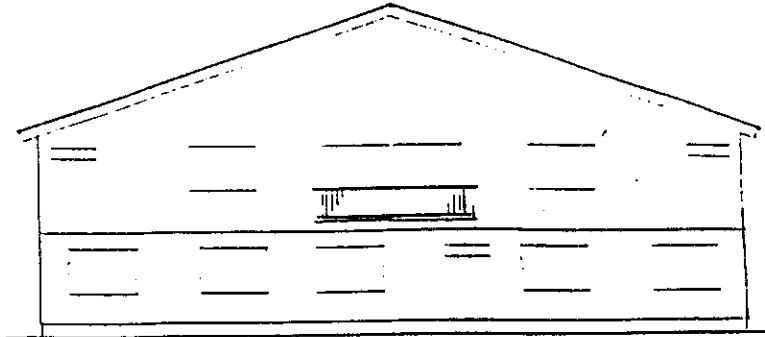
APN 27-202-06

55

Drawn By: VEB 5/14/92

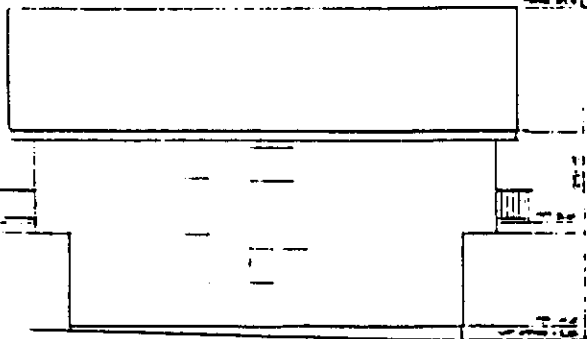


NORTH ELEVATION
SCALE: 1/4" = 1'-0"

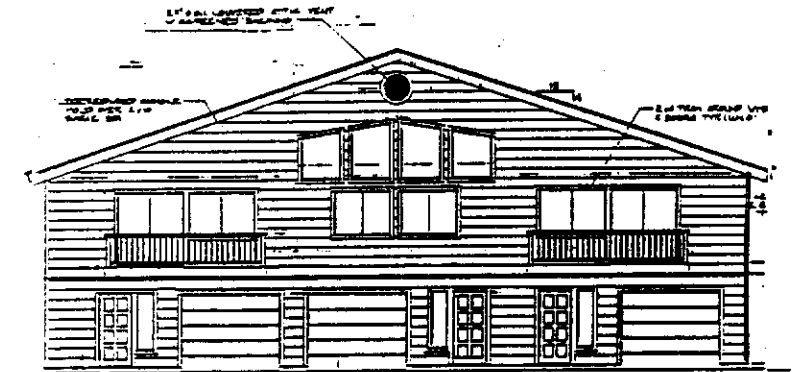


EAST ELEVATION
SCALE: 1/4" = 1'-0"

PROPOSED HEIGHT CALCULATIONS
 Stage Access Building 4'-0"
 Road Floor 0'-0"
 Proposed Height 20'-0"
 Proposed Height 20'-0"



SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



WEST ELEVATION
SCALE: 1/4" = 1'-0"

**John LaMarca
Triplex**

Basin Strategies

Planning and Consulting Services
 P. O. Box 11945, Zephyr Cove, NV 89448
 (702) 588-8722 (Fax) 588-8689

elevations

APN 27-202-06

56

Drawn By: VEB 5/14/92

TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: La Marca New Multi-Family Triplex Dwelling

Application Type: New Multi-Family Residential Triplex

Applicant: John La Marca

Applicant's Representative: Paul Kaleta, Basin Strategies

Agency Planner: Jim Allison, Associate Planner

Location: 1097 Herbert Avenue, City of South Lake Tahoe, El Dorado County, California

Assessor's Parcel Number/File Number: 27-202-11/930338

Staff Recommendation: Staff recommends approval of the subject project. The required motions and recommended conditions are outlined in Section F of this staff summary.

Project Description: The applicant is proposing construction of a new multi-family residential triplex. The proposed structure is two story with an attached single car garage with each unit. Reductions of the site, elevation, and floor plans are attached at the end of this staff summary.

In order to build the triplex, the applicant proposes to utilize residential bonus units and allocations. The project is located in Plan Area Statement 93 (Bijou) which permits the use of residential bonus units and allocations or transfer of existing development for new multi-family development within the plan area statement.

Site Description: The site is a well forested parcel with a slope of approximately 4% through the length of the parcel.

Issues: The proposed project involves the use of multi-residential bonus units and therefore requires Governing Board review in accordance with Chapter 4, Appendix A, of the TRPA Code. The primary project related issue is:

1. Residential Bonus Units - The proposed multi-family triplex requires two bonus units in order for development to proceed. Pursuant to Subsection 35.2.D of the TRPA Code of Ordinances, with the permanent retirement of Assessor's Parcel Number (APN) 31-121-21 and APN 23-732-24, TRPA will recognize assignment of 2 bonus units to APN 27-202-11. These bonus units reduce the maximum bonus units available in Plan Area Statement 93 (Bijou) from 48 to 46 remaining residential bonus units.

/ja
5/13/93

CONSENT CALENDAR ITEM NO. 7

57

Staff Analysis:

- A. Environmental Documentation: TRPA staff have completed an Initial Environmental Checklist (IEC) in order to assess the potential environmental impacts of the project. No significant environmental impacts were identified and staff has concluded that the project will not have a significant effect on the environment. A copy of the completed IEC will be made available at the Governing Board hearing and at TRPA.
- B. Plan Area Statement: The project is located within Plan Area 93 (Bijou). The Land Use Classification is Residential and the Management Strategy is Mitigation. Agency staff has reviewed the subject plan area and has determined that the project is consistent with the applicable planning statement, planning considerations and special policies. The proposed activity is listed as an allowed use.
- C. Land Coverage:
1. Land Capability District:

The land capability district of the project area is class 7. The total project area is approximately 9,500 square feet.
 2. Proposed Coverage:

Hard Coverage: 2,848 square feet
 3. Allowed Coverage:

Class 7 Area: 2,850 square feet
- D. Building Height: Based on a 4% cross-slope retained across the building site, and a 4:12 roof pitch, the maximum allowed height for the proposed building is 29 feet, 9 inches. The proposed building has a maximum building height of 29 feet, 9 inches.
- E. Required Findings: The following is a list of the required findings as set forth in Chapters 6 and 22 of the TRPA Code of Ordinances. Following each finding, Agency staff has briefly summarized the evidence on which the finding can be made.
1. 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.

- (a) Land Use: The proposed use is an allowed use within the plan area statement. The project has been reviewed and conditioned per the TRPA Code of Ordinances.
- (b) Transportation: Pursuant to the requirements of Chapter 93 of the TRPA Code of Ordinances, the applicant will be required to mitigate the impacts of the project on air quality and traffic.
- (c) Conservation: The applicant will be required to revegetate all areas disturbed by construction activity, and existing disturbed areas, in accordance with TRPA requirements. In addition, the applicant will be required to implement Best Management Practices in the project area.
- (d) Recreation: No recreational facilities exist within the project area. No impacts on recreational facilities within the immediate vicinity or the Region have been identified.
- (e) Public Service and Facilities: The project does not require additional public service facilities.
- (f) Implementation: This project has been issued three residential allocations. In addition, the project proponent will use one development right existing on the subject parcel and two bonus units.

2. The project will not cause the environmental threshold carrying capacities to be exceeded.

The basis for this finding is provided on the checklist entitled "Project Review Conformance Checklist and Article V(g) Findings" in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Governing Board hearing and at TRPA.

3. 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.

(Refer to paragraph 2, above.)

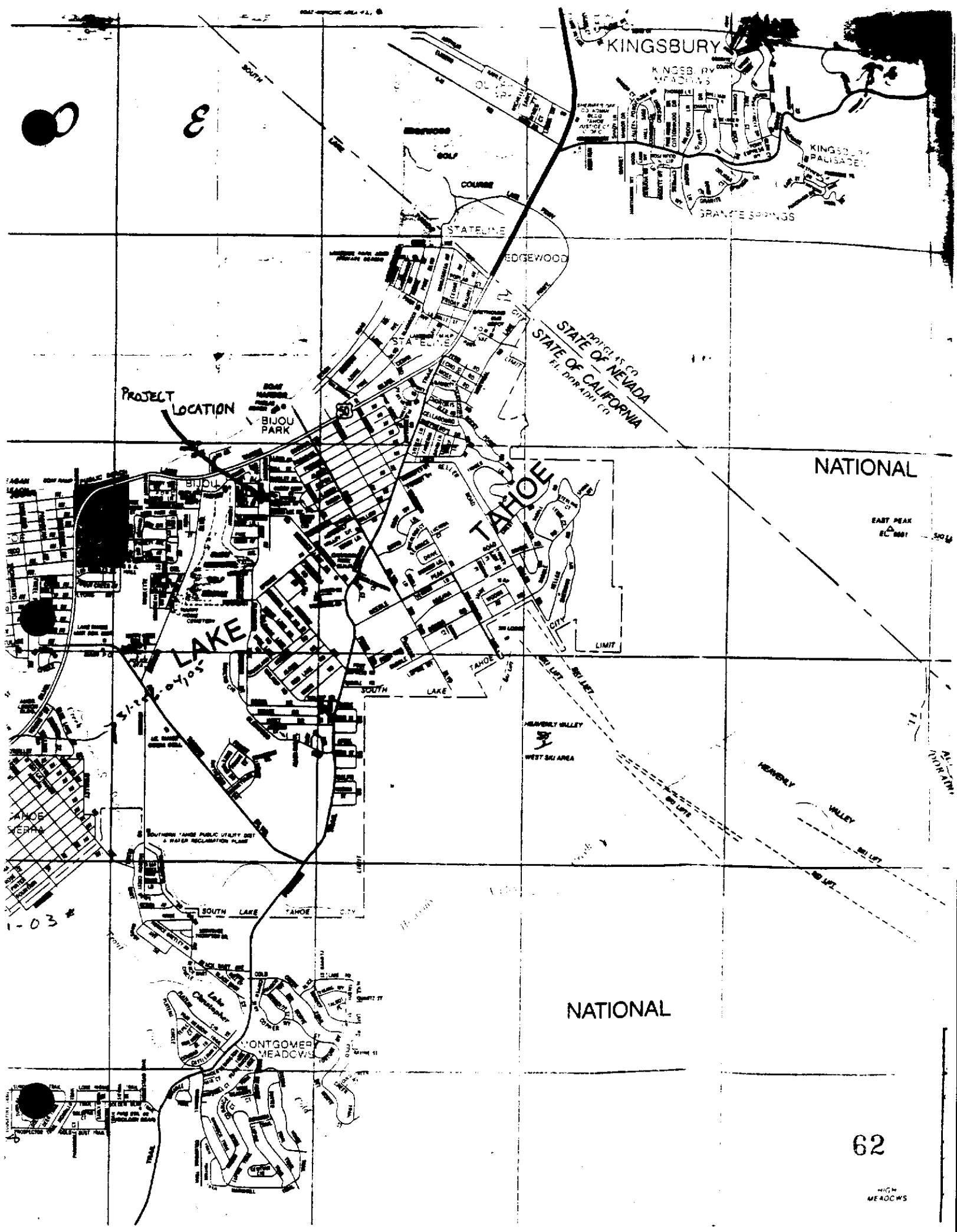
4. When viewed from major arterials, scenic turnouts, public recreation areas or the waters of Lake Tahoe, the additional

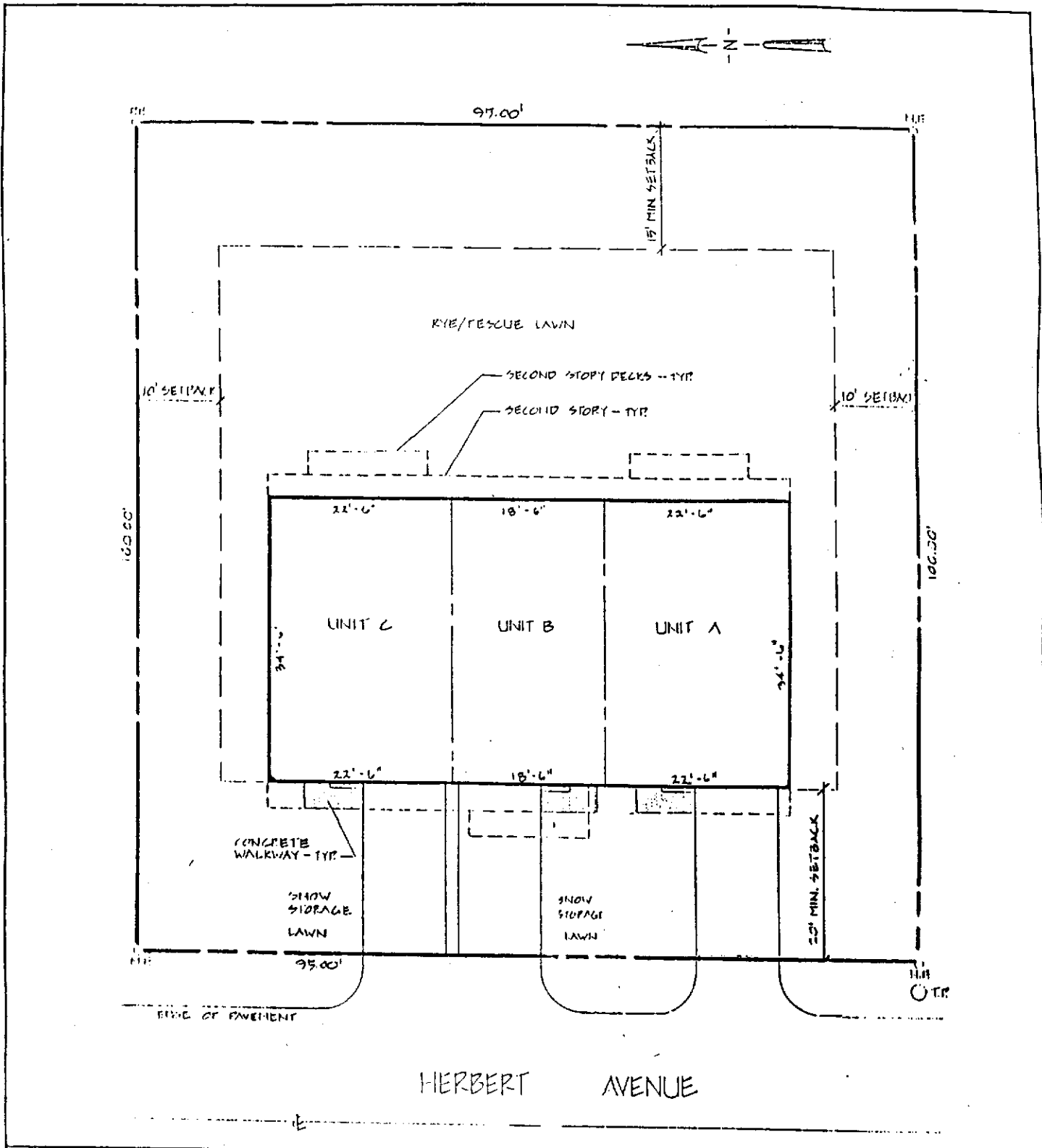
height will not cause a building to extend above the forest canopy, when present, or a ridgeline.

The proposed structure is not visible from major arterials, scenic turnouts, public recreation areas or the waters of Lake Tahoe.

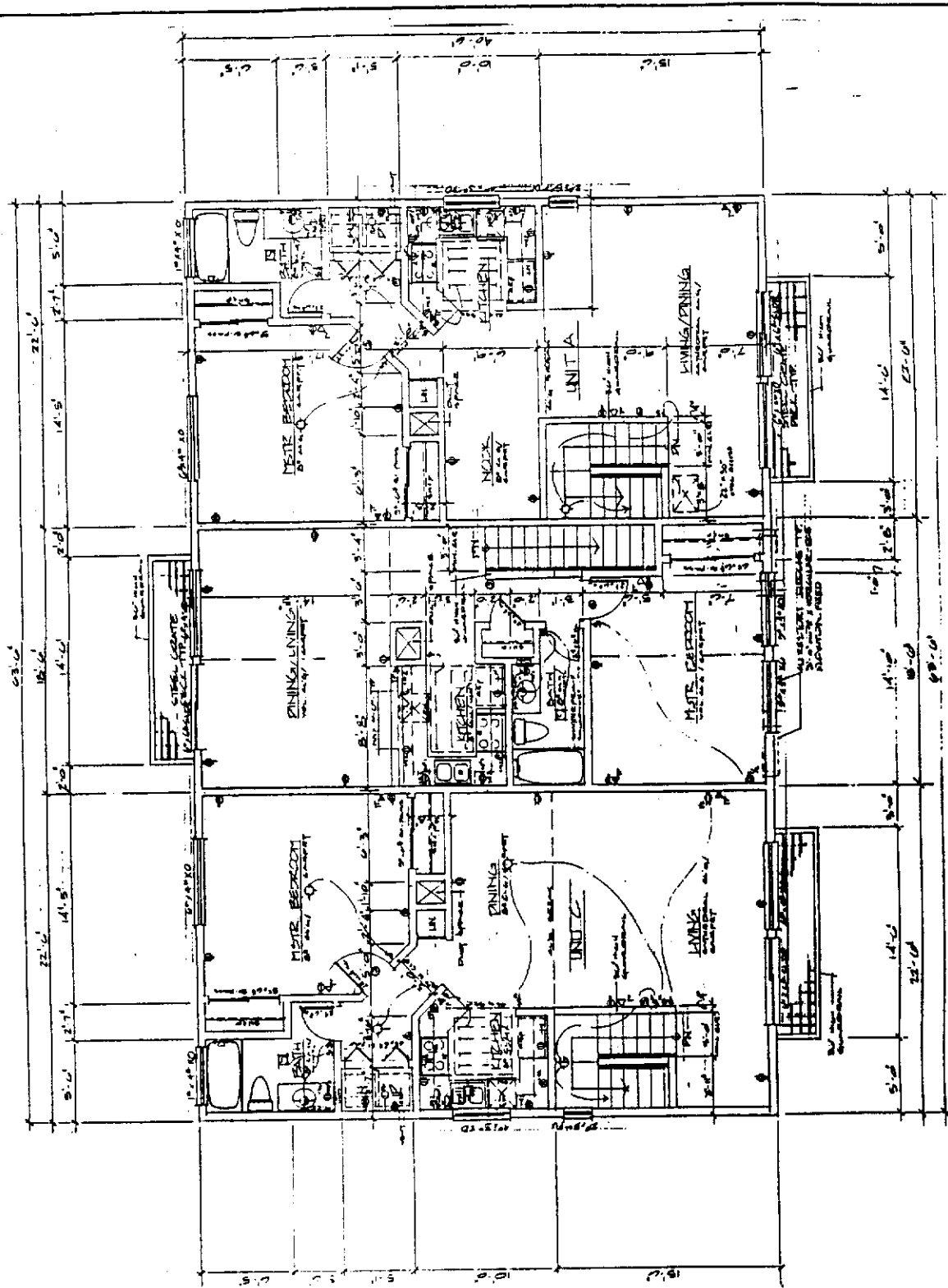
- F. Required Actions: Agency staff recommends that the Governing Board approve the project by making the following motions based on this staff summary and the evidence contained in the record:
- I. A motion based on this staff summary, for the findings contained in Section E above, and a finding of no significant environmental effect.
 - II. A motion to approve the project, based on the staff summary, subject to the following conditions:
 - (1) The Standard Conditions of Approval listed in Attachment R:
 - (2) Prior to commencement of construction the following special conditions of approval must be satisfied:
 - (a) A water quality mitigation fee of \$826 shall be paid to TRPA. This fee is based on the creation of 2,848 square feet of land coverage mitigated at \$.29/square foot.
 - (b) The applicant shall submit a \$1,830 air quality mitigation fee based on the \$100 per trip mitigation fee and the creation of 6.1 trips per unit.
 - (c) The security required under Standard Condition A.3 of Attachment R shall be \$2,500. Please see Attachment J, Security Procedures.
 - (d) The applicant shall submit an offsite coverage mitigation fee of \$1,050 for the creation of 210 square feet of land coverage in the public right-of-way.
 - (e) The applicant shall submit a projected construction completion schedule to TRPA prior to commencement of construction. Said schedule shall include completion dates for each item of construction, as well as BMP installations for the entire project area.
 - (f) The applicant shall submit 5 sets of final construction drawings and site plans to TRPA.

- (g) The permittee shall provide TRPA a copy of the deed restriction documenting that APN 31-121-21 has been permanently retired pursuant to Subsection 35.2.D of the TRPA Code of Ordinances. Upon proof that retirement has been completed, TRPA will recognize the assignment of one bonus unit to APN 27-202-11. A recorded deed restriction retiring APN 23-732-24 has been provided and one bonus unit is also assigned to APN 27-202-11. TRPA will recognize two bonus units assigned to APN 27-202-11 upon satisfaction of this condition.





<p>John LaMarca Triplexes</p>	<p>Basin Strategies</p>	<p>site plan</p>
	<p>Planning and Consulting Services P. O. Box 11945, Zephyr Cove, NV 89448 (702) 588-8722 (Fax) 588-8689</p>	<p>APN 27-202-11</p>
		<p>63</p>	Drawn By: VEB 6/15/92



John LaMarca
Triplex

Basin Strategies

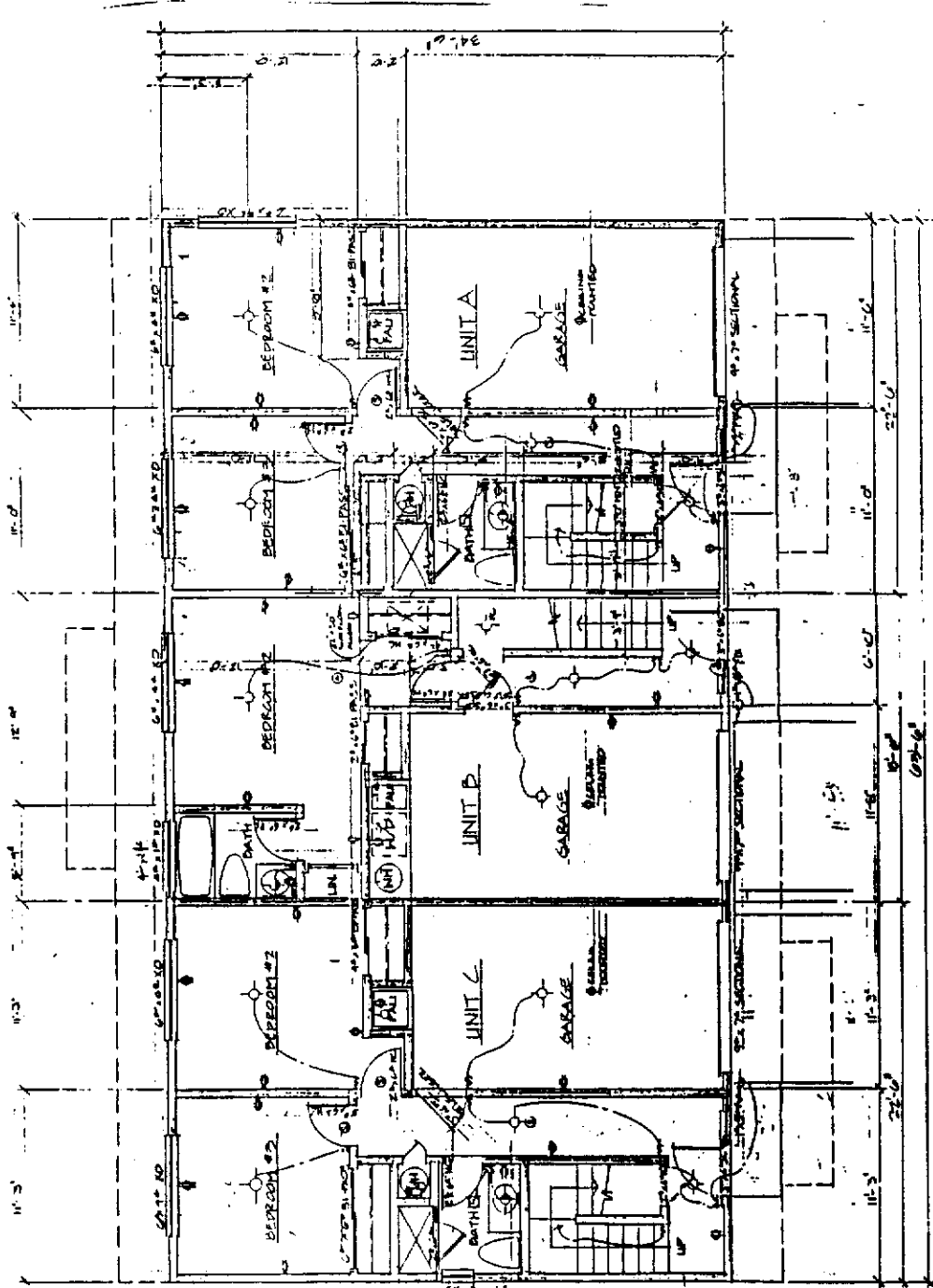
Planning and Consulting Services
 P. O. Box 11945, Zephyr Cove, NV 89448
 (702) 588-8722 (Fax) 588-8689

SECOND FLOOR PLAN

APN 27-202-11

64

Drawn By: VEB 5/14/92



John LaMarca
Triplex

Basin Strategies

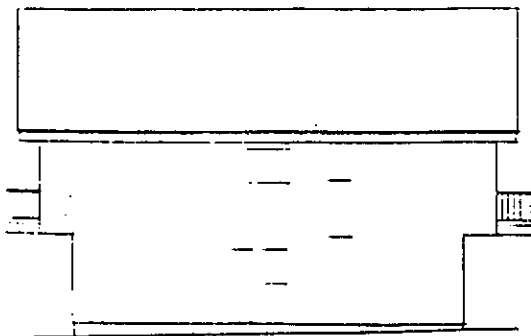
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FIRST FLOOR PLAN

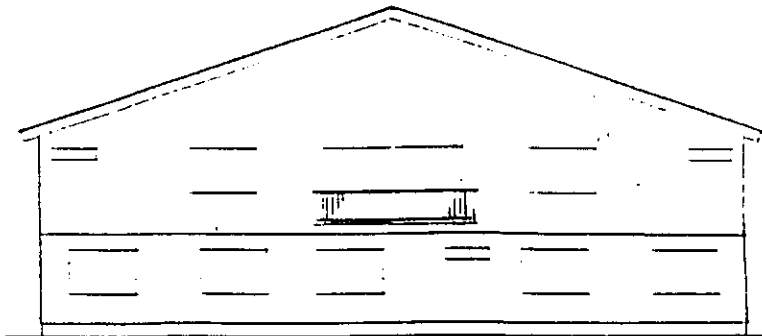
APN 27-202-11

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Drawn By: VEB 5/14/92

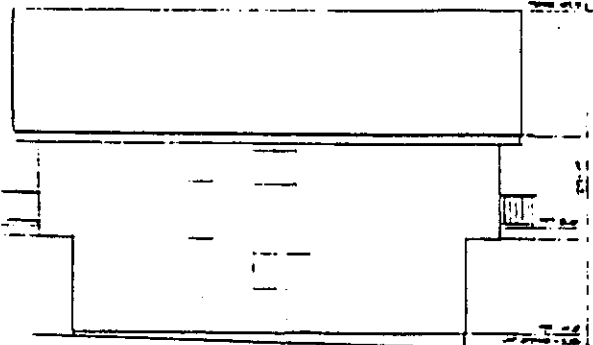


NORTH ELEVATION
SCALE: 1/4" = 1'-0"

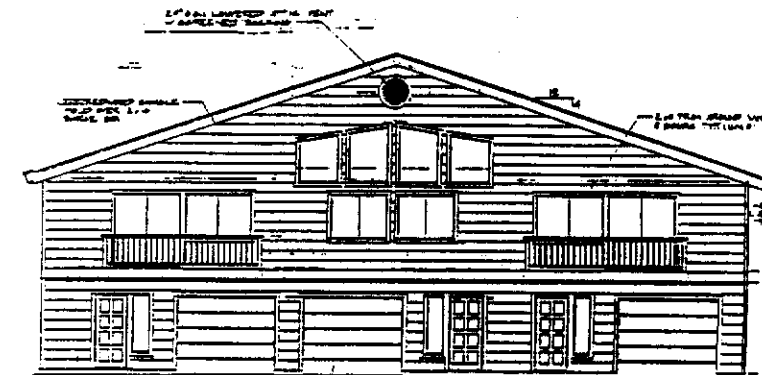


EAST ELEVATION
SCALE: 1/4" = 1'-0"

PROPOSED HEIGHT CALCULATIONS	
Three-Storey Building	4'-0"
Roof Pitch	4'-12"
Allowed Height	29'-0"
Proposed Height	29'-0"



SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



WEST ELEVATION
SCALE: 1/4" = 1'-0"

John LaMarca
Triplex

Basin Strategies

Planning and Consulting Services
P. O. Box 11945, Zephyr Cove, NV 89448
(702) 588-8722 (Fax) 588-8689

elevations

APN 27-202-11

66

Drawn By: VEB 5/14/92

TAHOE REGIONAL PLANNING AGENCY

308 Dorla Court
Elks Point, Nevada

P.O. Box 1038
Zephyr Cove, Nevada 89448-1038

(702) 588-4547
Fax (702) 588-4527

MEMORANDUM

May 17, 1993

To: TRPA Governing Board
From: Agency Staff
Subject: Amendment of FY 1992-93 TRPA/Caltrans Overall Work Program (OWP)

Recommendation:

Staff recommends that the TRPA Governing Board adopt the attached resolution approving the amendments to the FY 1992-93 Caltrans/TRPA Overall Work Program. Copies of the amended work elements and summary tables are attached for your review.

Discussion:

As the Regional Transportation Planning Agency for the California portion of the Tahoe Region, TRPA is required to develop an Overall Work Program (OWP) for approval by Caltrans before California State Subvention Funds may be expended. Caltrans also requires that an OWP amendment be prepared and submitted for their approval if a new work element is to be added to the OWP, or if a departure from the previously approved OWP is evident or anticipated.

Staff has reviewed the FY 1992-93 OWP and have determined that adjustments to the FY 1992-93 OWP need to take place. Completion of the Rental Car Mitigation Fee Program (Chapter 95) and implementation of the Woodstove Retro-fit Program (Chapter 91.3.B(5)) required more resources during the current fiscal year than originally anticipated. As a result, there is a need to more accurately reflect the actual work by staff this fiscal year.

The proposed amendments to the FY 1992-93 OWP are as follows:

Work Element 204 - Ordinance Review and Revision

Staff recommends that \$10,000 of the budgeted \$20,000, be allocated to a consultant contract to assist staff in amending Chapter 24 (Parking) of the TRPA Code of Ordinances.

Work Element 203 - Community Planning Assistance

Staff recommends that \$5,000 of the budgeted \$5,000 be allocated to a consultant contract to assist staff in the completion of Community Plans

If you have any questions on this agenda item, please contact Keith Norberg at (702) 588-4547.

5/17/93
/kn

CONSENT CALENDER ITEM 8

67

TAHOE REGIONAL PLANNING AGENCY
RESOLUTION 93 - _____

A RESOLUTION APPROVING THE AMENDMENT OF THE FY 1992-93
CALTRANS/TRPA OVERALL WORK PROGRAM

WHEREAS, the Tahoe Regional Planning Agency (TRPA) has been designated the Regional Transportation Planning Agency for the California portion of the Tahoe Region; and

WHEREAS, TRPA prepared and Overall Work Program for fiscal year 1992-93; and

WHEREAS, the Overall Work Program for FY 1992-93 was reviewed and approved by the State of California, Department of Transportation; and

WHEREAS, each Regional Transportation Planning Agency is required to submit an amendment to the Overall Work Program if a change in an existing Work Element is evident or anticipated; and

WHEREAS, TRPA has prepared an amendment to the FY 1992-93 Overall Work Program which amends the various work elements as identified in the Memorandum to the Governing Board entitled Amendment of the TRPA/Caltrans Overall Work Program for FY 1992-93 and dated May 14, 1993.

NOW, THEREFORE BE IT RESOLVED that the TRPA Governing Board approves and submits this FY 1992-93 Overall Work Program Amendment to the State of California, Department of Transportation and the California Transportation Commission.

PASSED AND ADOPTED this _____ day of May, 1993, by the Tahoe Regional Planning Agency Governing Board, by the following vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

Wayne S. Chimarusti, Chairman
Tahoe Regional Planning Agency

TAHOE REGIONAL PLANNING AGENCY
1992-93 WORK PROGRAM

Category: 200 - Regional Planning Studies

Work Element: 203 - Community Planning Assistance

Objective: To assist in the development of transportation elements of the Community Plans to be completed throughout the region, during the fiscal year.

Previous Work: Redevelopment Plan-Traffic and Circulation Element. TRPA assisted the City of South Lake Tahoe in the drafting of the City's Redevelopment Plan, and assisted the City of South Lake Tahoe, Tahoe City, Douglas County, El Dorado County and Washoe County in the preparation of their Community Plans for Tahoe City, Incline Village, Kings Beach, Douglas County, Meyers, and Ski Run/Stateline Community Plans.

Products: - Transportation and parking elements of Community Plans which conform to the TRPA RTP and to the requirements of the TRPA Thresholds and the Code of Ordinances.
(June 1993)

Tasks: - Review Scope of Work for proposed Community Plans to determine adequacy of proposed transportation and air quality studies.

- Assist local agencies with the development of transportation elements of local Community Plans and redevelopment plans.

- Assist in the analysis of traffic, VMT and air quality impacts of traffic and parking projects.

- Review and recommend necessary revisions to transportation and parking elements of draft Community Plans.

Funding Sources:

TDA: \$ 5,000
\$ 5,000

Expenditures:

TRPA Staff: \$ 5,000
\$ 5,000

TAHOE REGIONAL PLANNING AGENCY
1991-92 WORK PROGRAM

Category: 200 - Regional Planning Studies

Work Element: 204 - Ordinance Review and Revision

Objective: To review and revise as necessary transportation, noise, and air quality related TRPA ordinances.

Previous Work: Chapter 23, Noise Limitations, Chapter 24, Driveway and Parking Standards, Chapter 91, Air Quality Control, and Chapter 93, Traffic and Air Quality Mitigation Program.

Products:

- Parking Section of Chapter 24, TRPA Code of Ordinances.
- Amended transportation, noise, or air quality ordinances, as needed. (June 1993)

Tasks:

- Review existing ordinances for necessary revisions.
- Identify goals and policies in RTP or Regional Plan for needed ordinances required to implement programs.
- Draft amendments or new ordinances as needed.

Funding Sources:

TRPA: \$20,000
 \$20,000

Expenditures:

TRPA Staff: \$20,000
 \$20,000

TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: Agate Bay Water Company, Replace and Enlarge Existing
Community Water Tank

Application Type: Public Service, Special Use Determination

Applicant: Mr. Duncan Davis, Agate Bay Water Company

Applicant's Representative: Jerry Tippen, Hale-Tippen Consultants

Agency Planner: Lyn Barnett, Senior Planner

Location: Immediately north of (and adjacent to) the Agate Bay Subdivision in
Placer County

Assessor's Parcel Numbers: 116-010-07 and 08

Staff Recommendation: Staff recommends that the Governing Board make the
special use findings as outlined in Section C of this staff summary.

Project Description/Background: On April 9, 1993, staff issued an emergency
permit to the Agate Bay Water Company to replace an existing 210,000 gallon
community water tank with a new 300,000 gallon water tank at the same
location. The 210,000 gallon tank was structurally damaged by heavy snow in
the 1992-1993 winter and required immediate replacement.

Originally, Agate Bay Water Company had proposed to construct a 200,000 gallon
water tank next to the the existing tank to increase water storage capacity
for the water district. (This proposal was added to the TRPA public service
list in February, 1993.) However, because of the unexpected damage to the
existing water tank, the Water Company opted to replace the existing tank with
a 300,000 gallon tank and to delay plans to construct the second tank.

TRPA issued the emergency permit on April 9, 1993. This permit contained
conditions of approval relating to land coverage, Best Management Practices
(BMPs), structure design, and construction schedules. Construction on the
project commenced on May 5, 1993. Emergency permits may be issued by the
Executive Director in accordance with Article 5.20 of the Rules of Procedure.

Site Description: The project area is characterized by moderately sloping
rocky land with areas of dense and open forest. The water tank can be reached
by an existing dirt road that begins near the intersection of Tripoli and
Granite Roads in the Agate Bay Subdivision. Except for some minor soil
erosion off the access road, the project area is relatively stable. The
applicant has been required to submit an erosion control plan for the access
road for TRPA review and approval.

Issues: This project involves expansion of a special use, and thus requires Governing Board action in accordance with Appendix A, Chapter 4 of the TRPA Code of Ordinances.

Staff Analysis:

A. Environmental Documentation: The applicant has completed an Initial Environmental Checklist (IEC) in order to assess the potential environmental impacts of the project. No significant environmental impacts were identified and staff has concluded that the project will not have a significant effect on the environment. A copy of the completed IEC will be made available at the Governing Board hearing and at TRPA.

B. Plan Area Statement: The water tank is located within Plan Area 024A, North Tahoe Recreation Area. The Land Use Classification is Recreation, and the Management Strategy is Mitigation. Agency staff has reviewed the subject plan area and has determined that the project is consistent with the applicable planning statement, planning considerations and special policies. The proposed activity is listed as a special use.

C. Required Findings: The following is a list of the required findings as set forth in Chapter 18 of the TRPA Code of Ordinances. Following each finding, Agency staff has briefly summarized the evidence on which the finding can be made.

1. 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.

Community water tanks are typically located above the communities that they serve in order to provide adequate water pressure. The new tank is located on the same site as the old tank, and will be connected to the same water distribution lines. The water tank is located approximately 400 feet away from the nearest residence in the Agate Bay subdivision.

2. 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.

The new water tank is necessary for the health and safety of residents in the Agate Bay subdivision. The old tank was undersized and did not provide adequate storage capacity for fire emergencies. In addition, the old tank was severely damaged by heavy snow during the 1992-1993 winter.

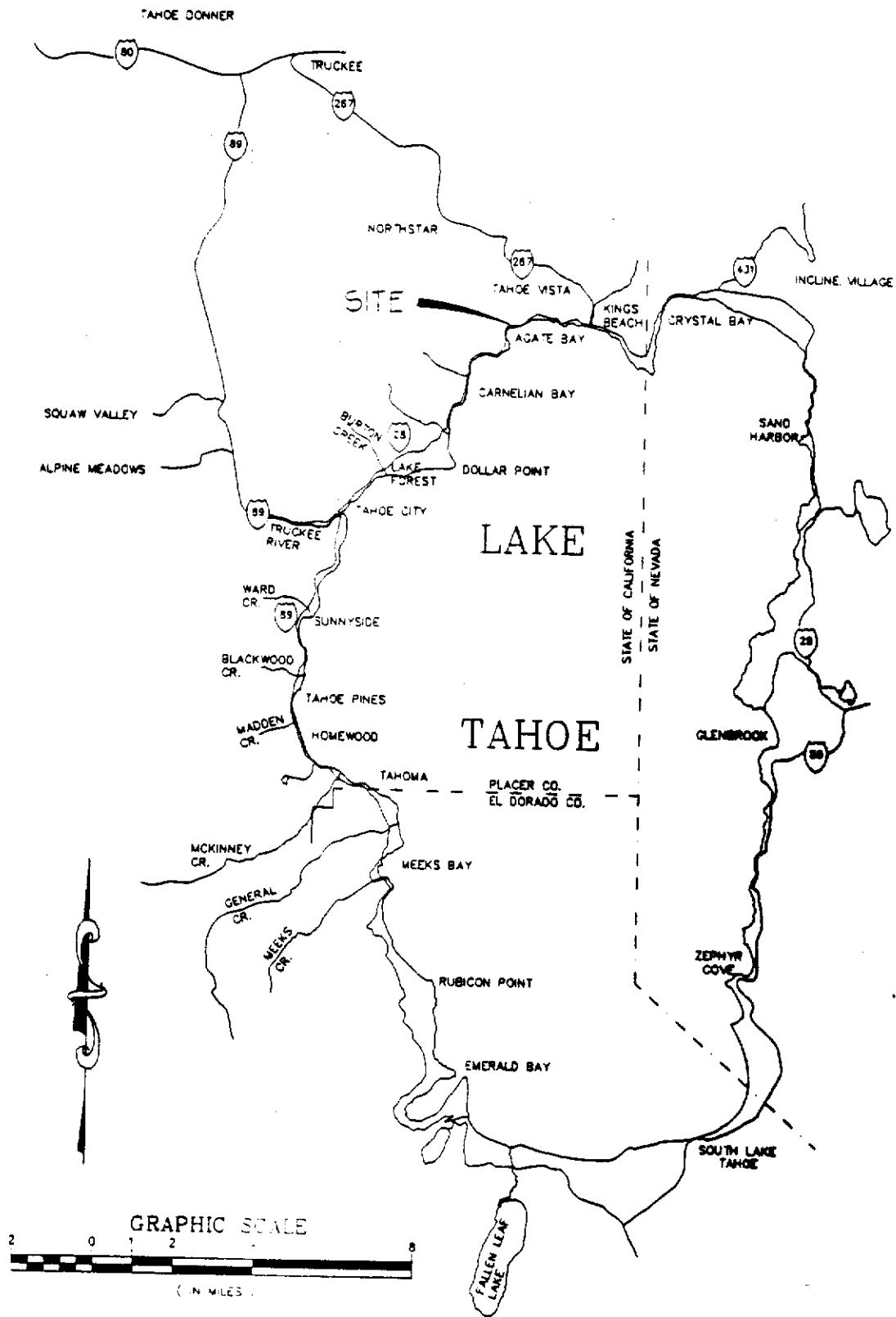
The permittee is required to install temporary and permanent erosion control structures on the subject parcel to protect the land, water, and air resources of both the applicant's property and the surrounding area.

3. The project, to which the use pertains, will not change the character of the neighborhood, detrimentally affect or alter the purpose of the applicable planning area statement, community plan and specific or master plan, as the case may be.

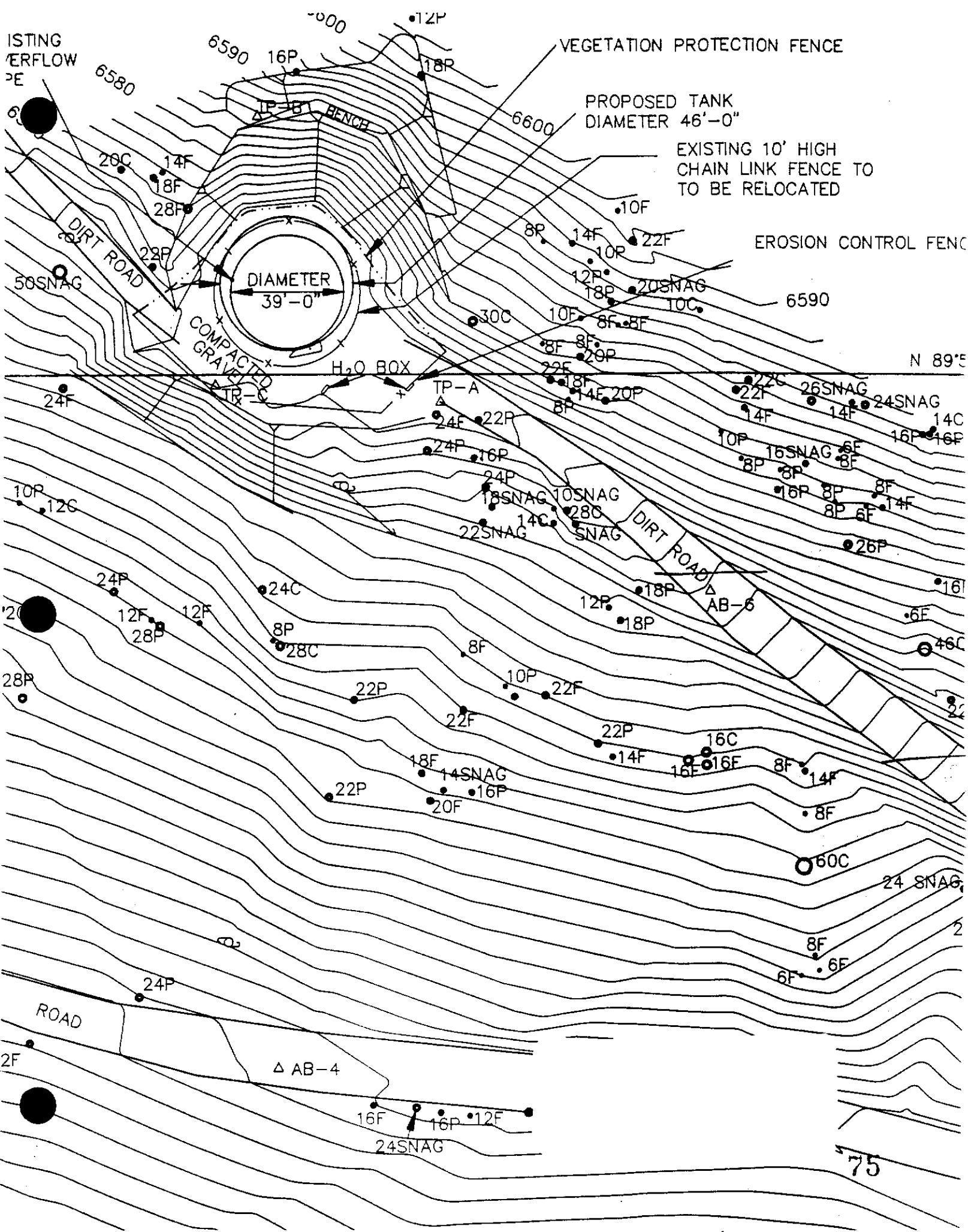
This project involves the replacement of an existing 210,000 gallon community water tank with a new 300,000 gallon community water tank. The existing and proposed uses are permissible uses in the affected plan area. This project is not located within a community, specific, or master plan area.

- D. Required Actions: Agency staff recommends that the Governing Board make the following motion based on this staff summary and the evidence in the record:

- I. A motion based on this staff summary, for the findings contained in Section C above, and a finding of no significant environmental effect.



LAKE TAHOE VICINITY MAP



EXISTING OVERFLOW PIPE

VEGETATION PROTECTION FENCE

PROPOSED TANK
DIAMETER 46'-0"

EXISTING 10' HIGH
CHAIN LINK FENCE TO
TO BE RELOCATED

EROSION CONTROL FENCE

DIAMETER
39'-0"

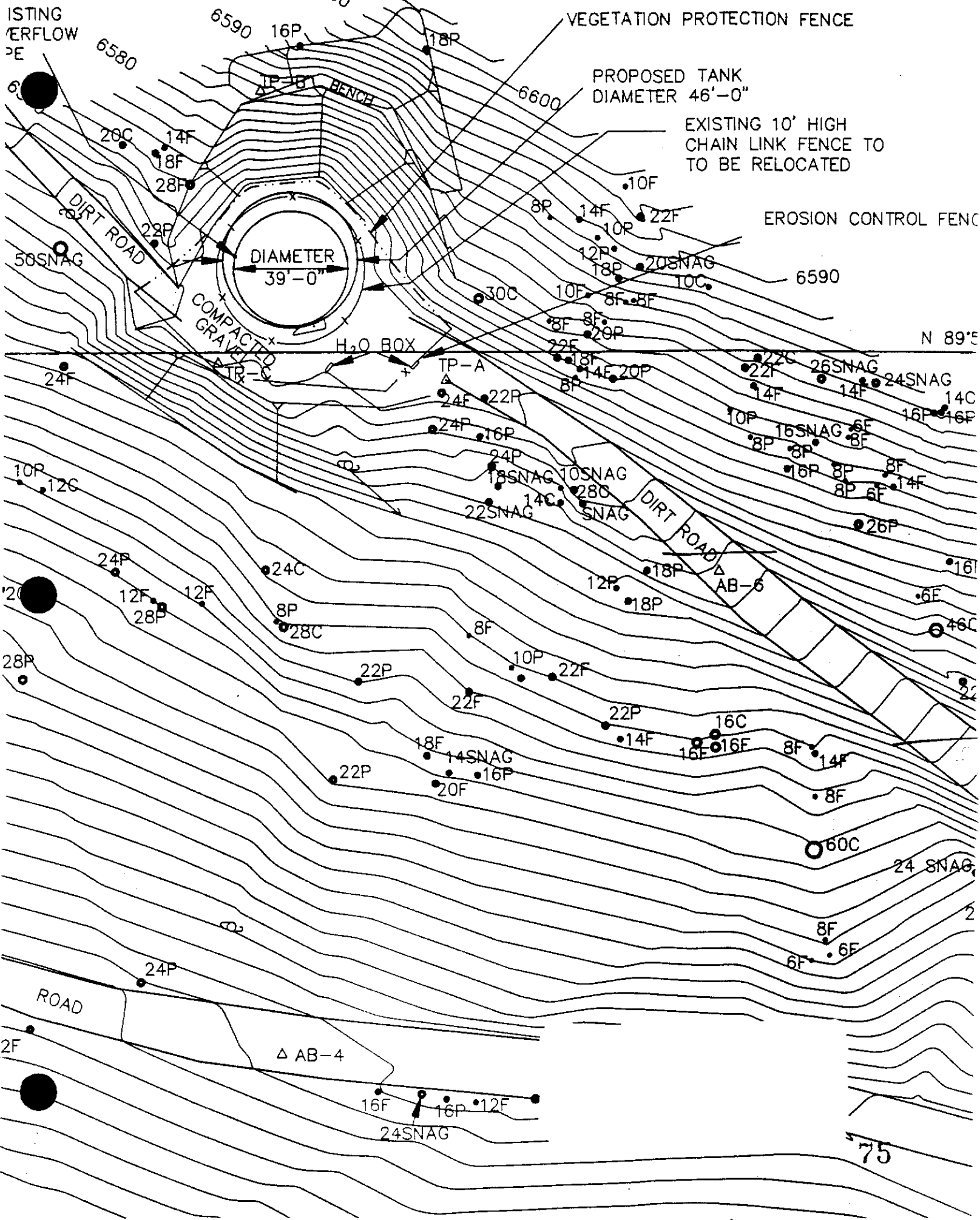
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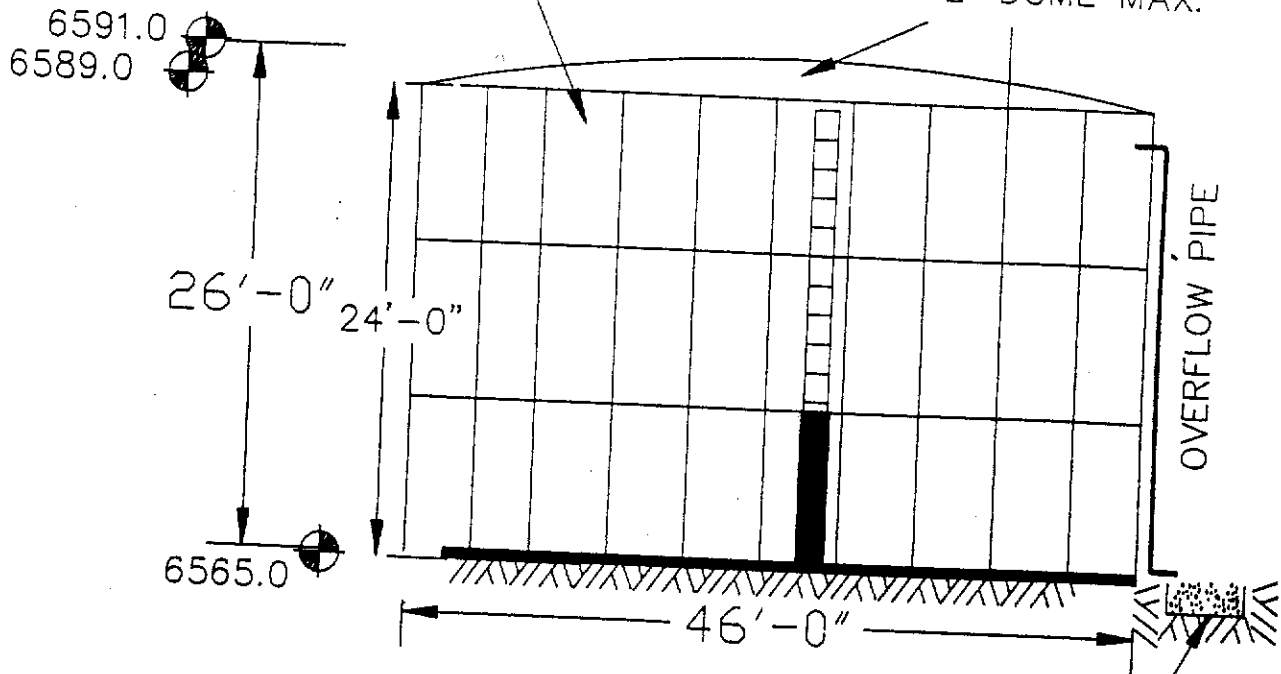
DIRT ROAD

ROAD

75



STANDARD BOLTED OR WELDED TANK WITH THE
PRIMARY COLOR TO BE SUBDUED EARTHTONE
AND WOODTONE RANGES THAT BLEND, RATHER
THAN CONTRAST, WITH THE EXISTING
VEGETATION AND EARTH HUES. 2' DOME MAX.



TANK OVERFLOW

48"X48"X18" DEEP
INFILTRATION TRENCH
WITH 3/4" DRAIN ROCK

TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: Martin/Wheeler/Kraus, Pier Relocation/Expansion and
Multiple-Use Determination

Application Type: Shorezone/Multiple-Use Determination

Applicants: Dr. Tim Martin, John Wheeler, and Marshall Kraus

Applicant's Representative: Mr. Gregg R. Lien, Esq.

Location: 3765 Bellview, Placer County

Assessor's Parcel Numbers: 85-202-01, 85-202-02 and 85-202-03

Agency Staff: Jim Lawrence, Associate Planner

Staff Recommendation: Staff recommends approval of the project. The required actions and recommended conditions are outlined in Section H of this staff summary.

Project Description: The proposed project involves the removal of one existing pier located on APN 85-202-01 and the relocation of one existing pier on APN 85-202-02. The relocated pier will be multiple-use, approximately 281 feet in length and extend to lake bottom elevation 6218' (Lake Tahoe datum). The width of the pier will be 6 feet, except for the deck at the end of the pier which will have a width of 12 feet. The project also includes a 60 foot long catwalk, 3 boat lifts and 3 buoys. The buoys are existing and will be relocated to conform with Army Corps of Engineers standards. The project area consists of three adjacent littoral parcels located immediately south of Blackwood Creek. All three parcels are under different ownership, and as such, the project requires a multiple-use determination to allow for the expansion of the new pier beyond the TRPA pierhead line.

Site Description: The project area consists of three contiguous parcels, that are well vegetated and have a slope of less than five percent. The area of foreshore lake bottom contains a sand, gravel and cobble mix, with the largest concentrations of sand located near the end of the proposed pier. The project area is mapped as spawning habitat, and this has been confirmed by the TRPA staff biologist. The project area slopes approximately 4 percent toward the lake and the backshore is stable.

Issues: The proposed project involves the relocation and expansion of a non-conforming pier (based on fish habitat) and a multiple-use determination, and therefore requires Governing Board review in accordance with Chapter 4, Appendix A, of the TRPA Code. The primary project related issues are:

1. The pier is located within Scenic Shoreline Unit 13:

Scenic Shoreline Unit 13 has a travel route rating of 11 which is in attainment with the scenic quality standard. Staff has determined that the proposed multiple-use pier, as conditioned, will not degrade the scenic threshold, or reduce the travel route rating because the number of piers will be reduced from two to one within the project area. The construction of the pier will be consistent with the TRPA design standards for shorezone structures, with those exceptions permitted for piers recognized as multiple-use.

2. Recognition of Multiple-Use Facility:

The proposed pier will extend beyond the TRPA pierhead line by approximately 105 feet, and exceed the length standard for pier catwalks by 15 feet. Extensions beyond the TRPA pierhead line, and additional length for catwalks, may be allowed for piers recognized as multiple-use facilities. The proposed project meets the criteria for multiple-use facility because the pier will be shared by all three littoral parcel owners and the number of piers will be reduced within the project area from two to one. Also, the conditions of project approval require that a deed restriction be recorded which permanently prohibits pier development on the other two subject parcels. By approving the project, the Governing Board will be recognizing the pier as multiple-use.

3. Navigation and Safety:

The proposed pier project will extend approximately 105 feet beyond the TRPA pierhead line. The applicant has included as part of the environmental assessment, a section addressing potential impacts to navigation and safety resulting from the proposed project. The environmental assessment concludes that the project will not have an adverse impact to navigational safety because the changing characteristics of Blackwood Creek has created a large, shallow delta area in the vicinity of the creek mouth, which is currently non-navigable. The proposed pier is designed to bridge this non-navigable section. Also, the proposed pier and buoys will not extend farther than the existing buoy fields in the vicinity. TRPA staff and the Army Corps of Engineers have reviewed the project for navigational safety and have determined that the proposed project will not have an adverse impact to navigational safety.

4. Fish Habitat:

The proposed project is located in an area mapped as prime fish habitat (spawning habitat). The pier closest to Blackwood Creek is being removed and the other pier is being relocated further from Blackwood Creek. TRPA staff has visited the site and

determined, from the site visit and the information contained in the environmental assessment, that the project will not have an adverse impact to fisheries.

5. Sensitive Plant Species:

The Tahoe Yellow Cress, *Rorippa subumbellata*, is located within the project area. The applicant has submitted a recovery and protection plan to protect the plant during and after construction. This plan has been reviewed by the California State Lands Division and the California Department of Fish and Game. Both agencies have indicated that the plan is acceptable with some minor changes which will be implemented when the agencies complete their review of this project.

Staff Analysis:

A. Environmental Documentation: The applicant has completed an Initial Environmental Checklist (IEC) and an Environmental Assessment in order to assess the following environmental issues: navigational safety, fisheries and fish habitat, on-shore wildlife habitat, sensitive species habitat, and scenic quality. No significant environmental impacts were identified and staff has concluded that the project will not have a significant effect on the environment. Copies of the IEC and EA will be made available at the Governing Board hearing and at TRPA.

B. Plan Area Statement: The project is located within Plan Area 161, Tahoe Pines. The Land Use Classification is Residential and the Management Strategy is Mitigation. Agency staff has reviewed the subject plan area and has determined that the project is consistent with the applicable planning statement, planning considerations and special policies. The proposed activity (pier) is an allowed use.

C. Land Coverage:

1. Land Capability District:

The land capability districts of the project area are class 5 and backshore (class 1b). The total project area is approximately 53,976 square feet.

2. Existing Coverage:

Class 1b:	10,460 square feet
Class 5:	<u>10,129 square feet</u>
Total:	20,589 square feet

3. Proposed Coverage:

No changes in coverage are proposed.

4. Allowed Coverage:

Class 1b:	274 square feet
Class 5:	<u>6,639 square feet</u>
Total:	6,913 square feet

5. Coverage Mitigation:

In order to mitigate existing excess coverage, the applicant shall be required to either pay a mitigation fee, or reduce existing coverage pursuant to subsection 20.5 of the TRPA Code of Ordinances. All coverage required for access to the pier will come from the existing coverage which provide access to the present facilities in the backshore, or it must be mitigated pursuant to the requirements of Subsection 55.4.A of the Code.

D. Recognition of Multiple-Use Facilities: By approving the project, the TRPA Governing Board shall be recognizing the pier and buoys as a multiple-use facility. The project will result in a reduction in the number of piers and, as a condition of project approval, a deed restriction will be filed which prohibits any new piers on the other two subject parcels.

E. Design Standards for Piers: The proposed pier deck elevation is 6,231 feet, Lake Tahoe Datum. This is consistent with Subsection 54.4.B(2) of the TRPA Code. The width of the pier as proposed is 6 feet and the width of the deck is 12 feet. The pier design and all appurtenances (including catwalks), as conditioned, are consistent with the applicable standards, with those exceptions granted for piers recognized as multiple-use.

F. Shorezone Tolerance District: The subject parcel is located within Shorezone Tolerance District 7. The project, as conditioned, complies with the shorezone tolerance district standards.

G. Required Findings: The following is a list of the required findings as set forth in Chapters 6, 50 and 52 of the TRPA Code of Ordinances. Following each finding, Agency staff has briefly summarized the evidence on which the finding can be made.

1. 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.

(a) Land Use: The applicants will be required to mitigate existing excess land coverage and apply BMPs to the project area. This project will not affect the allowed land use on this site. Residential piers are considered allowed accessory structures for these properties.

- (b) Transportation: The pier will be used by the families owning the three subject parcels, and therefore, will not result in an increase in vehicle miles traveled (VMTs). There is no evidence that the proposed project will adversely affect implementation of the Transportation Element of the Regional Plan.
 - (c) Conservation: The project, as conditioned, is consistent with the fisheries, shorezone, and scenic subelements of the Conservation Element of the Regional Plan. The project is located within Scenic Shoreline Unit 13 which is in attainment with the scenic quality threshold. Staff has determined that the project, as conditioned, will not degrade the scenic threshold standard. Fisheries are discussed further in finding 4, below.
 - (d) Recreation: Topline trolling will not be significantly affected by the project because fishing is not allowed in the vicinity of Blackwood Creek during salmon spawning season and because the effect of the project on fishing will not be significantly different from the effect of the present buoys and piers in the area which closely surround the shallow area of the Blackwood delta.
 - (e) Public Service and Facilities: The project does not require additional public services or facilities. There is no evidence that the project will adversely affect implementation of the Public Services and Facilities Element of the Regional Plan.
 - (f) Implementation: The project requires no allocations of development, and is consistent with the Implementation Element of the Goals and Policies.
2. The project will not cause the environmental threshold carrying capacities to be exceeded.

The basis for this finding is provided on the checklist entitled "Project Review Conformance Checklist and Article V(g) Findings" in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Governing Board hearing and at TRPA.

3. 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.

(Refer to paragraph 2, above.)

4. The proposed project will not adversely impact: (1) littoral processes; (2) fish spawning; (3) backshore stability; and (4) on-shore wildlife habitat, including wildfowl nesting areas.

The proposed pier will be more than 90 percent open and based on the IEC and EA, TRPA staff has determined that the project, as conditioned, will not impact fish habitat, littoral processes, backshore stability, or any on-shore wildlife habitat.

5. There are sufficient accessory facilities to accommodate the project.

The project involves accessory structures to an allowed use and the primary facilities are capable of accommodating the proposed project.

6. The project is compatible with existing shorezone and lakezone uses or structures on, or in the immediate vicinity of, the littoral parcel; or that modification of such existing uses or structures will be undertaken to assure compatibility.

The project involves an allowed accessory use and is compatible with other accessory uses (piers) of a similar nature in the vicinity.

7. The use proposed in the foreshore or nearshore is water-dependent.

The pier is located in the foreshore and nearshore of Lake Tahoe and is water-dependent.

8. Measures will be taken to prevent spills or discharges of hazardous materials.

The proposed permit prohibits the use of wood preservatives on wood in contact with the water. Storage of hazardous materials will not be allowed on the pier. Spray painting and the use of tributyltin (TBT) will be prohibited.

9. Construction and access techniques will be used to minimize disturbance to ground and vegetation.

The applicant shall not be permitted to store construction materials on the beach. The construction of the pier will be via a barge or rubber tired vehicle from Lake Tahoe, or from the existing pier. Permanent disturbance to ground or vegetation is prohibited.

10. The project will not adversely impact navigation or create a threat to public safety as determined by those agencies with jurisdiction over a lake's navigable waters.

The pier will extend 105 feet beyond TRPA's pierhead line. Based on available information, the Army Corps of Engineers has

indicated that they will be able to give favorable consideration to the project. This project will also be reviewed by the California State Lands Commission which typically makes its own public safety findings in addition to TRPA's.

11. TRPA has solicited comments from those public agencies having jurisdiction over the nearshore and foreshore and all such comments received were considered by TRPA prior to action being taken on this project.

This project must receive approval from the California State Lands Commission, the U.S. Army Corps of Engineers, and California Department of Fish and Game. Comments from the above agencies were solicited as part of the review of this project. No negative comments were received.

12. The structure does not cause significant shoreline erosion or interference with sediment transport.

A site review indicates no buildup of sediments as a result of the existing pier and based on information contained in the Environmental Assessment, extension of the pier will not degrade the existing situation.

13. The project is in compliance with the scenic threshold.

The subject property is located in Scenic Shoreline Unit 13, which has a travel route rating of 11 and is in attainment with scenic quality thresholds. Based on the nature and scale of the project, staff has determined that the project, as conditioned, will not cause a degradation of the scenic threshold rating for this unit.

14. The structure has not been unserviceable for more than five years.

The existing pier has been continually serviceable, but low lake levels have made the pier unusable.

15. The project does not increase the extent to which the structure does not comply with the development standards.

The project involves the relocation and extension of a nonconforming pier (based on fish habitat), but does not increase the extent to which the pier does not comply with the applicable development standards.

16. The expansion complies with all applicable standards.

The pier extension complies with applicable standards, including the length standards for piers (54.4.A(4)), the setback standards for piers (54.4.A(5)), and the 90 percent open foundation standards for piers (54.4.B(3)), with those exceptions granted for piers recognized as multiple-use. Code Interpretation 1988-4 clarifies Section 52.3.G(1), (2), and (3) to state that expansions

of existing structures must comply with all development standards with the possible exception of the placement standards pertaining to stream inlets and fish habitat areas. The project is located in a fish spawning habitat area, however, staff has determined, based upon an on-site inspection and the information contained in the environmental assessment, that the placement standard for fish habitat areas is not applicable.

17. The project complies with the requirements to install BMPs as set forth in Chapter 25.

The conditions of approval ensure that all BMPs requiring upgrades or installation will take place.

18. The project complies with the design standards in Section 53.10.

The proposed pier relocation and extension, as conditioned, will be composed of non-glare earth tone or wood tone materials to minimize reflectivity.

H. Required Actions: Agency staff recommends that the Governing Board approve the project by making the following motions based on this staff summary and the evidence contained in the record:

- I. A motion based on this staff summary, for the findings contained in Section G above, and a finding of no significant environmental effect.

- II. A motion to approve the project, based on the staff summary, subject to the following conditions:

1. The Standard Conditions of Approval listed in Attachment S.

2. Prior to commencement of construction the following special conditions of approval must be satisfied:

A. The permittee shall mitigate excess land coverage within the project area by submitting an excess coverage mitigation fee, or by removing coverage within Hydrologic Transfer Area Number 7 in accordance with the provisions of Chapter 20 of the Code.

B. The security required under Standard Condition A.3 of Attachment S shall be determined upon the applicant's submittal of the required Best Management Practices plan for both parcels, and related cost estimate. Please see Attachment J. Security Procedures.

C. The applicant shall submit plans, cost estimates and installation schedule for the installation of all required water quality improvements (BMPs) for the entire project area.

- D. The final construction drawings shall have notes indicating conformance to the following design standards for color:

Color: The color of this structure, including any fences on the property, shall be compatible with the surroundings. Subdued colors in the earthtone and woodtone ranges shall be used for the primary color of the structure. Hues shall be within the range of natural colors that blend, rather than contrast, with the existing vegetation and earth hues. Earthtone colors are considered to be shades of reddish brown, brown, tan ochre, umber and sand.

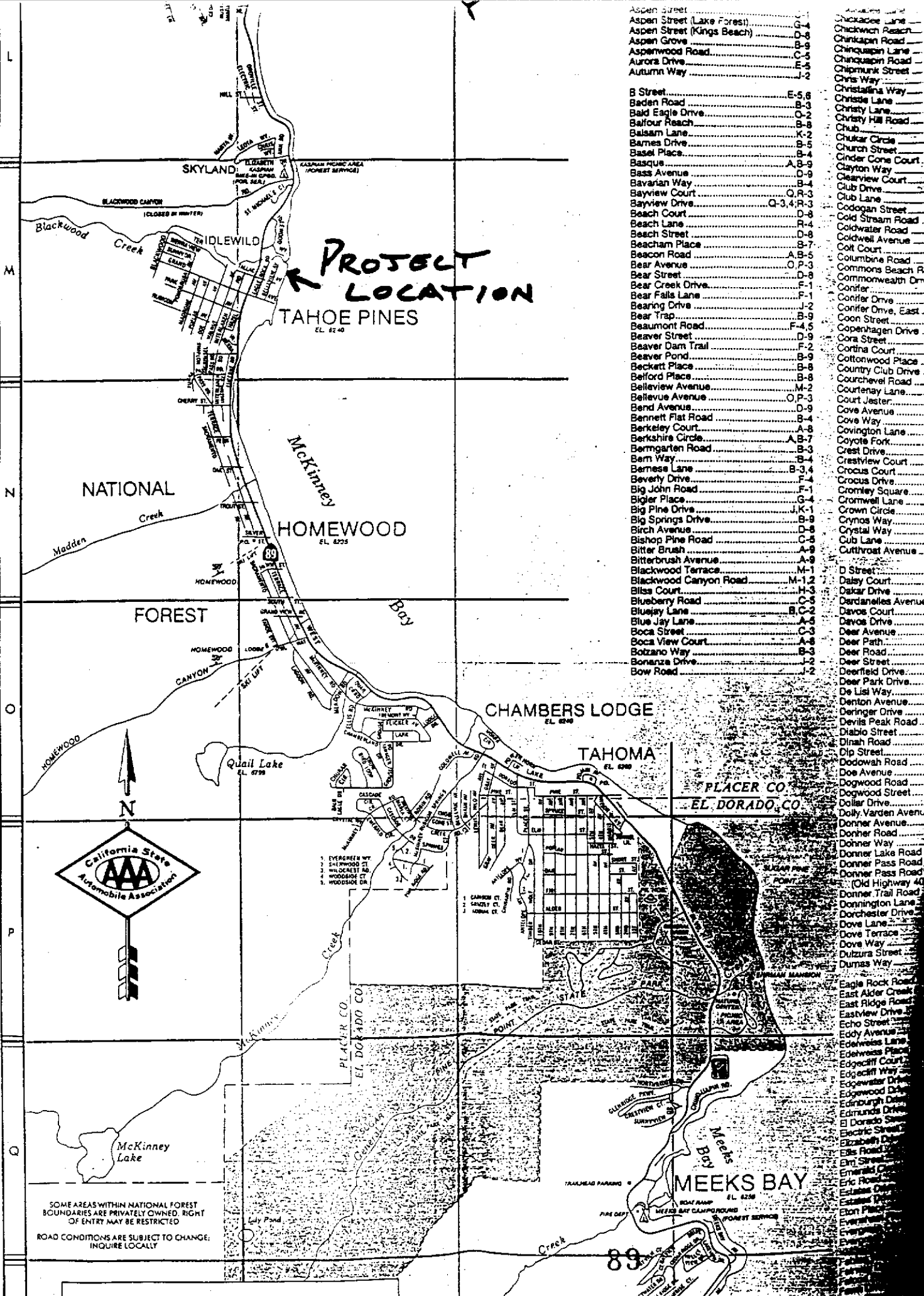
- E. Final construction drawings shall conform to all the applicable design standards of Section 54.4.B, TRPA Code of Ordinances, and all other applicable TRPA design standards.
- F. The applicant shall submit a pier mitigation fee of \$5,400 for the construction of 180 feet of new pier. This fee is based on the additional length extending into the lakezone beyond the existing piers.
- G. The applicant shall submit a construction schedule prior to commencement of construction. This schedule shall identify dates for the following: when installation of temporary erosion control structures and turbidity screens will occur; when construction will start; when construction debris will be removed; when installation of all permanent erosion control structures will occur; and when construction will be completed.
- H. Final construction drawings shall have notes containing the following information:
- (1) All work on the pier extension shall be performed by a rubber-tired barge, or other vessel, from the lake.
 - (2) All construction access and work shall be restricted to the existing and proposed pier "footprint". Footprint of the pier shall be defined as that area directly below the pier extension.
 - (3) Any lake bottom disturbance shall be corrected using handrollers to reconsolidate disturbed shorezone sediments.
 - (4) All disturbed lake bottom cobbles shall be returned to their natural state, in a contiguous manner consistent with the natural setting.

- (5) The removal and installation of all pier pilings shall utilize casons. Disturbed sediment and turbidity shall be allowed to settle before removal of any cassion.
 - (6) Tarps shall be placed under the pier during construction to prevent falling debris from entering the lake.
 - (7) Storage of construction materials shall be prohibited on the beach or within the backshore.
- I. The permittee shall record a deed restriction or other covenant running with the land permanently limiting pier development potential to one pier within the project area, and providing permanent access to the subject pier from APN 85-202-01, 85-202-02 and 85-202-03.
 - J. The final construction drawings shall show the present location of the Blackwood Creek stream inlet. In no instance, shall the proposed pier be constructed within 200 feet of this inlet.
 - K. The applicant shall submit 3 sets of final construction drawings and upland site plans to TRPA.
 - L. The final colors and materials used for construction of the pier, catwalks, boatlifts, and boat covers shall be approved by TRPA prior to construction.
3. Spray painting and the use of tributyltin (TBT) is prohibited.
 4. Storage of construction materials shall be prohibited on the beach or within 50 feet of the beach bluff.
 5. Fertilizer use on this property shall be managed to include the appropriate type of fertilizer, rate, and frequency of application to avoid release of excess nutrients and minimize use of fertilizer.
 6. No trees shall be removed or trimmed for view enhancement purposes without prior TRPA written approval.
 7. The adequacy of all required BMPs as shown on the final construction plans shall be confirmed at the time of the TRPA pre-grading inspection. Any required modifications, as determined by TRPA, shall be incorporated into the project permit at that time.
 8. Disturbance of the lake bed materials shall be kept to the minimum necessary for project construction.

9. The discharge of petroleum products, construction waste and litter (including sawdust), or earthen materials to the surface waters of the Lake Tahoe Basin is prohibited. All surplus construction waste materials shall be removed from the project and deposited only at approved points of disposal.
10. The use of wood preservatives on wood in contact with the water is prohibited and extreme care shall be taken to insure that wood preservatives are not introduced into Lake Tahoe.
11. No containers of fuel, paint, or other hazardous materials may be stored on the pier.
12. Gravel, cobble, or small boulders shall not be disturbed or removed to leave exposed sandy areas, before, during, or after construction.
13. All construction activity shall take place during the non-spawning season, between July 1 and October 1.
14. The applicant shall submit post-construction photos within 30 days of the project completion date, demonstrating any resultant impacts to scenic quality as viewed from 300 feet from shore looking landward and to lake bottom conditions as viewed from the subject parcel.
15. Best practical control technology shall be employed to prevent earthen materials to be resuspended as a result of pier construction and from being transported to adjacent lake water. If determined by the TRPA Compliance Officer to be necessary, the applicant shall install a turbidity screen around the entire construction site (in the water) prior to construction. This screen may be removed upon project completion only upon a satisfactory inspection by TRPA to insure that all suspended materials have settled.
16. No trees or other plants shall be removed to provide foot or vehicular access to the pier during or after the project construction.
17. No raking of the beach or shoreline shall be allowed before, during, or after construction.
18. By acceptance of this permit, the permittee's agree that in the event that natural processes operate to remove the material which has accumulated beneath and adjacent to the existing Martin pier, the parties to the multiple-use pier shall remove any portion of the pier which extends beyond the minimally navigable portion of Lake Tahoe, defined here as 6216 feet (Lake Tahoe Datum); provided, however, that in no event will the parties be required to remove any portion of the pier which is located shoreward of the existing TRPA

pierhead line.

19. All buoys shall be seasonal and will be removed by October 15th and not re-installed until May 1st of the following year.



PROJECT LOCATION

Aspen Street	.....	C-1
Aspen Street (Lake Forest)	.....	G-4
Aspen Street (Kings Beach)	.....	D-8
Aspen Grove	.....	B-9
Aspenwood Road	.....	C-5
Aurora Drive	.....	E-5
Autumn Way	.....	J-2
B Street	.....	E-5,6
Baden Road	.....	B-3
Bald Eagle Drive	.....	O-2
Balfour Reach	.....	B-8
Balsam Lane	.....	K-2
Barnes Drive	.....	B-5
Basel Place	.....	B-4
Basque	.....	A-B-9
Bass Avenue	.....	D-9
Bavarian Way	.....	B-4
Bayview Court	.....	Q-R-3
Bayview Drive	.....	Q-3,4;R-3
Beach Court	.....	D-8
Beach Lane	.....	R-4
Beach Street	.....	D-8
Beacham Place	.....	B-7
Beacon Road	.....	A-B-5
Bear Avenue	.....	O-P-3
Bear Street	.....	D-8
Bear Creek Drive	.....	F-1
Bear Falls Lane	.....	F-1
Bearing Drive	.....	J-2
Bear Trap	.....	B-9
Beaumont Road	.....	F-4,5
Beaver Street	.....	D-9
Beaver Dam Trail	.....	F-2
Beaver Pond	.....	B-9
Beckert Place	.....	B-8
Belford Place	.....	B-8
Belleview Avenue	.....	M-2
Bellevue Avenue	.....	O-P-3
Bend Avenue	.....	D-9
Bennett Flat Road	.....	B-4
Berkeley Court	.....	A-8
Berkshire Circle	.....	A-B-7
Berggarten Road	.....	B-3
Bert Way	.....	B-4
Bernese Lane	.....	B-3,4
Beverly Drive	.....	F-4
Big John Road	.....	F-1
Bigler Place	.....	G-4
Big Pine Drive	.....	J-K-1
Big Springs Drive	.....	B-9
Birch Avenue	.....	D-8
Bishop Pine Road	.....	C-5
Bitter Brush	.....	A-9
Bitterbrush Avenue	.....	A-9
Blackwood Terraces	.....	M-1
Blackwood Canyon Road	.....	M-1,2
Bliss Court	.....	H-3
Blueberry Road	.....	C-5
Bluesjay Lane	.....	B-C-2
Blue Jay Lane	.....	A-5
Boca Street	.....	C-3
Bocca View Court	.....	A-8
Bolzano Way	.....	B-3
Bonanza Drive	.....	J-2
Bow Road	.....	J-2

Chickadee Lane	.....	C-1
Chickadee Reach	.....	C-1
Chickadee Road	.....	C-1
Chinquapin Lane	.....	C-5
Chinquapin Road	.....	C-5
Chinquapin Street	.....	C-5
Chris Way	.....	J-2
Christina Way	.....	E-5,6
Christie Lane	.....	B-3
Christy Lane	.....	O-2
Christy Hill Road	.....	B-8
Club	.....	B-8
Club Circle	.....	K-2
Cluson Street	.....	B-5
Cinder Cone Court	.....	B-4
Clayton Way	.....	B-4
Clearview Court	.....	B-4
Club Drive	.....	B-4
Club Lane	.....	B-4
Codogan Street	.....	B-4
Cold Stream Road	.....	B-4
Coldwater Road	.....	B-4
Coldwell Avenue	.....	B-4
Colt Court	.....	B-4
Columbine Road	.....	B-4
Commons Beach Rk	.....	B-4
Commonwealth Dr	.....	B-4
Conifer	.....	B-4
Conifer Drive	.....	B-4
Conifer Drive, East	.....	B-4
Coon Street	.....	B-4
Copenhagen Drive	.....	B-4
Cora Street	.....	B-4
Cortina Court	.....	B-4
Cottonwood Place	.....	B-4
Country Club Drive	.....	B-4
Courtenay Lane	.....	B-4
Courtney Lane	.....	B-4
Cove Aster	.....	B-4
Cove Avenue	.....	B-4
Cove Way	.....	B-4
Covington Lane	.....	B-4
Coyote Fork	.....	B-4
Crest Drive	.....	B-4
Crestview Court	.....	B-4
Crocus Court	.....	B-4
Crocus Drive	.....	B-4
Cromley Square	.....	B-4
Crown Hill Lane	.....	B-4
Crown Circle	.....	B-4
Cynos Way	.....	B-4
Crystal Way	.....	B-4
Cub Lane	.....	B-4
Cuthroat Avenue	.....	B-4
D Street	.....	B-4
Daisy Court	.....	B-4
Dakar Drive	.....	B-4
Dardanelles Avenue	.....	B-4
Daves Court	.....	B-4
Daves Drive	.....	B-4
Deer Avenue	.....	B-4
Deer Path	.....	B-4
Deer Road	.....	B-4
Deer Street	.....	B-4
Deerfield Drive	.....	B-4
Deer Park Drive	.....	B-4
De Lis Way	.....	B-4
Denton Avenue	.....	B-4
Deringer Drive	.....	B-4
Devils Peak Road	.....	B-4
Diablo Street	.....	B-4
Dinah Road	.....	B-4
Dip Street	.....	B-4
Dowdow Road	.....	B-4
Doe Avenue	.....	B-4
Dogwood Road	.....	B-4
Dogwood Street	.....	B-4
Dollar Drive	.....	B-4
Dolly Varden Avenue	.....	B-4
Donner Avenue	.....	B-4
Donner Road	.....	B-4
Donner Way	.....	B-4
Donner Lake Road	.....	B-4
Donner Pass Road	.....	B-4
Donner Pass Road	.....	B-4
(Old Highway 40)	.....	B-4
Donner Trail Road	.....	B-4
Donnington Lane	.....	B-4
Dorchester Drive	.....	B-4
Dove Lane	.....	B-4
Dove Terrace	.....	B-4
Dove Way	.....	B-4
Dutzura Street	.....	B-4
Dumas Way	.....	B-4
Eagle Rock Road	.....	B-4
East Alder Creek	.....	B-4
East Ridge Road	.....	B-4
Eastview Drive	.....	B-4
Echo Street	.....	B-4
Eddy Avenue	.....	B-4
Edwards Lane	.....	B-4
Edwards Place	.....	B-4
Edgcliff Court	.....	B-4
Edgcliff Way	.....	B-4
Edgewater Drive	.....	B-4
Edgewood Drive	.....	B-4
Edinburgh Drive	.....	B-4
Edmunds Drive	.....	B-4
El Dorado Street	.....	B-4
Electric Street	.....	B-4
Elizabeth Drive	.....	B-4
Elbs Road	.....	B-4
Em Street	.....	B-4
Emerald Court	.....	B-4
Eric Road	.....	B-4
Estates Drive	.....	B-4
Estates Drive	.....	B-4
Eton Place	.....	B-4
Evergreen	B-4
Evergreen	B-4
Evergreen	B-4
Evergreen	B-4
Evergreen	B-4
Evergreen	B-4
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Evergreen	B-4
Evergreen	B-4

SOME AREAS WITHIN NATIONAL FOREST BOUNDARIES ARE PRIVATELY OWNED. RIGHT OF ENTRY MAY BE RESTRICTED.
ROAD CONDITIONS ARE SUBJECT TO CHANGE; INQUIRE LOCALLY.

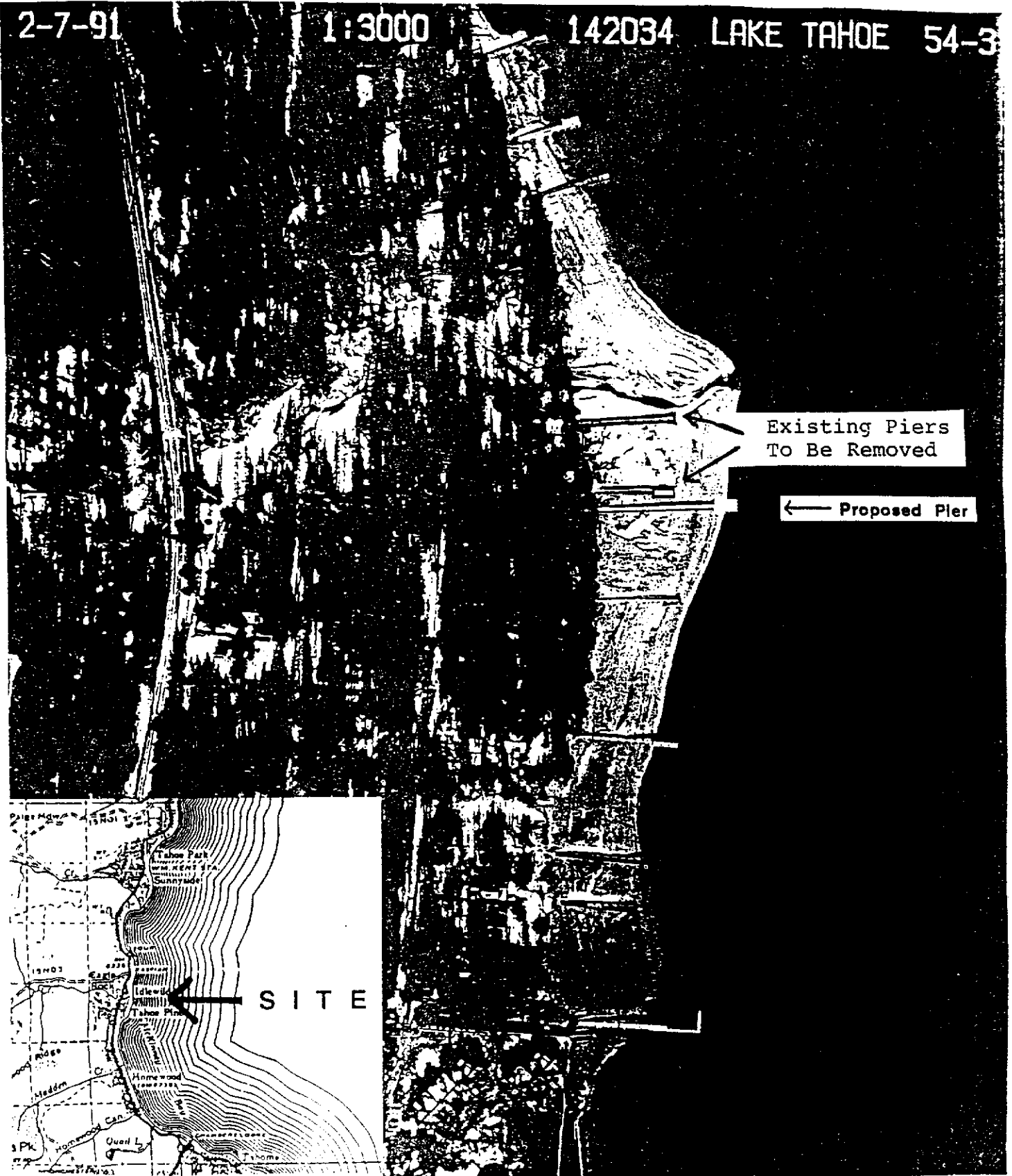


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2-7-91

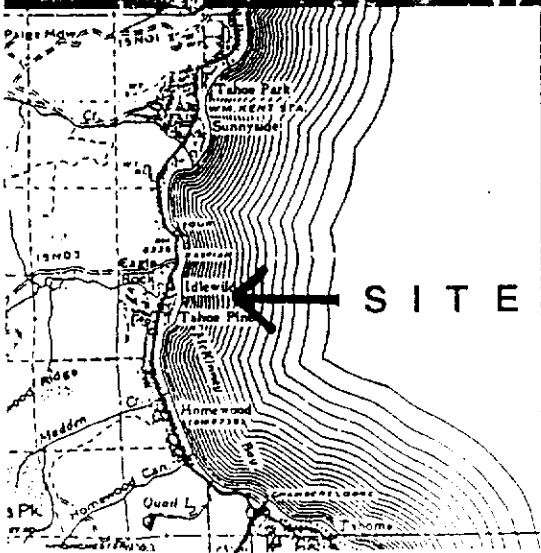
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142034 LAKE TAHOE 54-3



Existing Piers To Be Removed

← Proposed Pier



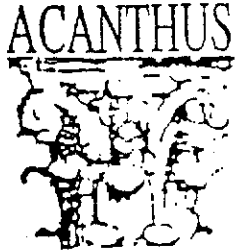
916-444-9020
1826 Capitol Avenue
Sacramento, CA 95814

MULTIPLE USE PIER

3765 Belleview, Placer County

AP# 85-202-02

Brent Christian Thrans
Landscape Architect
Planner

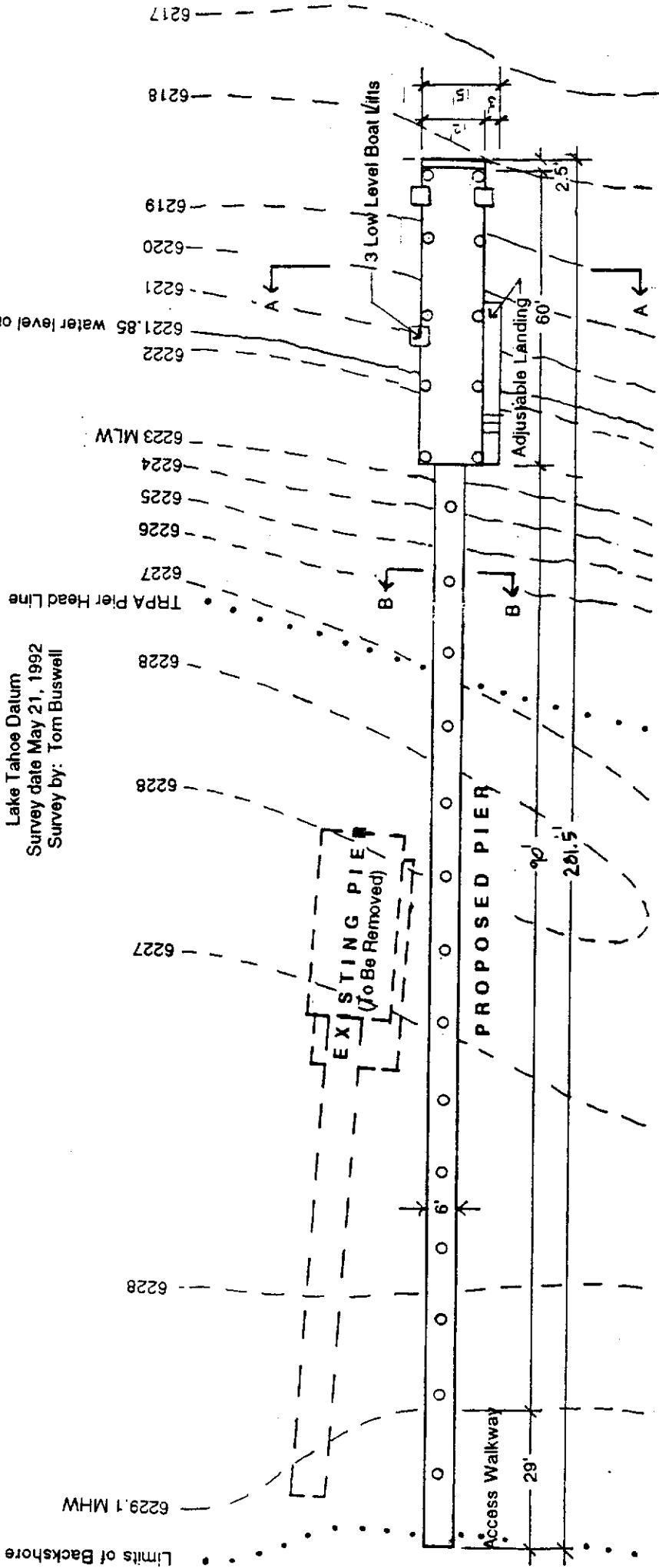


PIER PLAN

Scale: 1" = 30'0"

Date: 11 Mar 1993
 Drawn by: Brent C. Thrans

Lake Tahoe Datum
 Survey date May 21, 1992
 Survey by: Tom Buswell



MULTIPLE USE PIER

3765 Bellevue, Placer County

AP# 85-202-02

PARCELS SERVED

- Kraus: 85-202-01
- Martin: 85-202-02
- Wheeler: 85-202-03

NORTH



916-444-9020
 1826 Capitol Avenue
 Sacramento, CA 95814

Brent Christian Thrans
 Landscape Architect
 Planner

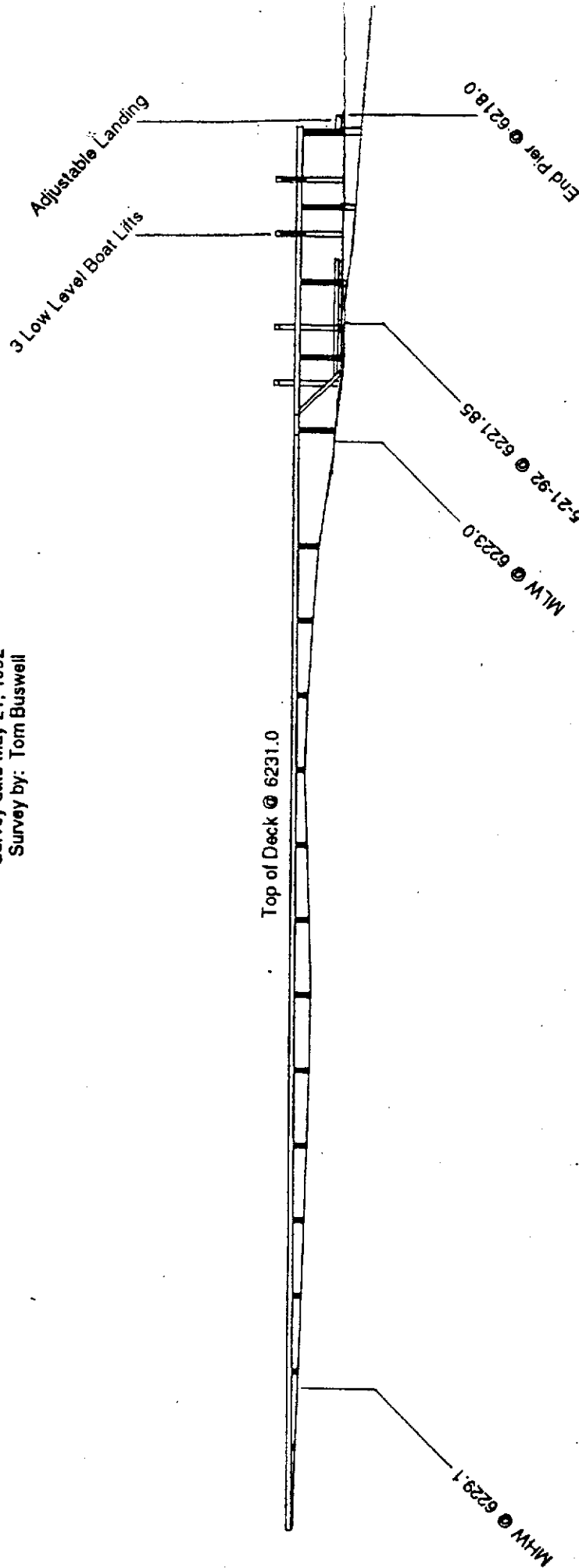


PIER PROFILE

Scale: 1" = 30'0"
Horizontal and Vertical

Date: 11 Mar 1993
Drawn by: Brent C. Thrans

Lake Tahoe Datum
Survey date May 21, 1992
Survey by: Tom Buswell



MULTIPLE USE PIER

3765 Bellevue, Placer County

AP# 85-202-02

PARCELS SERVED

Kraus: 85-202-01

Martin: 85-202-02

Wheeler: 85-202-03



916-444-0020
1826 Capital Avenue
Sacramento, CA 95814

Brent Christian Thrans
Landscape Architect
Planner

BUOY PLAN

Adjacent Buoys
 South of Pier - approx. 180'
 North of Pier - approx. 350'

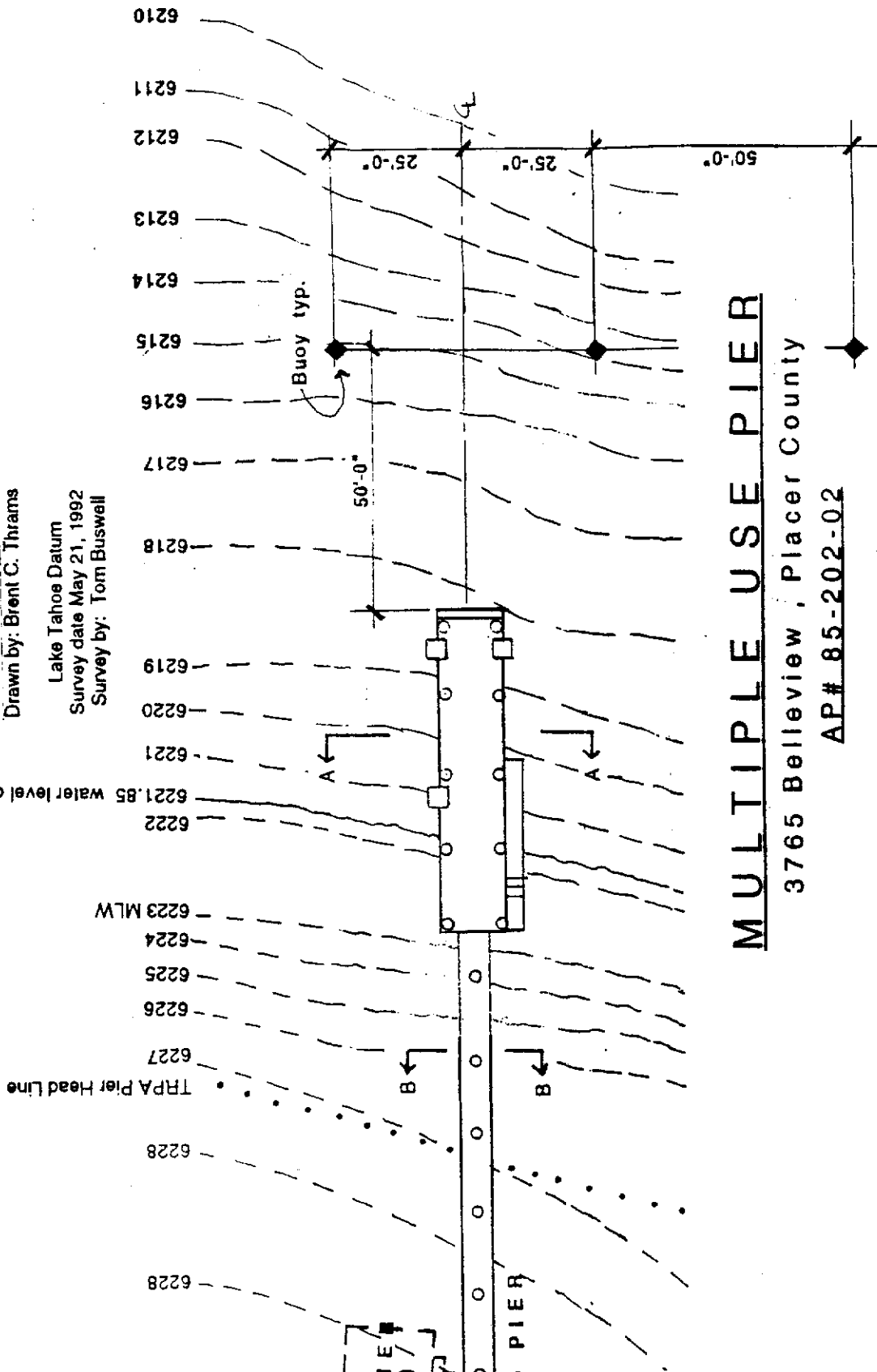
Scale: 1" = 30'0"
 Horizontal and Vertical

Date: 11 Mar 1993
 Drawn by: Brent C. Thrums

Lake Tahoe Datum
 Survey date May 21, 1992
 Survey by: Tom Buswell

6221.85 Water level on 5-21-92

TPRA Pier Head Line



MULTIPLE USE PIER

3765 Bellevue, Placer County

AP# 85-202-02

PARCELS SERVED

Kraus: 85-202-01

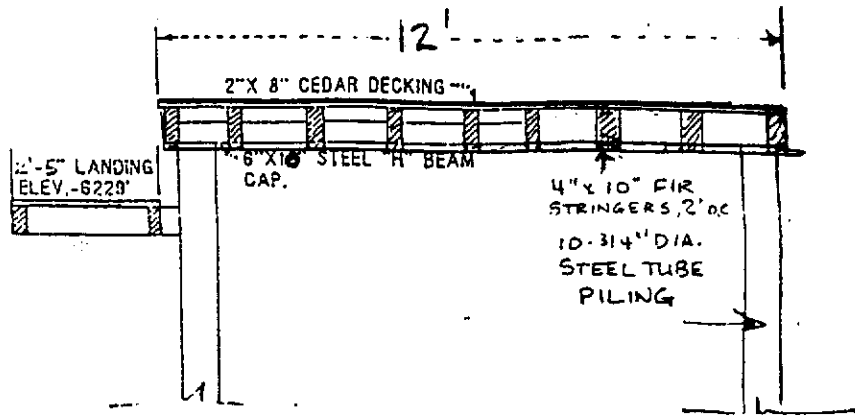
Martin: 85-202-02

Wheeler: 85-202-03

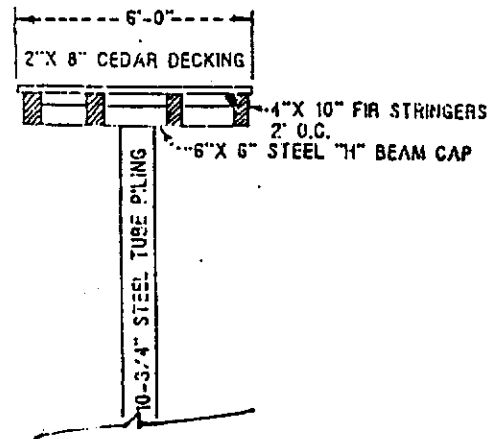
916-444-9020
 1826 Capital Avenue
 Sacramento, CA 95814

Brent Christian Thrums
 Landscape Architect
 Planner





PIER SECTION "A"
TYPICAL



PIER SECTION "B"
TYPICAL

916-444-9020
1826 Capitol Avenue
Sacramento, CA 95814

Brent Christian Thrans
Landscape Architect
Planner

ACANTHUS



MULTIPLE USE PIER

3765 Belleview, Placer County
AP# 85-202-02

PARCELS SERVED
Kraus: 85-202-01
Martin: 85-202-02
Wheeler: 85-202-03

TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: La Tourette, Pier Modification and Multiple-Use Determination

Application Type: Shorezone/Multiple-Use Determination

Applicants: Richard La Tourette

Applicant's Representative: Chris Worcester, Dennis Dodds and Associates

Location: 6085/6100 North Lake Boulevard, Placer County

Assessor's Parcel Numbers: 117-020-08 and 117-020-017

Agency Staff: Jim Lawrence, Associate Planner

Staff Recommendation: Staff recommends approval of the project. The required actions and recommended conditions are outlined in Section G of this staff summary.

Project Description: The proposed project involves major structural repair of the existing pier and boathouse located on APN 117-020-08. The applicants also propose to add another boatlift within the existing boathouse, for a total of two boatlifts. The pier will be shared by parcels 117-020-08 and 117-020-017. Approval of the additional boatlift will require a multiple-use recognition by the Governing Board, because only one boatlift is permitted for piers except for piers recognized as multiple-use facilities. The existing pier extends approximately 120 feet lakeward of highwater to lake bottom elevation 6219'. The applicants do not propose any expansions to the existing pier and boathouse.

Site Description: The project area consists of two contiguous littoral parcels (APNs 117-020-017 and 117-020-08). Both parcels are occupied by single family residences. The area of foreshore consists primarily of a cobble and boulder mix, with areas of sand located lakeward of the existing boathouse. The project area is mapped as spawning habitat.

Issues: The proposed project involves a multiple-use determination, and therefore requires Governing Board review in accordance with Chapter 4, Appendix A, of the TRPA Code. The primary project related issues are:

1. The pier is located within Scenic Shoreline Unit 20 and Scenic Roadway Unit 19:

The proposed project is located within Scenic Shoreline Unit 20, which has a travel route rating of 8 and is in attainment with the scenic quality standard. Scenic Roadway Unit 19 has a travel route rating of 14, which is not in attainment with scenic quality

standards. Staff has determined that the proposed pier modification, as conditioned, will not degrade the scenic threshold because the repair will involve colors and material that are compatible with the surroundings. Also, the repair will result in a reduction in the number of pilings supporting the pier and boathouse. The pier modification will be consistent with the TRPA design standards for shorezone structures, with those exceptions permitted for piers recognized as multiple-use.

2. Recognition of Multiple-Use Facility:

The proposed project involves the construction of an additional boatlift, for a total of two boatlifts associated with the existing pier and boathouse. Additional boatlifts may be allowed for piers recognized as multiple-use facilities. The project area involves two littoral parcels owned by the La Tourette Trust. The homes and pier are used throughout the year by ten different families. The conditions of project approval require that a deed restriction be recorded which permanently limits development potential on the subject parcels. By approving the project, the Governing Board will be recognizing the pier and boathouse as multiple-use.

Staff Analysis:

A. Environmental Documentation: The applicant has completed an Initial Environmental Checklist (IEC) to assess the potential environmental impacts of the project. No significant environmental impacts were identified and staff has concluded that the project will not have a significant effect on the environment. A copy of the completed IEC will be made available at the Governing Board hearing and at TRPA.

B. Plan Area Statement: The project is located within Plan Area 021, Tahoe Estates. The Land Use Classification is Residential and the Management Strategy is Mitigation. Agency staff has reviewed the subject Plan Area and has determined that the project is consistent with the applicable planning statement, planning considerations and special policies. The proposed activity is an allowed use.

C. Land Coverage:

1. Land Capability District:

The land capability districts of the project area are class 1c and backshore (class 1b). The total project area is approximately 15,491 square feet.

2. Existing Coverage:

Class 1b:	127 square feet
Class 1c:	<u>5,501 square feet</u>
Total:	5,628 square feet

3. Proposed Coverage:

No changes in coverage are proposed.

4. Allowed Coverage:

Class 1b:	45 square feet
Class 1c:	<u>109 square feet</u>
Total:	154 square feet

5. Coverage Mitigation:

In order to mitigate existing excess coverage, the applicant shall be required to either pay a mitigation fee, or reduce existing coverage pursuant to subsection 20.5 of the TRPA Code of Ordinances.

D. Recognition of Multiple-Use Facilities: By approving the project, the TRPA Governing Board shall be recognizing the pier and boathouse as a multiple-use facility. As a condition of project approval, a deed restriction will be filed which prohibits a new pier on the adjoining parcel (APN 117-020-017).

E. Shorezone Tolerance District: The subject parcel is located within Shorezone Tolerance District 2. The project, as conditioned, complies with the shorezone tolerance district standards.

F. Required Findings: The following is a list of the required findings as set forth in Chapters 6, 50 and 52 of the TRPA Code of Ordinances. Following each finding, Agency staff has briefly summarized the evidence on which the finding can be made.

1. 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.

(a) Land Use: The applicants will be required to mitigate existing excess land coverage and apply BMPs to the project area. This project will not affect the allowed land use on this site. Residential piers are allowed accessory structures for these properties in the affected plan area.

- (b) Transportation: The existing pier will continue to be used by the families owning the two subject parcels, and therefore, will not result in an increase in vehicle miles traveled (VMTs). Therefore, no air quality mitigation fees are required.
- (c) Conservation: The project, as conditioned, is consistent with the fisheries, shorezone, and scenic subelements of the Conservation Element of the Regional Plan. The project is located within Scenic Shoreline Unit 20 and Scenic Roadway Unit 19. Staff has determined that the project, as conditioned, will not degrade the scenic threshold standard. Fisheries are discussed further in finding 4, below.
- (d) Recreation: Recreation will not be impacted by the proposed project because the project does not involve extensions or expansions to the existing shorezone structure.
- (e) Public Service and Facilities: The project does not require additional public services or facilities. There is no evidence that the project will adversely affect implementation of the Public Services and Facilities Element of the Regional Plan.
- (f) Implementation: The project requires no allocations of development, and is consistent with the Implementation Element of the Goals and Policies.

2. The project will not cause the environmental threshold carrying capacities to be exceeded.

The basis for this finding is provided on the checklist entitled "Project Review Conformance Checklist and Article V(g) Findings" in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Governing Board hearing and at TRPA.

3. 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.

(Refer to paragraph 2, above.)

4. The proposed project will not adversely impact: (1) littoral processes; (2) fish spawning; (3) backshore stability; and (4) on-shore wildlife habitat, including wildfowl nesting areas.

The proposed project will not have an impact on littoral processes because the existing pier is, and will remain, more

than 90 percent open. Fish spawning will not be adversely impacted because the only modification to the existing structure is an additional boatlift, which will not require any disturbance to the substrate. The backshore is stable and will not be impacted by the proposed project. The project is not located in an area mapped as habitat for threatened species.

5. There are sufficient accessory facilities to accommodate the project.

The project involves an accessory structure to an allowed use and the primary facilities are capable of accommodating the proposed project.

6. The project is compatible with existing shorezone and lakezone uses or structures on, or in the immediate vicinity of, the littoral parcel; or that modification of such existing uses or structures will be undertaken to assure compatibility.

The project involves an allowed accessory use and is compatible with other accessory uses (piers) of a similar nature in the vicinity.

7. The use proposed in the foreshore or nearshore is water-dependent.

The pier and boathouse are located in the foreshore and nearshore of Lake Tahoe and are water-dependent.

8. Measures will be taken to prevent spills or discharges of hazardous materials.

The proposed permit prohibits the use of wood preservatives on wood in contact with the water. Storage of hazardous materials will not be allowed on the pier. Spray painting and the use of tributyltin (TBT) will be prohibited.

9. Construction and access techniques will be used to minimize disturbance to ground and vegetation.

The applicant shall not be permitted to store construction materials on the beach. The repair of the pier will be via a barge or rubber tired vehicle from Lake Tahoe, or from the existing pier. Permanent disturbance to ground or vegetation is prohibited.

10. The project will not adversely impact navigation or create a threat to public safety as determined by those agencies with jurisdiction over a lake's navigable waters.

The project will not have an adverse impact to navigation or public safety because the pier will not be extended or relocated. The project will also be reviewed by the California

State Lands Commission and the Army Corps of Engineers who typically make their own public safety findings in addition to TRPA's.

11. TRPA has solicited comments from those public agencies having jurisdiction over the nearshore and foreshore and all such comments received were considered by TRPA prior to action being taken on this project.

This project must receive approval from the California State Lands Commission, the U.S. Army Corps of Engineers, and California Department of Fish and Game. Comments from the above agencies were solicited as part of the review of this project and no negative comments were received.

12. The structure does not cause significant shoreline erosion or interference with sediment transport.

A site review indicates no buildup of sediments in the proximity of the existing structure and based on information contained in the IEC, the pier repair will not degrade the existing shoreline or substrate.

13. The project is in compliance with the scenic threshold.

The subject property is located in Scenic Shoreline Unit 20 and Scenic Roadway Unit 19. Based on the nature and scale of the project, staff has determined that the project, as conditioned, will not cause a degradation of the scenic threshold rating for this unit.

14. The structure has not been unserviceable for more than five years.

The existing pier and boathouse have been continually serviceable.

15. The project does not increase the extent to which the structure does not comply with the development standards.

The proposed project does not involve expansion of the existing structure, and as such, will not increase the extent to which the structures do not comply with the development standards.

16. The expansion complies with all applicable standards.

The proposed project does not involve an expansion to the pier or boathouse. However, the project does involve the construction of an additional boatlift which is allowed for structures recognized as multiple-use facilities.

17. The project complies with the requirements to install BMPs as set forth in Chapter 25.

The conditions of approval insure that all BMPs requiring upgrades or installation will take place.

18. The project complies with the design standards in Section 53.10.

The proposed pier and boathouse repair, as conditioned, will be composed of non-glare earth tone or wood tone materials to minimize reflectivity.

- G. Required Actions: Agency staff recommends that the Governing Board approve the project by making the following motions based on this staff summary and the evidence contained in the record:

- I. A motion based on this staff summary, for the findings contained in Section F above, and a finding of no significant environmental effect.
- II. A motion to approve the project, based on the staff summary, subject to the following conditions:
1. The Standard Conditions of Approval listed in Attachment S.
 2. Prior to commencement of construction the following special conditions of approval must be satisfied:
 - A. The permittee shall revise the existing land coverage figures to be consistent with the TRPA verification of existing land coverage letter dated March 5, 1993 (enclosed with permit).
 - B. The permittee shall mitigate excess land coverage within the project area by submitting an excess coverage mitigation fee, or by removing coverage within Hydrologic Transfer Area Number 9 in accordance with the provisions of Chapter 20 of the Code.
 - C. The security required under Standard Condition A.3 of Attachment S shall be determined upon the applicant's submittal of the required Best Management Practices (BMP) plan for both parcels, and related cost estimate. The security shall be equal to 110 percent of the estimated BMP costs. Please see Attachment J. Security Procedures.
 - D. The applicant shall submit plans, cost estimates and installation schedule for the installation of all required water quality improvements (BMPs) for the entire project area.

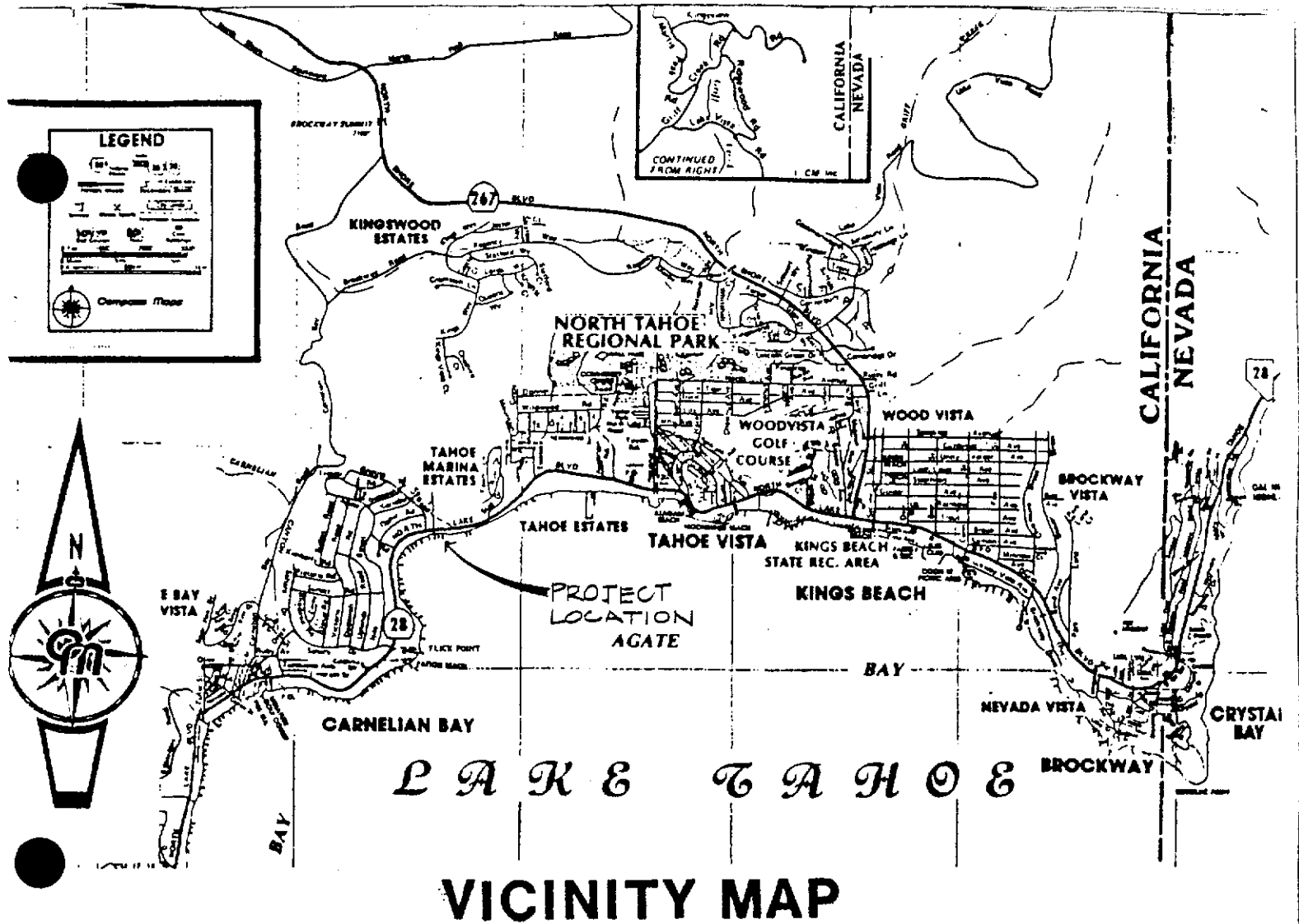
- E. The final construction drawings shall have notes indicating conformance to the following design standards for color:

Color: The color of this structure, including any fences on the property, shall be compatible with the surroundings. Subdued colors in the earthtone and woodtone ranges shall be used for the primary color of the structure. Hues shall be within the range of natural colors that blend, rather than contrast, with the existing vegetation and earth hues. Earthtone colors are considered to be shades of reddish brown, brown, tan ochre, umber and sand.

- F. Final construction drawings shall conform to all the applicable design standards of Section 54.4.B, TRPA Code of Ordinances, and all other applicable TRPA design standards.
- G. The applicant shall submit a pier mitigation fee of \$500 for the installation of the additional boatlift.
- H. All colors and materials for pier and boathouse repair, pilings, and boatlift shall be approved by TRPA prior to acknowledgment of this permit. Approved colors and materials shall be denoted on the final elevation drawings.
- I. The applicant shall submit a construction schedule prior to commencement of construction. This schedule shall identify dates for the following: when installation of temporary erosion control structures and turbidity screens will occur; when construction will start; when construction debris will be removed; when installation of all permanent erosion control structures will occur; and when construction will be completed.
- J. Final construction drawings shall have notes containing the following information:
- (1) All work on the pier and boathouse repair shall be performed by a rubber-tired barge, or other vessel, from the lake.
 - (2) All construction access and work shall be restricted to the existing pier and boathouse "footprint".
 - (3) Any lake bottom disturbance shall be corrected using handrollers to reconsolidate disturbed shorezone sediments.

- (4) All disturbed lake bottom cobbles shall be returned to their natural state, in a contiguous manner consistent with the natural setting.
 - (5) The removal and installation of all pier pilings shall utilize casons. Disturbed sediment and turbidity shall be allowed to settle before removal of any cason.
 - (6) Tarps shall be placed under the pier during construction to prevent falling debris from entering the lake.
 - (7) Storage of construction materials shall be prohibited on the beach or within the backshore.
- K. The permittee shall record a deed restriction or other covenant running with the land permanently limiting pier development potential to one pier within the project area, and providing permanent access to the subject pier from APN 117-020-017 and 117-020-08.
- L. The applicant shall submit 3 sets of final construction drawings and upland site plans to TRPA.
3. Spray painting and the use of tributyltin (TBT) is prohibited.
 4. Storage of construction materials shall be prohibited on the beach or within 50 feet of the beach bluff.
 5. Fertilizer use on this property shall be managed to include the appropriate type of fertilizer, rate, and frequency of application to avoid release of excess nutrients and minimize use of fertilizer.
 6. No trees shall be removed or trimmed for view enhancement purposes without prior TRPA written approval.
 7. The adequacy of all required BMPs as shown on the final construction plans shall be confirmed at the time of the TRPA pre-grading inspection. Any required modifications, as determined by TRPA, shall be incorporated into the project permit at that time.
 8. Disturbance of the lake bed materials shall be kept to the minimum necessary for project construction.
 9. The discharge of petroleum products, construction waste and litter (including sawdust), or earthen materials to the surface waters of the Lake Tahoe Basin is prohibited. All surplus construction waste materials shall be removed from the project and deposited only at approved points of disposal.

10. The use of wood preservatives on wood in contact with the water is prohibited and extreme care shall be taken to insure that wood preservatives are not introduced into Lake Tahoe.
11. No containers of fuel, paint, or other hazardous materials may be stored on the pier.
12. Gravel, cobble, or small boulders shall not be disturbed or removed to leave exposed sandy areas, before, during, or after construction.
13. All construction activity shall take place during the non-spawning season, between July 1 and October 1.
14. The applicant shall submit post-construction photos within 30 days of the project completion date, demonstrating any resultant impacts to scenic quality as viewed from 300 feet from shore looking landward and to lake bottom conditions as viewed from the subject parcel.
15. Best practical control technology shall be employed to prevent earthen materials to be resuspended as a result of pier construction and from being transported to adjacent lake water. If determined by the TRPA Compliance Officer to be necessary, the applicant shall install a turbidity screen around the entire construction site (in the water) prior to construction. This screen may be removed upon project completion only upon a satisfactory inspection by TRPA to insure that all suspended materials have settled.
16. No trees or other plants shall be removed to provide foot or vehicular access to the pier during or after the project construction.
18. No raking of the beach or shoreline shall be allowed before, during, or after construction.




VICINITY MAP

**LA TOURETTE
PIER-BOATHOUSE RECONSTRUCTION
& BUOY LOCATION
WITH MULTIPLE USE RECOGNITION**

**RICHARD LA TOURETTE
6085, 6100 NORTH LAKE BLVD
AGATE BAY SUB. PLACER CO. CA.
AP #S 117-020-008 & 117-020-017**

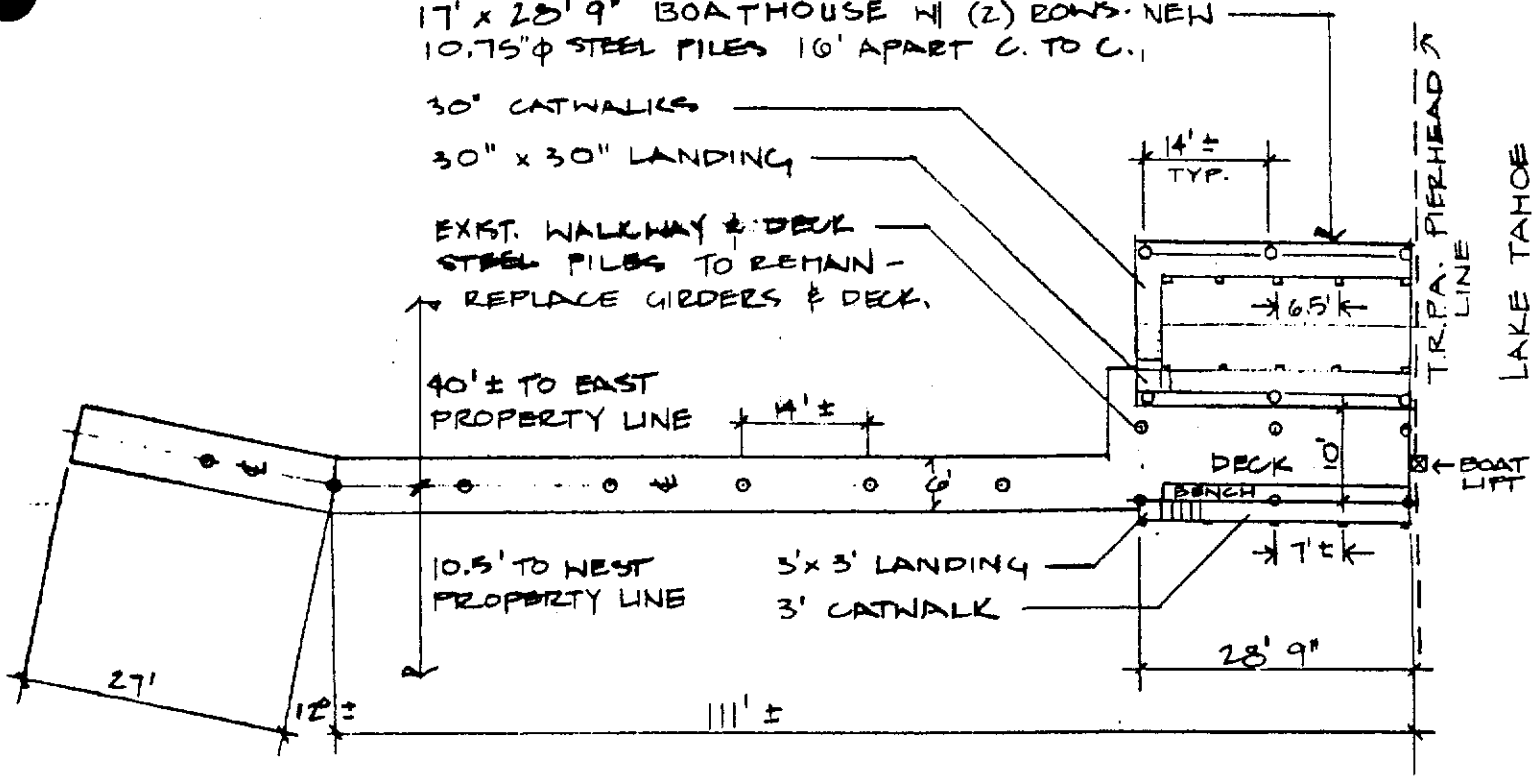
**ADJOINING PROPERTIES
AP # 117-020-007 (WEST)
AP # 117-020-009 (EAST)**

DATE	
REVISIONS	
	DENNIS DODDS & ASSOCIATES

17' x 28' 9" BOATHOUSE W/ (2) ROWS - NEW
 10.75" ϕ STEEL PILES 10' APART C. TO C.

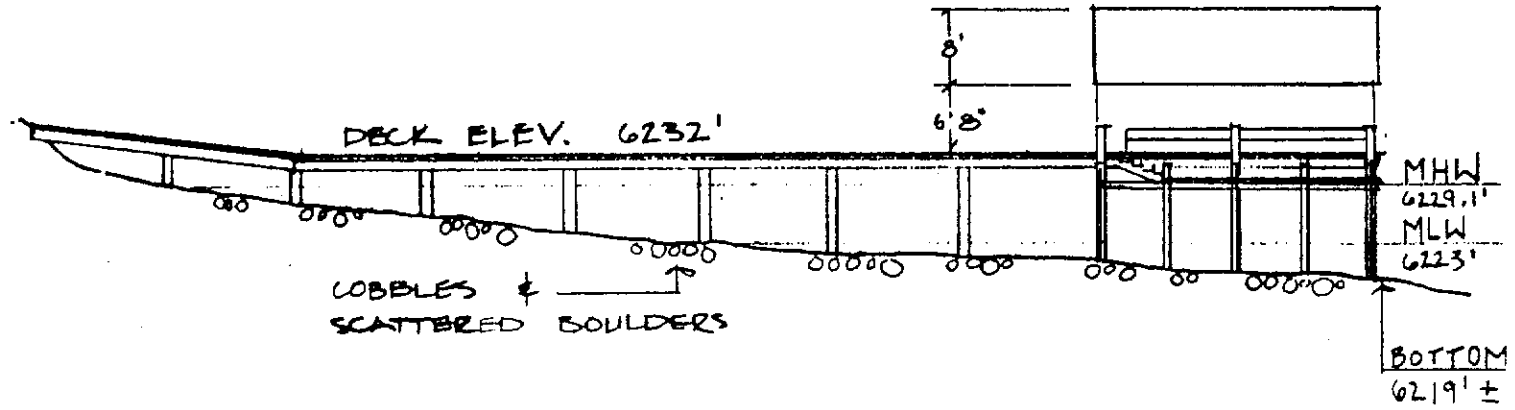
30" CATWALKS
 30" x 30" LANDING

EXIST. WALKWAY & DECK
 STEEL PILES TO REMAIN -
 REPLACE GIRDERS & DECK.



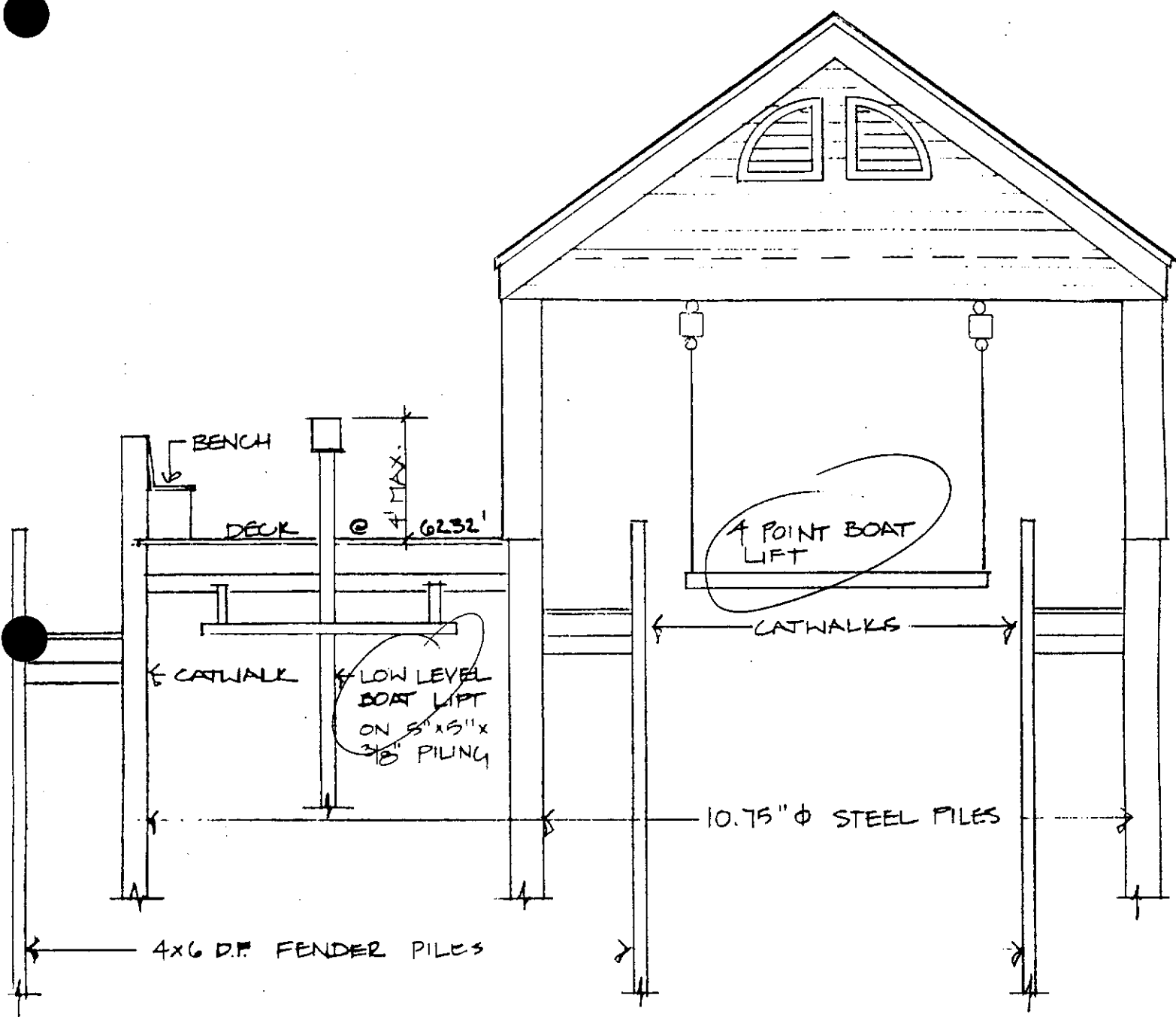
PLAN

1" = 20'

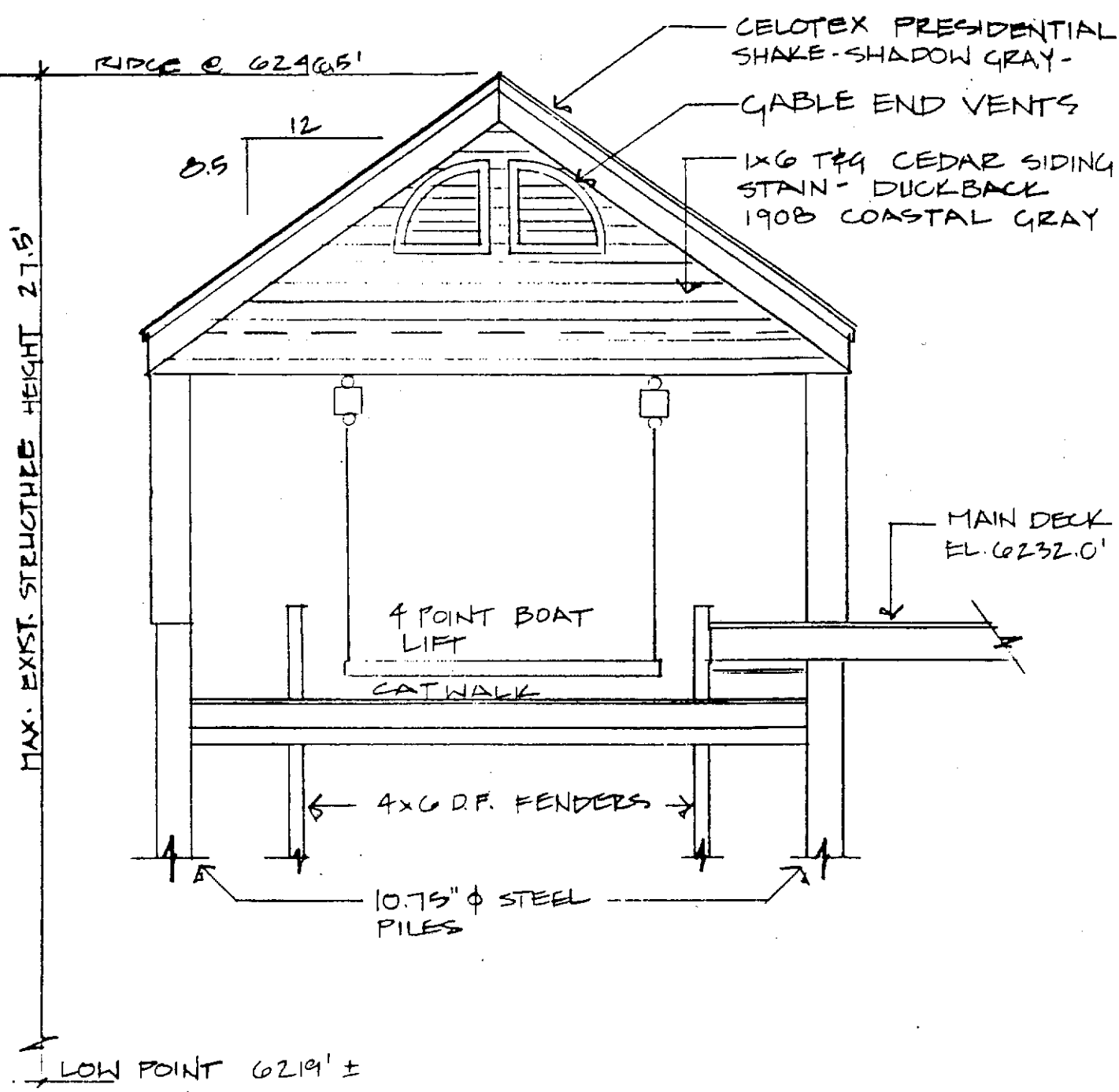


PROFILE

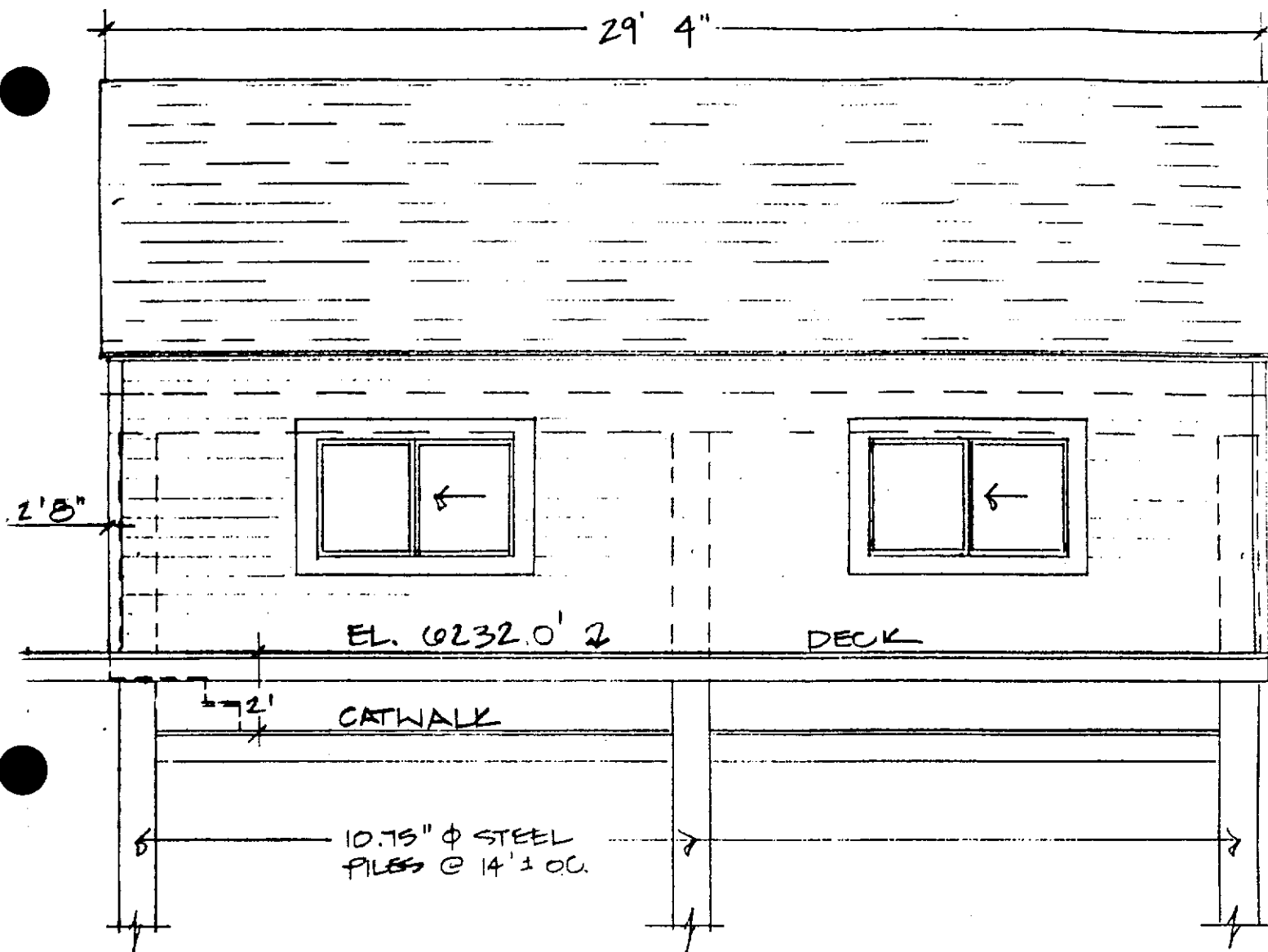
1" = 20'



SOUTH ELEVATION @ BOATHOUSE
 1/4" = 1'-0"

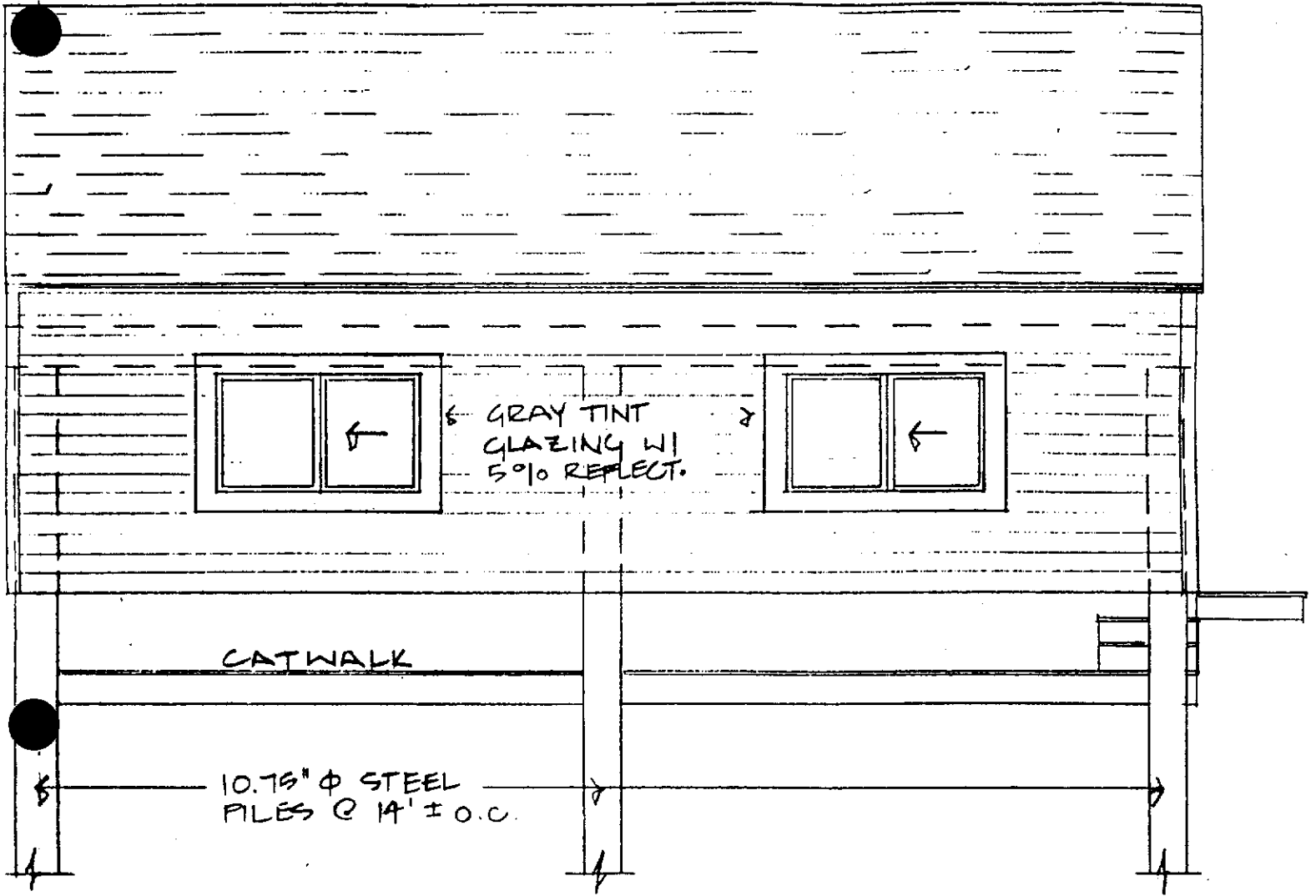


NORTH ELEVATION @ BOATHOUSE
 1/4" = 1'-0"



WEST ELEVATION @ BOATHOUSE

1/4" = 1'-0"



EAST ELEVATION @ BOAT HOUSE

1/4" = 1'-0"

TAHOE REGIONAL PLANNING AGENCY

308 Dorta Court
Elks Point, Nevada

P.O. Box 1038
Zephyr Cove, Nevada 89448-1038

(702) 588-4547
Fax (702) 588-4527

MEMORANDUM

May 18, 1993

To: TRPA Governing Board

From: The Staff

Subject: U.S. Forest Service, Tahoe Mountain Timber Harvest/
Hazard Reduction Project, El Dorado County

This item has been continued to the June Governing Board meeting at the request of the applicant and with the concurrence of the Executive Director.

5/18/93
LB:jf

CONSENT CALENDAR ITEM 12. 111

TAHOE REGIONAL PLANNING AGENCY

308 Dorla Court
Elks Point, Nevada

P.O. Box 1038
Zephyr Cove, Nevada 89448-1038

(702) 588-4547
Fax (702) 588-4527

May 10, 1993

To: TRPA Governing Board

From: TRPA Staff

Subject: Release of Water Quality Mitigation Funds to El Dorado County,
\$25,021.74 for Final Payment on Vector and Sweeper Trucks for
Sediment Removal

Summary

El Dorado County requests the release of \$25,021.74 in water quality mitigation funds for the fifth, and final payment of a lease with the option to buy a street sweeper and a vector truck for sediment removal. TRPA has previously approved four requests which have totaled \$112,408.09.

The street sweeper and vector truck are necessary to remove accumulated sediment and debris from numerous sediment basins and rock lined ditches, as well as accumulated sand and sediment on the roadway network. In order for Best Management Practices (BMPs) to function properly, they must be maintained on a regular basis. TRPA staff recommends the release of \$25,021.74 to cover the final payment for the vector and sweeper trucks.

Conditions

1. The County shall use \$25,021.74 for the sole purpose of purchasing a sweeper and vector truck.
2. The County shall keep complete records of all funds expended on the project and how they were used. Such records shall be made available for review and audit by TRPA upon written request.
3. The vector and sweeper trucks shall be used exclusively in the Lake Tahoe Basin.

If you have any questions or comments on this agenda item, please contact Kevin Hill at (702) 588-4547.

CONSENT CALENDAR ITEM 13

/kjh

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County of El Dorado

DEPARTMENT OF TRANSPORTATION



2850 Fairlane Ct.
Placerville, CA 95667-5216
Phone (916) 621-5900
FAX 626-0387



SCOTT CHADD
Director of Transportation

May 5, 1993

1993-1305

Ken Hill
Tahoe Regional Planning Agency
P.O. Box 1038
Zephyr Cove, NV 89448

RE: Vactor and Sweeper payment history

Dear Mr. Hill:

Enclosed is the information you requested on the lease of the Street Sweeper and the Sewer Vactor.

Lease Payments

Vactor	-	31,133.79	2/89
		31,133.79	2/90
		31,133.79	2/91
		31,133.79	2/92
		<u>31,133.79</u>	3/93
		155,668.95	
Sweeper	-	23,838.14	11/88
		23,838.14	9/89
		23,838.14	8/90
		23,838.14	8/91
		<u>23,838.14</u>	9/92
		119,190.70	
		274,859.65	

Revenue Received from TRPA

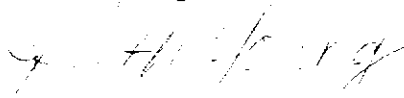
	15,000.00	7/88
	15,000.00	8/88
	27,436.15	11/89
	27,485.97	6/91
	<u>28,495.97</u>	6/92
	112,408.09	

As per agreement TRPA is reimbursing DOT for 1/2 of lease payments:

1/2 of 274,859.65 137,429.83

Therefore payment of \$25,021.74 is still owing.

Sincerely,



Ruth Young
Sr. Fiscal Assist.

Enclosures

TAHOE REGIONAL PLANNING AGENCY

308 Dorla Court
Eiks Point, Nevada

P.O. Box 1038
Zephyr Cove, Nevada 89448-1038

(702) 588-4547
Fax (702) 588-4527

MEMORANDUM

May 17, 1993

To: TRPA Governing Board

From: Susan E. Scholley, Special Projects Attorney

Subject: Amendment of Chapter 35, Bonus Unit Incentive Program, and Chapter 43, Subdivision Standards, Relative to Multi-Residential Bonus Units and Allocations

PROPOSED ACTION: The proposed action is to amend Chapter 43 to permit a limited number of multi-residential bonus units to be subdivided over the next four years and to make a related amendment to Chapter 35 which changes the number of points needed for bonus units if the residential project is to be subdivided and is not low cost housing.

STAFF RECOMMENDATION: Staff recommends the proposed amendments.

PROPOSED AMENDMENTS: The proposed amendments are as follows:

CHAPTER 43 AMENDMENTS

Section 43.4: Subdivision of Post-1987 Projects:

1. Delete subparagraph (1) of Subsection 43.4.B and insert a new subsection as follows:

43.4.C Multi-residential Bonus Units and Allocations:

Multi-residential projects which received development rights ("bonus units") under Section 35.2 after January 1, 1993, or multi-residential allocations under Subsection 33.2.C, shall not be permitted to subdivide or convert the multi-residential units except as follows:

- (1) Affordable housing projects using multi-residential bonus units may be permitted to subdivide subject to the restrictions in Subsection 43.4.F below. Multi-residential bonus units assigned to affordable housing projects shall be exempt from the limitations in subparagraph (2) below.
- (2) For the period ending December 31, 1996, no more than 200 multi-residential bonus units shall be approved for subdivision. Bonus units shall be deemed used and counted against this limitation at the time of

SES
5/17/93

AGENDA ITEM VI. A.

115

subdivision approval. The number of multi-residential bonus units eligible for subdivision after December 31, 1996, if any, shall be reviewed in conjunction with the proposed 1997-2001 residential allocations.

2. Insert a new subsection as follows and reletter the remaining subsections:

43.4.D Low Cost Housing: Subdivision of low cost housing projects, as defined in Subsection 41.2.F and subject to the limitation in subparagraph 43.4.C(2) above, may be permitted provided TRPA finds that the resultant use qualifies as low cost housing and appropriate deed restrictions or other covenants running with the land are recorded to document the restriction of units to low cost housing.

CHAPTER 35 AMENDMENTS

3. Add a new subparagraph to 35.2.C Determination of the Number of Bonus Units as follows:

(3) Post-1987 Projects Proposing Subdivision of Units: In order to subdivide a post-1987 multi-residential project which does not meet the standards for low cost housing as defined in Subsection 41.2.F, the score received pursuant to Subsection 35.2.D shall be multiplied by a factor of .67.

BACKGROUND: In January 1993 the Governing Board adopted the ordinances on subdividing post-1987 projects as recommended by the staff and APC but agreed to reconsider the prohibition on subdividing multi-residential bonus units.

At the February hearing, the Board did not amend the ordinances but directed staff to present information regarding the need for multi-residential housing and the current housing situation. Attached are excerpts from the 1983 Regional Plan EIS and the 1991 TBAG Housing Report. These documents are the only regional assessments of housing needs that staff could find. They document the existence of a problem but do not provide any clear guidance on the solution or numbers involved.

DISCUSSION: Based on the testimony at the Board hearings and discussions with other interested parties, staff is prepared to recommend a limited and short-term exception from the current prohibition on subdividing multi-residential units. Staff's recommendation is for a limited number of multi-residential bonus units to be made available for subdivision: 200 units out of the total of 1600. This recommendation is also based on the exemption being limited to four years so that TRPA can reassess the need and situation in four years as part of the next five-year review and allocation table.

Memo to the Governing Board
Amendments to Chapters 35 and 43
May 17, 1993
Page Three

The construction of multi-residential projects, especially attached units, will create more rental opportunities. Even when subdivided, many of the units will be available for sale or rent at prices affordable to persons earning 120 percent or less of the median income. The median income for the Region is approximately \$38,000 for a family of four. The top end of the low cost income range is therefore \$45,600 for a family of four. Assuming 25-30 percent of income can be allocated to housing, housing prices up to (approximately) \$115,000 and monthly rents of \$1140 fall within the low cost housing range. (Note that the range would be higher for units accommodating families greater than four persons.) Even housing which does not initially qualify as low cost housing may, over time, depreciate into the low cost housing range. Also, since the subdivided units will be located in plan areas with multi-residential uses they will continue to meet the regional plan goals of infill and concentration of residential development.

Also, the recommended amendments completely exempt affordable housing units since subdivision of affordable housing units, provided they remain affordable, is consistent with the intent of the plan and ordinances.

Finally, the amendment to Chapter 35 increases the number of points a project must earn for bonus units which are to be subdivided and which do not qualify as low-cost housing. The proposed multiplier of .67 would translate into a requirement of 15 points for each bonus unit which is proposed for subdivision and which would not be restricted to low cost housing. Currently ten points must be earned for each bonus unit.

The Preservation Council does not concur in the limitation of 200 bonus units for the next four years. Initially they had proposed a total exemption of 400 units over the next fifteen years and they continue to advocate a larger exemption. Their research found that the number of units in Incline Village which were in areas already substantially subdivided and mapped for multiple units under the Incline Village Master Plan is approximately 260.

TRPA staff continues to recommend a "go slow" approach to exempting multi-residential bonus units from the prohibition on subdividing. The recommended number of 200 represents 17% of the total allocations for the next four years and 77% of the Incline Village parcels which the Preservation Council identified as the problem. The 1983 EIS on the Regional Plan and the more current TBAG study found a lack of low cost housing in the Region. The Preservation Council does not dispute the existence of the problem. Staff believes that the provision of the four year period and the recommended 200 units represent an appropriate compromise. Furthermore, committing more units up front will limit the discretion of the Agency in the future should it be able to, or wish to, take a more aggressive approach toward housing problems.

FINDINGS: The required Chapter 6 findings and brief rationales are set forth below:

1. 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.

Rationale: The amendments to Section 43.4 and Chapter 35 are short-term and limited to avoid impacts. Since subdivided multi-residential projects will provide opportunities for home ownership and rental of units within the low cost housing category, the amendments are consistent with the Housing Subelement of the Goals and Policies. The amendment to Chapter 35 will provide additional environmental benefits from bonus units. The amendments are otherwise consistent with other Code provisions, including Chapters 20 (coverage limits), 35 (bonus units), and 18 (secondary residences).

2. The project will not cause the environmental thresholds to be exceeded.

Rationale: The amendments are consistent with the existing plan and ordinances and do not change any standards.

3. 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: See Finding 2 above.

4. 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: See Findings 1 and 2, above.

The required Ordinance 87-8 findings and brief rationales are set forth below:

1. That the amendment is consistent with the Compact and with the attainment or maintenance of the thresholds.

Rationale: The Compact did not require a housing element and the amendments are consistent with the requirement to adopt rules for subdivisions. The attainment and maintenance of the thresholds will not be negatively affected since no substantive standards have been changed and may even be enhanced if the program results in increased mitigation contributions for bonus units.

2. One or more of the following:

- a) There is demonstrated conflict between provisions of the Regional Plan Package and the conflict threatens to preclude attainment or maintenance of thresholds;
- b) That legal constraints, such as court orders, decisions or Compact amendments, require amendment of the Goals and Policies or Code;
- c) That technical or scientific information demonstrates the need for modification of a provision of the Goals and Policies or Code;
- d) That the provision to be amended has been shown, through experience and time, to be counter-productive to or ineffective in attainment or maintenance of the thresholds;
- e) That implementation of the provision sought to be amended has been demonstrated to be impracticable or impossible because of one or more of the following reasons:
 - (1) The cost of implementation outweighs the environmental gain to be achieved.
 - (2) Implementation will result in unacceptable impacts on public health and safety; or
 - (3) Fiscal support for implementation is insufficient and such insufficiency is expected to be a long-term problem.
- f) That the provision to be amended has been shown through experience to be counter-productive or ineffective and the amendment is designed to correct the demonstrated problem and is an equal or better means of implementing the Regional Package and complying with the Compact.

Rationale: Staff recommends finding (f) for the reasons set forth above.

ENVIRONMENTAL DOCUMENTATION: Based on completion of an Initial Environmental Checklist, staff recommends a finding of no significant environmental effect.

APC RECOMMENDATION: At its May meeting, the APC recommended the adoption of the proposed amendments by a vote of 11 to 1.

Memo to the Governing Board
Amendments to Chapters 35 and 43
May 17, 1993
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RECOMMENDED ACTION: In order to adopt the recommended ordinance amendments the Board must take the following actions:

1. Make a finding of no significant environmental effect and the Chapter 6 and Ordinance 87-8 findings set forth above; and
2. A motion to adopt the attached implementing ordinance.

1983 EIS REG. PLAN

HOUSING

The mix and affordability of housing in the Basin are the 2 major socio-economic issues affecting moderate to low income people. The housing subelement of the Regional Plan will set forth strategies for resolving issues of housing needs in relationship to the housing stock and constraints affecting production of housing in the Basin.

CURRENT SITUATION

Housing within the Lake Tahoe Basin is composed of single and multifamily dwelling units occupied by permanent, seasonal, and second home owners. Tourist facilities are also available for the many visitors to the Lake. Housing for residents has increased to accommodate what has been an expanding job market associated with expanding recreational facilities and in response to demands for second homes.

Like many areas within the nation, the Tahoe region is experiencing increasing costs of land, labor, building materials, and financing; thus creating a situation in which it is difficult for low and moderate income people to afford housing in the Basin. Aggravating this situation is the seasonal employment of the tourist sector and the external demand for second homes.

TRPA data and U.S. Census data (1980) indicate that there were approximately 20,056 households in the region with a median income of \$18,622.00. The base condition is indicated by utilizing the HUD definition of lower income households (80% of the Median income) and very low income households (50% of the median income) (Table 1).

RELATIONSHIPS TO THRESHOLDS

There are no adopted thresholds for housing within the region nor is there a Compact requirement for a housing element. However, state law requires local government to address housing and it has been included in past TRPA plans.

MANAGEMENT DIRECTION

At this time, the TRPA has no housing element; however, both the California side and Nevada side Land Use Ordinances permit development of low income housing. The choice for providing subsidized housing has been left to local governments. Currently, subsidized housing within the region is only found within the City of South Lake Tahoe.

Table 1. Household income relationships by County.

<u>Lower Income Households (Below \$14,898)</u>				
	<u>Projected Fair Share (34.2%)</u>	<u>Actual</u>	<u>Difference</u>	<u>% Deviation from Fair Share</u>
South Lake Tahoe	3,109	3,230	121	
El Dorado	877	790	[87]	
Douglas	804	695	[109]	
Total South Shore	4,790	4,715	[75]	[2]
Placer	1,179	1,468	289	
Washoe	888	674	[214]	
Total North Shore	2,067	2,142	75	3.7
Total Basin	6,857	6,857	-0-	-
<u>Very Low Income Households (Below \$9,311)</u> (Projected fair share = 21.65%)				
South Lake Tahoe	1,967	2,460	493	
El Dorado	556	384	[172]	
Douglas	509	416	[93]	
Total South Shore	3,032	3,260	[228]	[7.5]
Placer	746	744	[2]	
Washoe	563	337	[226]	
Total North Shore	1,309	1,081	228	[17.4]
Total Basin	4,341	4,341	-0-	-

LIMITATIONS AND POTENTIAL

The housing problems specific to the region are related to the economic base. The gaming and recreational sectors often employ only seasonal help. This tends to severely limit total annual income for many people. This problem may be less severe in the future since the gaming industry expansion has been limited by Compact moratoriums, but the existing problem remains unresolved. Lower income housing opportunities will probably require government assistance since the building restrictions of the region tend to inflate the costs of new residential construction.

Housing needs continue to be a problem within the region. The Agency should address the problems of:

Overpayment

Currently renters are overpaying according to federal guidelines (Table 2).

Table 2. Rental costs to households with income less than \$14,898.

<u>Locality</u>	<u>No. of Renters with incomes of below \$14,898</u>	<u>% Paying More Than 25% of Income</u>
El Dorado County	3,409	95%
Douglas County	316	98
Total South Shore	3,725	96
Placer County	1,624	90
Washoe County	363	95
Total North Shore	1,987	91
Total Basin	5,712	94

Overcrowding

There is evidence that renters are over-crowding to compensate for high rents.

Deterioration

Use of substandard summer cabins and Agency restriction on multiple dwelling units have not encouraged upgrading of the housing stock particularly in California.

Long Commutes

Many home buyers have been forced to purchase outside of the Basin due to high housing costs.

NOISE

Much of the noise generated in the Basin originates from transportation corridors and to a lesser extent, isolated or single event sources. With increased urbanization, Tahoe's background noise levels have risen.

CURRENT SITUATION

Average noise levels describe the general acceptability of a noise environment, but it is usually a specific noise source that annoys people. A number of factors other than just the level of noise may also contribute to impacts perceived by visitors or residents. These include the duration of the noise,

ANALYSIS OF 1990 CENSUS

The 1990 Census provides some revealing statistics about the characteristics of the Lake Tahoe Basins's population and the housing stock. Some of the 1990 Census results confirm many of the assumptions regarding the housing affordability problems in the region, while other statistics from the Census appear to differ from these assumptions. At the time this report was prepared, only partial information from the Census was available. Data on household income and the percentage of income devoted to housing expenses, for example, had not been released by the Census Bureau.

Summary of Findings

Housing costs within the Lake Tahoe region are among the most expensive in both the State of California and the State of Nevada, although there is a considerable range of cost among the various communities. Each community has some housing affordable to lower-income households in the region, the highest concentrations of affordable housing were in Kings Beach, Stateline (Nevada), and South Lake Tahoe, on or at the California side of the Lake. The most expensive housing was concentrated on the Nevada side of the Lake. (Previous housing surveys performed by the Consultant for Placer County suggest that most lower cost dwelling available for year-round occupancy units require moderate to substantial rehabilitation).

Kings Beach, South Lake Tahoe, and Stateline (Nevada) had the highest percentage of minority households, renter households, overcrowded households, non-family households, and single mothers. Although information on household income was not available, one could reasonably conclude, based on historical patterns, that each of the groups listed above have lower incomes, as a group, than the population at large. It is likely, therefore, that the communities of Kings Beach, South Lake Tahoe, and Stateline, would also have the highest percentages of low-income households, households paying in excess of 30 percent of their income for housing expenses, and households below the poverty level of income.

The paradox of the Tahoe Basin housing market is the abundance of housing in the midst of a shortage of affordable housing for lower-income workers in the Basin. The Census Bureau reported that of the nearly 30,000 dwelling units in the Basin's eight communities with more than 1,000 residents, 43 percent of the housing stock was vacant. Most of these vacant units were held for seasonal use--"second" homes, vacation rentals, etc.--and were not available to meet the housing needs of the Tahoe Basin's growing year-round population.

Population Characteristics

The minority population ranged from a low of 2.8% non-white and 2.5% hispanic to a high of 19.3% non-white and 33.0% hispanic. Minority residents of the Tahoe Basin are concentrated in those communities with the largest number of motel and service establishments that employ these people.

The percentage of persons under the age of 18 ranged from a high of over 26 percent in Kings Beach to a low of about 14 percent in Zephyr Cove-Round Hill. The percentage of adults over 65 years of age ranged from 3.8 percent to 17.9 percent, with the average being 8.3 percent. The Lake Tahoe Basin, overall, does not appear to attract a large number of retirees as year-round residents.

Household Characteristics

The percentage of family households ranged from half to two-thirds of all households. Most of the communities have less than 60 percent family households. The relatively low percentage of family households in most communities would be consistent with a work force comprised a large percentage of single adults living individually or with other unrelated persons. Single person households represent a high percentage of the population in each community, but are concentrated in the communities of Kings Beach, South Lake Tahoe, Stateline (Nevada), and Tahoe City. A percentage of single-person households would be consistent with the large number of second units in some communities in the Basin.

Single women with children comprise nearly eight percent of all households in the Tahoe Basin communities, with the highest concentrations located in Kings Beach (9.4%), South Lake Tahoe (8.2%), and Stateline, Nevada (6.2%).

Over half of the households (56%) in the eight communities are renters. The percentage of renter households is highest in Kings Beach (67%), South Lake Tahoe (63%), and Stateline, Nevada (74%). The high percentage of renters probably results from two factors:

- High turnover among the work force in the Basin, which tends to be young, and
- The unavailability of affordable ownership housing for year-round residents.

Housing Unit Characteristics

Although evidence suggests there is a severe shortage of affordable housing for much of the Basin's work force, the 1990 Census results illustrate the paradox of a housing "surplus" amidst this shortage. There are nearly 30,000 dwelling units in the eight

communities with more than 1,000 residents, but only about 16,000 households. Almost half the region's housing stock (43%) is vacant or not available for year round residence, however. Most of these dwelling units are held as second homes or vacation rentals. Stateline, Nevada had lowest percentage of seasonal housing, about ten percent, while Sunnyside-Tahoe City had the highest percentage of such housing (about 63%). South Lake Tahoe had the largest number of seasonal dwelling units, 5,441, followed by Incline Village/Crystal at 2,494.

The high percentage of seasonal housing indicates that the housing market is not responding to the housing need among year-round residents, but is driven more by the demand for vacation rentals and second homes.

Even within the year-round housing stock, the Census Bureau reported a high percentage of vacant units in most of the eight communities, from 1.8 percent to 8.0 percent among ownership dwelling units and 2.4 percent to 23.2 percent for rental housing.

Although the Census Bureau's reported vacancy rates were high in several communities, the Census provides only a "snapshot" of the Basin's housing market in 1990. The Census was taken in March of 1990, which was an especially poor season for winter skiing. Many winter resorts laid off a substantial number of seasonal employees that year. Since housing occupancy by workers for summer jobs does not typically begin until May, the Census report would be consistent with low level of winter employment in 1990.

There is insufficient information from the Census at this time to determine the cost range of vacant units. It is possible that most of the vacancies in the higher cost ranges are not affordable to the majority of working residents. It is also likely that the Census was taken at a time of year--the end of March--when vacancies for year-round housing are at their highest.

The percentage of renters in each community does not necessarily correlate with the type of housing available. Some of the communities with high percentages of single family housing also have a high percentage of renters. The percentage of single family housing is highest in Sunnyside-Tahoe City, Tahoe Vista, and Zephyr Cove-Round Hill. Stateline (Nevada), Kingsbury, and Kings Beach have the lowest percentages of single family housing. Multifamily housing of five or more units, the type of housing most typically affordable to low-income housing, was concentrated in four communities: South Lake Tahoe (2,363), Incline Village-Crystal Bay (707), Stateline, Nevada (329) and Kings Beach (241). Until the detailed Census results are released, it is not possible to correlate the number of multifamily units in these communities that are available for rent at a cost affordable to lower-income households. ✓

Housing Cost

According to the 1990 Census, median housing units values, as estimated by owners, ranged from a low of \$110,900 in Kings Beach to a high of \$265,900 in Incline Village-Crystal Bay. Only Kings Beach had a substantial number of dwelling units valued at less than \$100,000, although several communities had a substantial number of homes valued by their owners between \$100,000 and \$149,999. It should be noted that homeowners typically underestimate the value of their dwelling units, so that the actual market values are likely to be higher than the estimated values.

A household earning 80% of median income in the Tahoe Basin at the time of the 1990 Census (approximately \$30,000 for a family of four) could afford a house priced at about \$70,000 or less (assuming a ten percent down payment). Since there are few homes priced at this level in the Basin, rental housing is the only practical alternative for low-income households locating in the Basin.

For a household to devote no more than 30% of its income to rental housing expenses, and in consideration of the relatively high utility costs in the Tahoe Basin, the same family of four earning 80% of the median income could afford a monthly rent of up to \$550. A low-income two-person household could afford a monthly rent of up to \$440.

About half of the dwelling units in the Basin rented for less than \$500 in 1990. While there appeared to be sufficient rental housing for those households earning near 80% of the median income, those earning 50% or less of the median income would likely have found few dwelling units within their economic means. A two-person very low-income household, for example, could have afforded a maximum rent of about \$275 per month in 1990, a family of four a maximum rent of \$340. Only one community, Kings Beach, had a substantial number of rental dwelling units within the affordability range of very low-income households.

Although the Census statistics cited above provide only a partial picture of the characteristics of the Tahoe Basin population, the information available is sufficient to conclude that the number of dwelling units relative to the year-round population is not the problem, but that there is an insufficient number of lower-cost units that are affordable to a the working population of the Basin. Short of expending large sums of money to rent these seasonal units on a long-term basis and provide ongoing monthly subsidies to low-income renters, there is no way of using these "surplus" units to meet the needs of the year-round population.

TAHOE REGIONAL PLANNING AGENCY
ORDINANCE NO. 93-

AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, OF THE TAHOE REGIONAL PLANNING AGENCY; AMENDING CHAPTERS 35 AND 43 OF THE CODE OF ORDINANCES RELATING TO SUBDIVISIONS AND MULTI-RESIDENTIAL BONUS UNITS; 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 No. 87-9, as amended, by amending Chapters 35 and 43 of the Code of Ordinances relating to subdivisions and multi-residential bonus units in order to further implement the Regional Plan pursuant to Section 4.30 of Ordinance 87-8 and Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact.
- 1.20 The Advisory Planning Commission ("APC") conducted a public hearing and recommended adoption of the amendments. The Governing Board has also conducted a noticed public hearing on the amendments. Oral testimony and documentary evidence were received and considered.
- 1.30 The proposed amendments have been determined not to have a significant effect on the environment and are exempt from the requirement of an environmental impact statement pursuant to Article VII of the Compact.
- 1.40 The Governing Board finds that, prior to the adoption of this ordinance, the Board made the findings required by Section 6.5 of the Code and Article V(g) of the Compact. The Governing Board further finds that such findings are supported by substantial evidence in the record. Further, the Board made the findings required by Section 2.40 of Ordinance 87-8, which findings were supported by a preponderance of evidence in the record.
- 1.50 The amendments adopted by this ordinance continue to implement the Regional Plan, as amended, in a manner that attains and maintains the environmental thresholds 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 35 of the Code

Subsection 35.2.C of Chapter 35 is hereby amended to add a new subparagraph (3) as follows:

- (3) Post-1987 Projects Proposing Subdivision of Units: In order to subdivide a post-1987 multi-residential project which does not meet the standards for low cost housing as defined in Subsection 41.2.F, the score received pursuant to Subsection 35.2.D shall be multiplied by a factor of .67.

Section 3.00 Amendment of Chapter 43 of the Code

3.10 Subsection 43.3.B is hereby amended to delete subparagraph (1) in its entirety.

3.20 Section 43.4 is hereby amended to add new Subsections 43.4.C and 43.4.D as follows and to reletter the remaining subsections accordingly:

43.4.C Multi-residential Bonus Units and Allocations:
Multi-residential projects which received development rights ("bonus units") under Section 35.2 after January 1, 1993, or multi-residential allocations under Subsection 33.2.C, shall not be permitted to subdivide or convert the multi-residential units except as follows:

- (1) Affordable housing projects using multi-residential bonus units may be permitted to subdivide subject to the restrictions in Subsection 43.4.F below. Multi-residential bonus units assigned to affordable housing projects shall be exempt from the limitations in subparagraph (2) below.
- (2) For the period ending December 31, 1996, no more than 200 multi-residential bonus units shall be approved for subdivision. Bonus units shall be deemed used and counted against this limitation at the time of subdivision approval. The number of multi-residential bonus units eligible for subdivision after December 31, 1996, if any, shall be reviewed in conjunction with the proposed 1997-2001 residential allocations.

43.4.D Low Cost Housing: Subdivision of low cost housing projects, as defined in Subsection 41.2.F and subject to the limitation in subparagraph 43.4.C(2) above, may be permitted provided TRPA finds that the resultant use qualifies as low cost housing and appropriate deed restrictions or other covenants running with the land are recorded to document the restriction of units to low cost housing.

Section 4.00 Interpretation and Severability

The provisions of this ordinance and the amendments to the Code adopted hereby shall be liberally construed to effect their purposes. If any section, clause, provision or portion of this ordinance or the amendments adopted hereby is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance, or the amendments to the Code, shall not be affected. For this purpose, the provisions of this ordinance and the amendments are hereby declared respectively severable.

Section 5.00 Effective Date

This ordinance shall become effective 60 days after the date of its adoption.

PASSED and ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held _____, 1993, by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

Wayne S. Chimarusti, Chairman
Tahoe Regional Planning Agency

TAHOE REGIONAL PLANNING AGENCY

308 Dorla Court
Elks Point, Nevada

P.O. Box 1038
Zephyr Cove, Nevada 89448-1038

(702) 588-4547
Fax (702) 588-4527

MEMORANDUM

May 17, 1993

To: TRPA Governing Board

From: Susan E. Scholley, Special Projects Attorney

Re: Agreement Regarding the Relocation of the McDonald's Restaurant within
Redevelopment Project No. 1 for Ski Run/Stateline Areas

PROPOSED ACTION: The parties to the South Lake Tahoe Redevelopment Agreement (TRPA, League to Save Lake Tahoe, California Attorney General, City of South Lake Tahoe, El Dorado Improvement Corp.) and McDonald's are proposing an agreement which would protect the parties' contentions regarding the status of the redevelopment permits while permitting the relocation of McDonald's (near Ski Run Blvd.) to proceed in 1993.

STAFF RECOMMENDATION: Staff recommends execution of the agreement to permit the relocation of McDonald's.

BACKGROUND: In March 1989, TRPA adopted the South Lake Tahoe Demonstration Redevelopment Plan for the Ski Run/Stateline Areas and approved the related Redevelopment Agreement. In June 1989, TRPA approved Project No. 1 for the Ski Run Hotel and Embassy Suites. The Ski Run portion of the project included the relocation of the existing McDonald's to the parcel directly east of the existing location to where the fire station now stands.

The Embassy Suites was built and opened in 1991 but the Ski Run hotel (owned by El Dorado Improvement Corp.) declared bankruptcy in October 1991 after grading the site. A trustee has been appointed by the Bankruptcy Court to manage the Ski Run site pending approval of a reorganization plan or foreclosure. Because of the bankruptcy, any work on other components of the Ski Run portion of the Project No. 1, including the relocation of McDonald's, has been held up. Furthermore, because of the delay in building the Ski Run hotel, the refinancing of the redevelopment bonds, and other reasons, there are serious questions regarding the validity of the June 7, 1989 approval for the Ski Run hotel project and the related components. The parties to the Redevelopment Agreement have differing contentions as to the validity of the June 1989 approval for the Ski Run hotel which cannot easily be resolved due to the pending bankruptcy action.

DISCUSSION: McDonald's desires to go forward with the relocation which was previously approved in connection with Redevelopment Project No. 1. Since McDonald's is relocating to the site currently occupied, in part, by the fire

SES
5/17/93

AGENDA ITEM VII.A.

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Memo to the TRPA Governing Board
Special Determination
May 17, 1993
Page Two

station, the relocation will facilitate the relocation of the fire station. The relocation of McDonald's will also result in an improvement over the existing site as the relocation will permit a greater setback, landscaped parking and other amenities associated with redevelopment.

The redevelopment parties (TRPA, the League to Save Lake Tahoe, the California Attorney General and the City of South Lake Tahoe), in conjunction with the bankruptcy trustee, Richard Diamond, representing El Dorado Improvement Corporation, and McDonald's, concur that the relocation of McDonald's should be permitted to proceed. However, given the uncertainties and various contentions of the parties as to the validity of the June 1989 approval for the Ski Run hotel, the parties have proposed that a new and separate permit be required for McDonald's. Accordingly the attached agreement documents the process for reviewing the relocation of McDonald's as a new and separate project and insuring that TRPA approval of a new permit will not prejudice the status of the June 1989 approval for the Ski Run hotel site, one way or the other.

The agreement also limits the amount of commercial floor area to be transferred in to no more than 3546 sq.ft. (which is a ten percent expansion). The prior approval was for substantially more commercial floor area. The additional commercial floor area will come from banked commercial floor area held by the City. The agreement sets a target for the amount of land coverage of 33,000 sq. ft. The target represents the amount of land coverage originally proposed in 1989. There is the potential for additional land coverage needed to meet design review and other criteria, with the limitation being the coverage calculations made for Redevelopment Project No. 1. In other words, the relocation of McDonald's onto the fire station site will have to be approvable as a "stand alone" project based on existing coverage relocation and will also have to be consistent with the coverage reduction targets set for the Redevelopment Plan and Redevelopment Project No. 1.

Finally, the agreement provides that McDonald's will record the deed restrictions necessary to make it consistent with Redevelopment Project No. 1 and will grant any necessary easements required for future development of the Ski Run site under the Redevelopment Plan.

If the attached agreement is approved by the parties (the court will have to approve the trustee's approval), then McDonald's will submit a new application to TRPA and the City for review. McDonald's plans to commence construction this summer.

ACTION REQUESTED: Prior to taking action, the parties to the agreement may request additions or deletions to the agreement since negotiation of the final version was not complete when the packet was mailed. To authorize the chairman to execute the attached agreement, an extraordinary vote (5/9) would be required with at least five votes from California.

If you have any questions regarding this matter, please contact Jerry Wells or Susan Scholley at (702) 588-4547.

AGREEMENT REGARDING RELOCATION OF MCDONALD'S RESTAURANT

This Agreement is entered into this ____ day of May, 1993, by and between the Tahoe Regional Planning Agency (TRPA), League to Save Lake Tahoe (League), California Attorney General (AG), Richard K. Diamond as Chapter 11 Trustee (THE "Trustee") for the El Dorado Improvement Corporation (EDIC), McDonald's Corporation (McDonald's), and the South Tahoe Redevelopment Agency (Agency) concerning the relocation of the existing McDonald's restaurant located in the Ski Run area of South Lake Tahoe. The parties hereto recognize and agree as follows:

RECITALS

Whereas, McDonald's Corporation, and the other signatories to this Agreement, have been participants in planning for the redevelopment of South Lake Tahoe in the Ski Run Area;

Whereas, the redevelopment planning process resulted in the execution of an agreement entitled, " Agreement Regarding South Lake Tahoe Demonstration Redevelopment Plan for Ski Run/Stateline Areas", as amended, and the subsequent approval, by TRPA, of the South Lake Tahoe Redevelopment Project No. 1, on June 7, 1989;

Whereas, on May 28, 1992, the United States Bankruptcy Court for the Central District of California entered an order in Case No. LA 9195070-KL, Adv. No. 92-02224-KL, approving a stipulation, attached hereto as Exhibit A, and issued its injunction in accordance with the terms of that stipulation ("The Stipulation");

Whereas, pursuant to the June 7, 1989 approval, TRPA issued permits to the Agency and EDIC to develop a hotel project at Ski Run Boulevard (the Ski Run Site). The League and the AG contend that, notwithstanding the above referenced Stipulation, the TRPA permits to develop the Ski Run Site have expired by operation of law pursuant to Article VI(p) of the Tahoe Regional Planning Compact (December 19, 1980) (Public Law 96-551, 94 Stats. 3233; Calif. Govt. Code Section 66801 et. seq.; Nev. Rev. Stats., 277.190-277.220) (hereinafter referred to as, "Compact"), and that said permits are incapable of use for a variety of reasons in addition to their expiration. Trustee disagrees with these contentions of the League and the AG and contends that the TRPA permits to develop the Ski Run Site are still valid and operative;

Whereas, McDonald's Corporation is the owner of an existing restaurant located within the boundaries of the project area of South Tahoe Redevelopment Project Area No. 1 (AS DEPICTED IN EXHIBIT B) in the Ski Run area of the City of South Lake Tahoe;

Whereas, McDonald's has advised the parties hereto that if it is not able promptly to relocate its restaurant within the boundaries of the project area as contemplated in the planning for the South Tahoe Redevelopment Project Area No. 1, it will reconstruct its restaurant on its existing site ("The Current Site");

Whereas, the relocation of McDonald's restaurant to a site (The Future Site") set forth in the plan for South Tahoe Redevelopment Project No. 1 offers the Agency opportunities to redevelop other parcels in the South Tahoe Redevelopment Project Area No. 1, while rebuilding of the restaurant on its Current Site forecloses such opportunities;

Whereas, the League and the AG wish to accommodate the desire of the South Tahoe Redevelopment Agency and McDonald's Corporation to relocate the latter's restaurant, provided that such relocation complies with all applicable laws and regulations and that such relocation does not prejudice the TRPA, League, The Trustee, EDIC and the AG's positions with respect to any TRPA permits granted to build a hotel at the Ski Run Site;

THEREFORE, THE PARTIES HERETO AGREE AS FOLLOWS:

McDonald's may apply to TRPA for project approval to relocate its restaurant facility as that relocation is planned in concept in the South Tahoe Redevelopment Project No. 1 (as set forth in Exhibit C). Any project approval by TRPA for that relocation shall be recognized by all parties hereto as a separate and independent approval from any previous approval or approvals granted by TRPA for the South Tahoe Redevelopment Project No. 1, including the Ski Run Site, or otherwise. Consistent with the foregoing, any approval granted by TRPA for the relocation of McDonald's shall not prejudice the position of any party hereto concerning whether the permits granted by the TRPA for the Ski Run Site are valid or are expired. Further, no party hereto shall construe this agreement, or argue in any judicial, administrative, or other proceeding that McDonald's obtaining an approval for the relocation of its facility as contemplated herein, affects the validity, or invalidity, of any TRPA approval for the Ski Run Site.

The project shall comply with all applicable laws, ordinances, regulations, and plans, including without limitation the South Tahoe Demonstration Redevelopment Plan, Redevelopment Project No. 1, the TRPA Regional Plan and the California Environmental Quality Act.

In addition, McDonald's will use its best efforts to design the relocated restaurant, and associated access from Highway 50, so as to utilize no more than 33,000 square feet of coverage. If additional coverage is required to conform with the above listed plans, rules, ordinances, and regulations, the additional coverage

permitted shall be the minimum necessary to conform with such requirements. The League, AG, and The Trustee will be provided information documenting the requirement for such additional coverage, and be informed as to the justification for the proposed coverage. The League, AG, and The Trustee will have 15 days to review the information and request a meeting or conference call to resolve any concerns. If there are no objections within 15 days, the proposed project may be approved by TRPA and City. This review provision shall not provide standing where it does not otherwise exist.

The commercial floor area approved for the relocated project shall not exceed 3,546 square feet.

McDonald's shall, prior to acknowledgement of its permit, and as a condition of its effectiveness, execute and acknowledge in recordable form the following document, attached hereto as Exhibit E. Said document shall ensure that requirements for calculation of coverage, density, parking, height, and impact mitigation are fulfilled as specified in the TRPA and City conditions of approval. In addition, the document shall ensure that the McDonald's Project Area is developed in a manner consistent with the Redevelopment Plan and Redevelopment Project Area No.1.

The obligations of the parties hereto are contingent upon approval of this agreement by the Governing Board of TRPA and by the Bankruptcy Court that issued the above referenced injunction. The signature of the Bankruptcy Trustee shall be affixed hereto subject to the authorization of the Bankruptcy Court. This Agreement shall be binding on all of the parties hereto, and all of their successors in interest.

The signatures below signify acceptance of the above Agreement.

Richard Thalhammer,
Deputy Attorney General,
State of California

Date: _____

Rochelle Nason
Staff Attorney
League To Save Lake Tahoe

Date: _____

Keith Klein, Chairman
South Tahoe Redevelopment Agency

Date: _____

Wayne Chimarusti, Chairman
Tahoe Regional Planning Agency

Date: _____

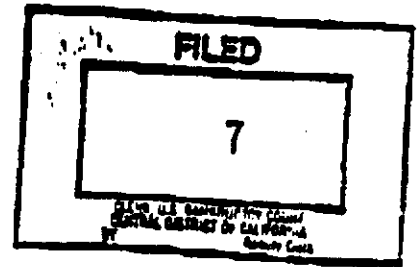
Greg Semos
McDonald's Corporation

Date: _____

Richard K. Diamond, Chapter 11 Trustee of the Estate of
El Dorado Improvement Corporation, Debtor

Date: _____

1 MARC A. LEVINSON - #57613
 MARTIN L. SMITH - #137007
 2 ORRICK, HERRINGTON & SUTCLIFFE
 555 Capital Mall
 3 Suite 1200
 Sacramento, California 95814
 4 Telephone: (916) 447-9200



5 Attorneys for South Tahoe
 Redevelopment Agency and
 6 The City of South Lake Tahoe

7
 8 UNITED STATES BANKRUPTCY COURT
 9 CENTRAL DISTRICT OF CALIFORNIA

COPY

10 In re:
 11 EL DORADO IMPROVEMENT
 CORPORATION,
 12 Debtor and
 13 Debtor-in-Possession,

) No. LA 91-95070-KL
) Chapter 11
) Adv. No. 92-02224-KL

) STIPULATION RE: (1) STAY OF
) CONSTRUCTION OF SKI RUN
) PROJECT AND (2) DISMISSAL
) OF ADVERSARY PROCEEDING

14 _____)
 15 EL DORADO IMPROVEMENT)
 CORPORATION,)
 16 Plaintiff)

17 v.)

18 TAHOE REGIONAL PLANNING AGENCY,)
 19 a State Agency of States of)
 Nevada and California; SOUTH)
 20 TAHOE REDEVELOPMENT AGENCY, A)
 Municipal Corporation; DYNAMIC)
 21 FINANCIAL CORPORATION, a)
 California corporation; MICHAEL)
 22 PHILLIPS, an individual; L.)
 MONROE PHILLIPS, an individual;)
 23 SKI RUN MARINA, INC., a)
 California corporation, THE CITY)
 24 OF SOUTH LAKE TAHOE, political)
 subdivision of the State of)
 25 California; FIRST INTERSTATE)
 BANK OF NEVADA, N.A., a National)
 26 Banking Association; HUNTINGTON)
 SAVINGS AND LOAN ASSOCIATION, a)
 27 State Savings and Loan)
 Association; THE MORGAN GROUP, a)
 28 California corporation; SEYMOUR)

Exhibit
 A

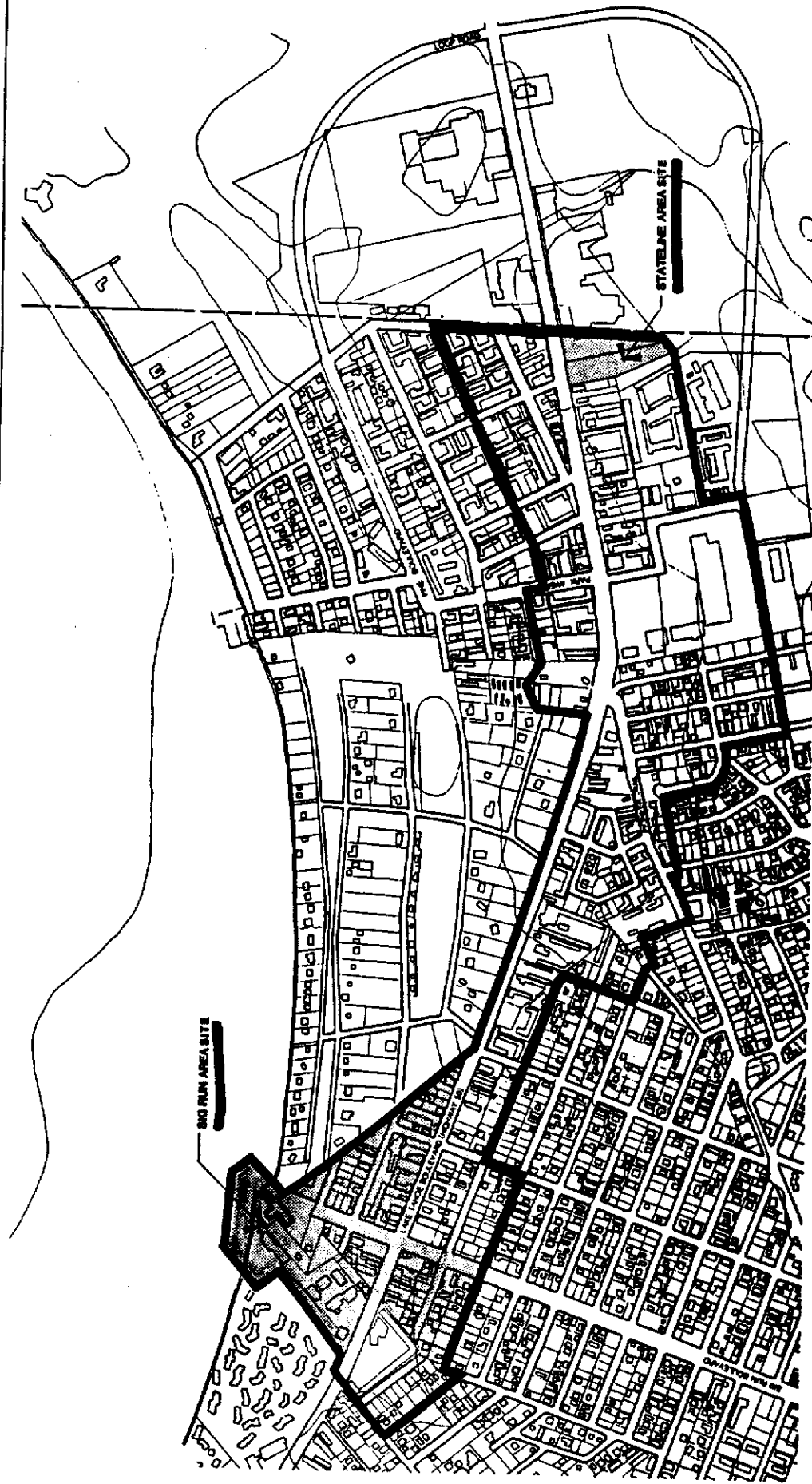


Exhibit B Shaded Areas



South Lake Tahoe Redevelopment Plan EIR/EIS

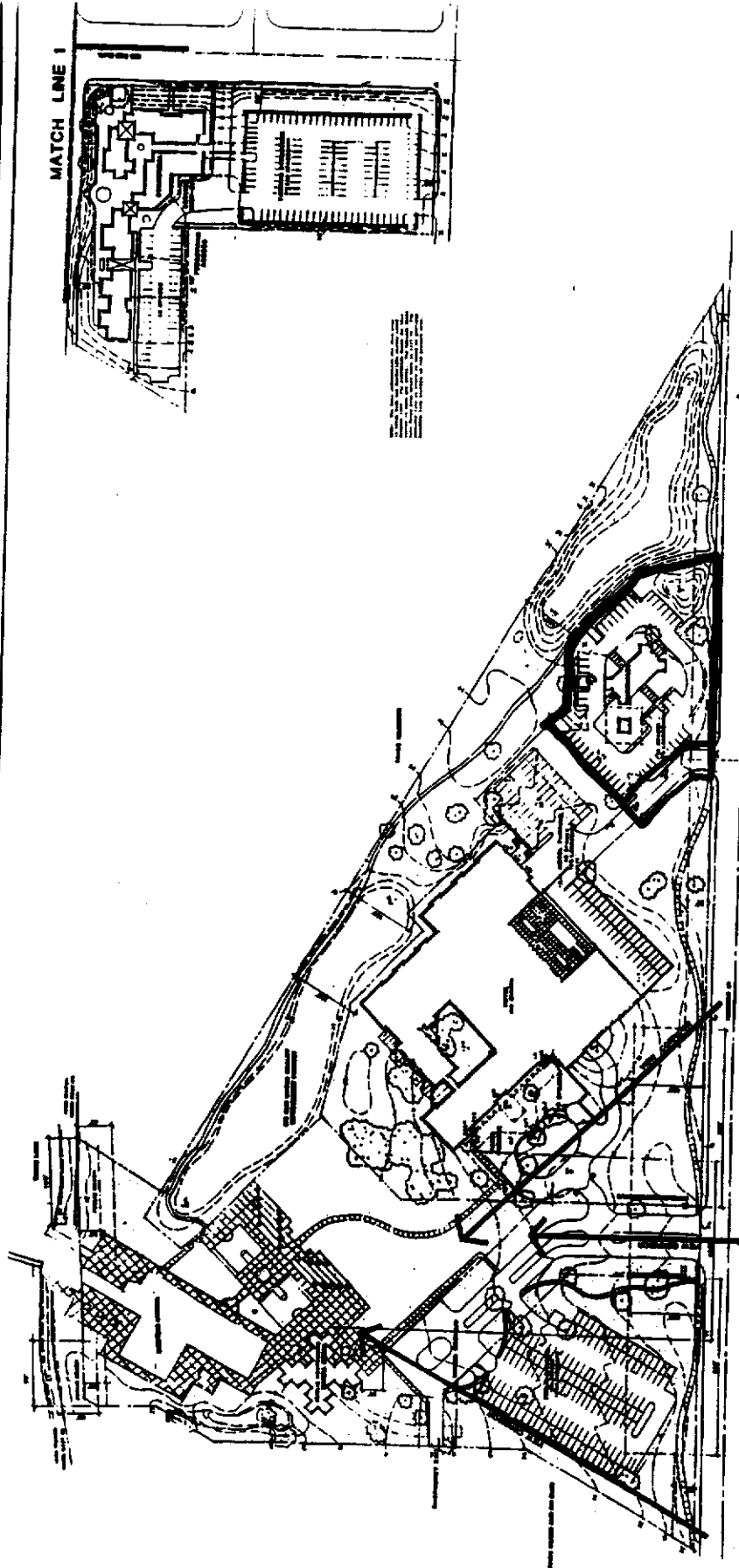


Exhibit C McDonald's Site - Concept Plan

Source: The SVA Group, April 28, 1988.



FIGURE
REFINED SKI RUN PROJECT WITH EXISTING MARINA VARI

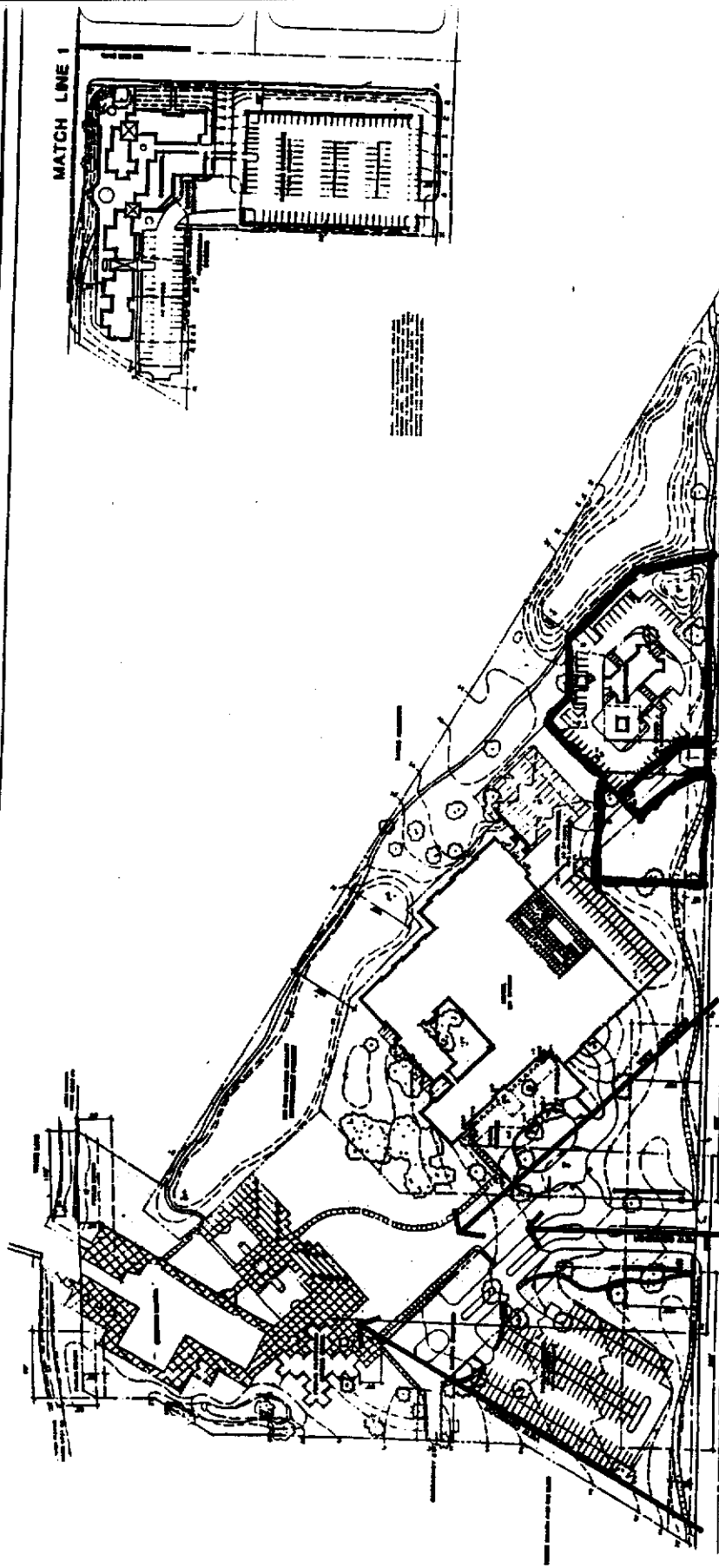


Exhibit D
PROJECT AREA

Source: The SWA Group, April 28, 1988.



SCALE IN FEET



100

FIGURE
REFINED SKI RUN PROJECT WITH EXISTING MARINA VAR

EXHIBIT E
DRAFT

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

This declaration is made this _____ day of _____, 1993, by McDonald's Corporation (hereinafter "Declarant").

RECITALS

1. Declarant is the owner of certain real property located in El Dorado County, State of California, described in Exhibit A attached hereto and incorporated herein by reference as though fully set forth.
2. The certain real property described above (the "Property") is located in the Tahoe Region as described in the Tahoe Regional Planning Compact (P.L. 96-551, 94 Stat. 3233, 1980) (the "Compact") which Region is subject to the regional plan adopted by the Tahoe Regional Planning Agency ("TRPA") pursuant to the Compact.
3. TRPA has granted approval, subject to certain conditions, of the South Lake Tahoe Redevelopment Project No. 1, of which the Property is a part.

DECLARATION

As required by Special Condition _____ of that certain permit dated _____, 1993 for project No. _____ (the "Permit"), the undersigned hereby acknowledges and agrees, on behalf of itself and all successors in interest, that for the purposes of determining land coverage, density, parking, height, and impact mitigation requirements for the Property, all calculations have been made as if all parcels within the area comprised by the South Lake Tahoe Redevelopment Project No. 1, described in Exhibit B attached hereto and incorporated herein by reference as though fully set forth (the "Area"), were merged. Therefore, any changes to the existing approvals for the Property after the date of the Permit which would affect land coverage, density, parking, height, and impact mitigation with respect to the Property shall always be evaluated and subject to approval based upon such calculations as if all parcels within the Area were merged.

Declarant also agrees and acknowledges that the Property shall be developed and maintained in a manner consistent with the approved South Tahoe Redevelopment Plan, and Redevelopment Project No. 1, so as to avoid potential conflict with the future development of the Ski Run Hotel site as approved therein. For purposes of this declaration, the Ski Run Hotel site (the "Hotel Site") shall be that depicted in Exhibit C.

Declarant further agrees and acknowledges that, as future development of the Hotel Site is proposed, Declarant will grant such reasonable easements as may be necessary and convenient to enable appropriate portions of its property to be utilized in a manner consistent with approvals by the South Tahoe Redevelopment Agency and TRPA insofar as such utilization will not result in violation of the Permit for the Property.

This declaration shall be deemed a covenant running with the land or as an equitable servitude, as the case may be, and shall constitute benefits and burdens to the parcels described in Exhibit A and shall be binding on the declarant and declarant's assigns and all persons hereafter acquiring or owning any interest in the parcels described in Exhibit A.

This declaration may not be revoked or modified without the prior express written and recorded consent of the TRPA or its successor agency, if any. TRPA is deemed and agreed to be a third party beneficiary of this declaration and as such can enforce the provisions of this declaration.

In witness whereof Declarant has executed this declaration on the day and year written above.

McDonald's Corporation

Dated: _____

By: _____

Signature

TAHOE REGIONAL PLANNING AGENCY

308 Dorla Court
Elks Point, Nevada

P.O. Box 1038
Zephyr Cove, Nevada 89448-1038

(702) 588-4547
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MEMORANDUM

May 17, 1993

To: Governing Board
From: TRPA Staff
Subject: Community Plan Schedule

Requested Action: At the direction of the Governing Board, TRPA staff has consulted with the community planning teams and prepared the attached schedule (Attachment A) for the completion of the Community Plans. The Governing Board is requested to direct staff to include the proposed schedule into the 1993/94 work program.

Background: Between the April Governing Board meeting and the May Governing Board meeting, TRPA staff is planning to meet with the active Community Plan teams to confirm their commitment to the proposed schedule. Douglas County and the Stateline/Ski Run teams have concurred with the schedule. The Washoe County, Al Tahoe, and Placer North Shore teams will be meeting just before the Governing Board meeting.

So far the teams have been very supportive and concur with the need to get the plans adopted in a timely fashion. Based on these meetings, staff feels there is no need for penalties or sanctions at this time, as TRPA is getting the necessary cooperation. The teams are being informed that the Governing Board will take a lead role in promoting the adoption of the community plans. The teams will be encouraged to complete the plans recognizing that they will not be able to solve all the problems. The staff will prepare recommendations that bring the recommended plans into conformance with TRPA regulations as required. The Community Plans will be processed as quickly as possible to permit Governing Board action in accordance with the proposed schedule.

The primary assumptions incorporated into the proposed schedule are as follows:

1. There will be a staffing commitment of 38.4 person months from TRPA in FY 1993/94
2. There will be \$30,000 included in the FY 1993-94 budget for printing and EIS contract costs.

GWB/rd
5/17/94

AGENDA ITEM VIII.A. 143

2. Local Government will provide equal or improved staff support.
3. No major changes in the community plans or EIS comments will occur that requires recirculation or additional contract cost.
4. The plans closest to being completed will receive the highest priority.

TRPA staff will make a brief presentation of the proposed schedule at the Governing Board meeting. Should you have any questions regarding this matter, please contact John Hoole or Gordon Barrett at (702) 588-4547.

Community Plan Schedule

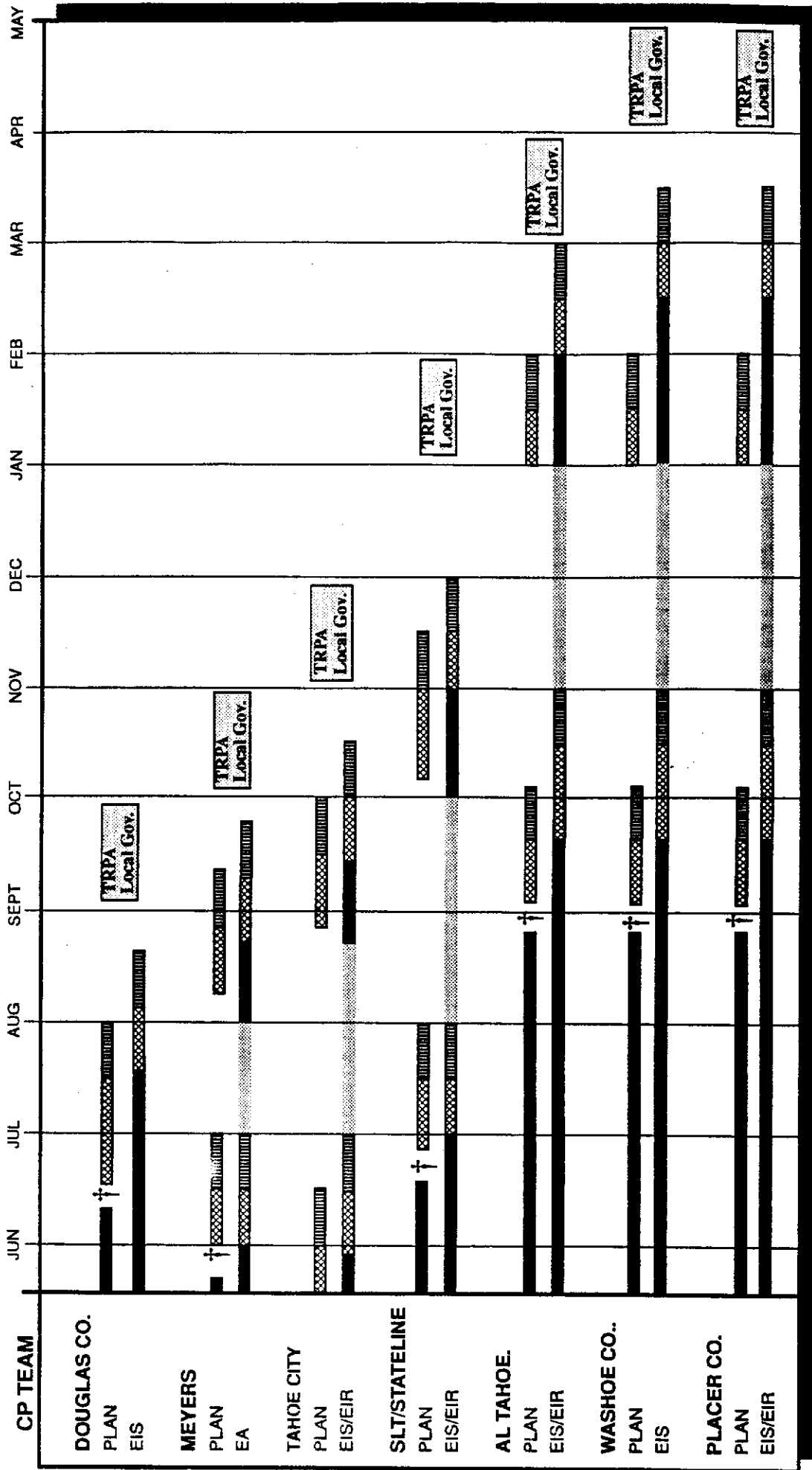
(See Attached Bar Chart)

- Douglas County - The three Community Plans are drafted and an EIS was circulated. Final action on the plans/EIS was originally scheduled for January; however, it was delayed by the Community Plan boundary issue. Now, the delay in the construction of the Loop Road is causing further analysis and delay. The team has committed to a final vote on the plan for June 11, 1993. Staff will need to prepare a final draft and review the plans and EIS. It should be noted that it takes approximately two weeks to edit and print the documents. Once complete, the plans and EIS will be sent immediately to local government and TRPA for public hearings.
- Meyers - The Team approved a final draft on May 13, 1993. TRPA and El Dorado County staffs will prepare an Environmental Assessment/Mitigated Negative Declaration. Staff will review the documents for release in June. The EA/MND will circulate for 30 days for public comment. The comments will be responded to and a final plan will be completed for the hearings.
- Tahoe City - The team approved a final draft two years ago and a final EIS/EIR was prepared. Because of controversy and delay, the EIS/EIR is being recirculated. Staff will review the plan and EIS/EIR for release in June. After a 60 day circulation period, the final documents will be prepared for public hearings.
- SLT/Stateline - Last summer a plan and an EA/ND was prepared and circulated. Based on comments received an EIS/EIR is being prepared for circulation. Like Douglas, the boundary issue and the Loop Road issue have delayed the plan and EIS/EIR. The Team has agreed to vote on a final plan on June 24, 1993. The final plan and EIS/EIR will be released in August, following staff review. After the 60 day circulation period staff will prepare final documents for hearings in January 1994.
- Washoe County - Three of four Washoe County Community Plans have been drafted and approved for release to the public. The last Community Plan (North Stateline Casino Core) needs to be completed. All four plans need to add Commercial Floor Area Allocation Guidelines. Because of commitments to those plans that are further along in the process TRPA staff cannot complete the remaining Community Plans until fall. Washoe County staff has similar problems due to other County commitments. Once the plans are drafted the EIS/EIR consultant may complete the draft EIS/EIR for staff review. Final team action is scheduled for September. Circulation of this EIS/EIR, which also covers Placer North Shore Community Plans, is scheduled for November and December. After staff review, the final documents will be scheduled for hearings in April of 1994.

- Placer County North Shore - One of the four North Shore plans is completed and the other three are in progress. Due to commitments to those plans that are further along in the process, TRPA staff cannot complete the remaining plans until fall. Placer County staff has similar problems due to other County commitments and delays with the Tahoe City Community Plan. Once the plans are drafted the EIS/EIR consultant will complete the draft EIS/EIR for staff review. Final team action is set for September. Circulation of this EIS/EIR, which also covers Washoe County Community Plans, is scheduled for November and December. After staff review the final documents will be scheduled for hearings in April of 1994.

- Al Tahoe - The Al Tahoe Community Plan is being drafted by the City staff. TRPA assistance is limited because of commitments to the other plans. An EIS/EIR consultant has been hired by the City. Because of the need for a drafted plan and the EIS/EIR consultant's work on other Community Plans, it is anticipated that circulation will occur in the fall. Final team action is scheduled for September. The hearings will occur in the spring of 1994.

Community Plan Schedule - 5/17/93



- Drafting
- Circulation
- Hearings
- Team Recommendation
- Staff Review/Rec.
- Printing/Publishing
- TRPA
- Local Gov.

TAHOE REGIONAL PLANNING AGENCY

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MEMORANDUM

May 17, 1993

To: TRPA Governing Board

From: Agency Staff

Subject: Status Report on Employer-Based Trip Reduction and Parking Ordinances.

Employer Trip Reduction Ordinance

The Regional Transportation Plan - Air Quality Plan (RTP-AQP) includes a transportation control measure that requires employers of commercial and retail development to implement trip reduction programs. Employer-based trip reduction is a program of measures designed to reduce the number of vehicles travelling to and from employment sites. Volume III, page 13-14 of the RTP-AQP states:

"TRPA shall propose for adoption ordinances requiring employers and commercial or retail developments to implement trip reduction programs. Employer-based trip reduction programs should achieve an average employee vehicle ridership of 1.5 employees per vehicle. This average vehicle ridership may be achieved through car-pooling, vanpooling, employee shuttles, public transit programs, or promoting non-vehicular transportation. Commercial and retail employers are urged to form or join Transportation Management Associations (TMA) to help develop and and implement trip reduction plans and programs."

As outlined in Volume III, p. 3, of the RTP-AQP, Employer-Based Trip Reduction Programs should include the following elements:

1. An evaluation of current average vehicle ridership as determined by an employee survey of at least three months in duration;
2. Designation of an employee transportation manager and coordinator;
3. A description of incentives, services and marketing programs to be offered to employees;
4. Budgets for employer's trip reduction program;
5. A statement of average weekly staff hours devoted to the trip reduction programs;
6. A statement of commitment to plan implementation;
7. Public transit information relative to the work site;
8. Geographic and demographic data pertinent to site-specific trip reduction planning; and
9. An evaluation of the incentives, services and marketing programs in the trip reduction plan from previous years.

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/kn

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Volume III, p. 3, of the RTP-AQP, Goals and Policies encourages the establishment of Transportation Management Associations (TMAs) in the Tahoe Region. TRPA staff have worked with the Truckee-North Tahoe Transportation Management Association (TNT-TMA) in developing an agreement which directs the TNT-TMA to draft a trip reduction ordinance pursuant to the RTP-AQP.

As a B-List requirement of the 1991 Evaluation Report, TRPA is required to adopt an employer-based trip reduction ordinance by June 30, 1993. The TNT-TMA draft trip reduction ordinance is scheduled for completion on June 30, 1993. Once the TNT-TMA draft ordinance is complete, TRPA staff will review the draft ordinance and supplement additional information as necessary towards the development of a regionwide trip reduction ordinance.

Over the past year, TRPA staff have worked with staff from the Placer County Transportation Commission (PCTC) and other local jurisdictions to develop an employer-based trip reduction ordinance and will utilize information from the PCTC ordinance to supplement the regionwide trip reduction ordinance.

Currently TRPA staff, through the review of commercial and public service applications, typically require employer-based trip reduction measures as conditions of project approval. Examples of projects recently approved by the TRPA Governing Board requiring employer-based trip reduction programs include the Barton Memorial Hospital and Lake Tahoe Unified School District expansion plans.

Parking Management Ordinance

The Regional Transportation Plan - Air Quality Plan (RTP-AQP) for the Lake Tahoe Region includes a control measure that requires adoption of a parking management ordinance. Volume III, p. 14 of the RTP-AQP states:

The parking management ordinance should set the minimum and maximum number of parking spaces required for employees and patrons of commercial and retail uses. The number of required parking spaces shall be sufficient to meet the minimum needs of the use in order to reduce the amount of off-site or otherwise illegal parking. The minimum number of parking spaces to be provided for employees may be reduced through the implementation of employer-based trip reduction programs.

Volume III, p. 15 of the RTP-AQP also states:

The parking management ordinance shall include requirements for paid parking in parking lots and parking structures open to the public. Proceeds from these parking fees could be used to subsidize the employer-based trip reduction programs and patron shuttle systems.

On June 25, 1987, the TRPA adopted Ordinance 87-8, which implemented the Regional Plan of the TRPA. Section 4.20 of Ordinance 87-8 adopted interim parking policies and states:

"The Governing Board hereby directs staff, working with APC and others as may be selected to assist, to draft an ordinance for parking standards as an addition to Chapter 24, and present it to the Governing Board, with appropriate environmental documentation, no later than the regular December 1987 meeting."

In December of 1987, the TRPA Advisory Planning Commission recommended new parking requirements to the Governing Board, based on a staff survey of local jurisdiction parking requirements for specified land uses. In December of 1987, the Governing Board failed to adopt the Chapter 24 Amendments.

Currently, staff is reviewing the 1987 parking information and has requested proposals from consultants to develop the parking management ordinance. As a B-List requirement of the 1991 Evaluation Report, TRPA is required to complete the parking management ordinance by June 30, 1993.

Staff will be scheduling a series of Workshops to facilitate initial and on-going discussions with interested parties concerning the proposed ordinances.

No action is required from the Governing Board at this time. If you have any questions concerning this agenda item, please contact Keith Norberg at (702) 588-4547.

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MEMORANDUM

May 18, 1993

To: TRPA Governing Board

From: The TRPA Staff

Subject: Discussion of Draft Five-Year Strategy (July 1993 - June 1998)

Staff held its annual planning retreat on April 22 and 23 and is in the process of incorporating the retreat discussion into the update of the Five-Year Strategy. We will get a copy of the draft Plan for the period starting July 1, 1993, to Board members prior to the meeting.

At the June Board meeting, we will take another look at the Strategic Plan plus the program of work for FY 93-94 and the proposed operating budget. If you have any questions, please contact Dave Ziegler.

5/18/93
DSZ:jf

AGENDA ITEM IX. A.

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TAHOE REGIONAL PLANNING AGENCY

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May 17, 1993

To: TRPA Governing Board

From: Susan E. Scholley, Special Projects Attorney

Re: Plaintiff's Compliance With Settlement Agreement in Leroy Land v. TRPA (Bitterbrush)

BACKGROUND: Leroy Land Development Company was the developer of the Bitterbrush condominiums in Incline Village, Nevada. Unit #1 (26 units) was constructed in 1971 and TRPA approved the final map for Unit #2 (224 units) in 1972. The first phase of Unit #2 (21 units) was completed in 1980 and is now a timeshare resort called Tahoe Chapparal.

When the Tahoe Regional Planning Compact was amended in 1980, TRPA determined that the remaining units were not exempt from TRPA review under the new plan. Leroy Land filed suit against TRPA seeking a vested right to construct the remainder of Unit #2 without TRPA review. In a 1982 decision, Judge Reed declared that the project was subject to the new plan and was not vested. Prior to a hearing on Leroy's appeal to the Ninth Circuit Court of Appeals, TRPA and Leroy entered into a settlement agreement. The 1982 Settlement Agreement was attached as Exhibit A to last month's staff summary.

The settlement agreement includes a reduction in units from 203 to 185. The agreement also provides for a \$750,000 offsite mitigation package to be implemented in phases as the units are built. The offsite mitigation menu consists of: 1) offsite energy dissipaters; 2) cut slope stabilization along Fairview and Ski Way; 3) secondary access across Bitterbrush common area or through Tyrolian Village; and 4) the acquisition of other land so as to reduce the total coverage percentage to 20 percent. If there is money left over, then any additional mitigation proposed by the EIS can be implemented.

The settlement agreement is structured so that the required offsite mitigation will be implemented in phases according to the schedule in the agreement. The two water energy dissipaters were to be started at the same time as the first units. The cut slope stabilization was to be started no later than construction of the 50th unit. The secondary access, if required, was to be started no later than the 51st unit.

The settlement agreement also provides for a complex system of securities. A deed of trust was recorded as security for completion of the mitigation work and individual units are released from the deed of trust as they are sold. Prior to release of an individual unit, Leroy is required to post a security in the amount of \$4054.05 per unit. These individual securities are to be

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returned as mitigation projects are completed.

In 1984, after review of the EIS prepared on the mitigation measures, the Governing Board action allocated the mitigation fund as follows: 1) construction of two water energy dissipaters (\$18,000); 2) construction of cut slope stabilization below Bitterbrush (\$200,000); 3) construction of secondary access (\$262,460); 4) construction of remaining cut slope stabilization (\$137,000); 5) preparation and implementation of a surface water facilities operation and maintenance plan (\$20,000); and construction of additional erosion control projects. The minutes of the 1984 Governing Board and APC meetings are attached as Exhibit B and detail out the action taken by the Board in 1984 with respect to the above allocations.

In 1985 Leroy Land began construction of the units and built the first energy dissipater.

In 1989 the developer (Leroy Land) filed a motion in federal court to have a portion of the offsite mitigation measures declared unconstitutional and unenforceable. In a 1990 decision, Judge Reed agreed with Leroy Land and declared the cut slope stabilization and land acquisition measures unenforceable. Judge Reed's decision was appealed by TRPA and overturned by the Ninth Circuit in 1991.

CURRENT STATUS: To date, 37 units have been completed and released from the deed of trust. An additional 13 units are finished or under construction. TRPA holds approximately \$60,000 in letters of credit and cash, as security for the released units. There are gaps in the securities due to expired letters of credit and a letter of credit which was returned prior to the Ninth Circuit decision upholding the settlement agreement. The new owner (Cy Yehros) has stated his intention to replace the missing securities.

Leroy Land completed one of the two energy dissipaters at an approximate cost of \$28,000 in 1985. The new owner is preparing to construct the remaining energy dissipater this building season at an approximate cost of \$18,380. The cut slope stabilization work was done in 1990 by Washoe County and IVGID with Nevada bond funds (\$333,821) and TRPA water quality mitigation funds (\$111,273). The total cost of the project was \$445,094.

STATUS OF SECONDARY ACCESS: Cy Yehros is ready to begin the 51st unit but is not prepared to commence construction of the secondary access as required by the settlement agreement. Attached as Exhibits C, D and E are three letters (without attachments) from Tom Hall, representing Cy Yehros.

In its 1984 action the Board set a cap on the secondary access cost and directed that if the cost was later estimated to exceed the \$262,460 cap, the matter was to be brought back to the Board. The revised cost for construction of the secondary access through the Bitterbrush common area is \$454,410, which is \$191,950 more than the previously approved cap.

Mr. Yehros has recently begun discussions with IVGID and the North Tahoe Fire

Protection District regarding the design and construction of the road. IVGID owns the land below Bitterbrush over which the secondary access would cross and connect to Ski Way and the Diamond Peak parking lot. IVGID staff has advised TRPA that they are concerned with the engineering of the road because of the steep slope and the safety of the connection to Ski Way and their Diamond Peak parking lot. The fire department is requiring a 20 foot road to meet current standards. The Alternative A design for the road approved in 1984 was 11-12 feet wide.

Washoe County, as a condition of an interior redesign of some units, has required the resolution of the secondary access issue prior to construction of the second half of the modified units. The County staff supports construction of the road but is not mandating its construction.

The neighboring subdivisions (Bitterbrush Unit #1 and Tahoe-Chapparral) are currently in litigation with Cy Yehros over various issues and are very concerned about the secondary access issue. The secondary access issue was and is particularly controversial. The earlier Bitterbrush phases want an alternative access for the remaining units since otherwise all the units (totalling 232 residences) will share one access road. There are also concerns about emergency access in the case of fire or other catastrophe. Currently, there is a gate across the east end of Bitterbrush Unit #2 into Tyrolian Village (Styria Way) which the fire department can use in the event of an emergency. Since Tyrolian Village streets are privately owned they have refused access for Bitterbrush, other than for emergencies. Exhibit F is a letter from Bob Maddox, the attorney for the neighboring subdivisions.

ISSUES PRESENTED: Since it is not possible to begin construction of the secondary access this building season, Mr. Yehros is seeking to be excused from that requirement and is also presenting a revised cost estimate for the Board's consideration. Mr. Yehros desires to construct an additional 18 units this year (units 51 through 68). The issues presented to the Governing Board are: 1) whether to reallocate the mitigation fund due to the revised cost estimate for the secondary access; and 2) depending on its decision regarding the reallocation, whether additional units may be constructed in 1993.

The settlement agreement makes the funding of secondary access from the mitigation fund discretionary and states:

"Such mitigation measures shall be under the direction and control of the TRPA to accomplish any, all or a portion of the following for the Bitterbrush Project.

1. (energy dissipaters)
2. (cut slope stabilization)
3. The provision of secondary access to the Bitterbrush Project through the Bitterbrush Project common area, provided however, that if in TRPA's determination, it becomes difficult, impossible because of third party action or otherwise, or too expensive to build secondary access through the Bitterbrush Project common area, then in that event secondary access shall be sought for the

Bitterbrush Project via Tyrol Drive and Styria Way or otherwise. If it is determined that the secondary access provided for in this paragraph is not favorable, the TRPA may utilize the \$100,000 funding for acquisition of lands as set forth in Paragraph I(C)(4) hereof or for mitigation of environmental problems as determined by the EIS contemplated by Paragraph I(C)(5) hereof."

The agreement goes on to state that "TRPA retains its discretion to either increase or decrease the amount of funds allocated to provide secondary access to the Bitterbrush Project." The agreement also provides that if TRPA decides not to build secondary access through the common area that Leroy shall post a \$100,000 letter of credit to assist Washoe County or Tyrolian Village in providing secondary access through Styria Way.

Under the settlement agreement, TRPA cannot require construction of the road if it does not fund the entire cost of the road, including the costs of any easements. Moreover, even if TRPA requires the road and funds the entire cost of the secondary access out of the existing fund, it is not certain that the federal court would enjoin construction of the 51st unit until the road was commenced. The agreement excuses a failure to commence the road if the developer was delayed or frustrated. Although developer-caused delay should not qualify, the court may be sympathetic to Mr. Yehros and give a broad meaning to that clause of the agreement.

Staff is seriously concerned about the failure to comply with the schedule in the settlement agreement. Leroy did not diligently complete the energy dissipaters and did not build the cut slope stabilization. Although not the original developer, Mr. Yehros has been involved with the project as early as May 1991 when he appeared before the Legal Committee with a proposal to compromise the pending appeal over the offsite mitigation. Despite the fact that units were built in 1991 and 1992, no efforts were made to address the secondary access issue until late last year.

Moreover, the costs of the delays in implementation of the mitigation work have caused a significant deterioration of the \$750,000 mitigation fund. In fact, Mr. Yehros' proposals (Exhibit D or G) would result in 50% to 75% of the mitigation fund being spent for secondary access. The increased cost of the secondary access will be at the expense of the environmental mitigation.

OPTIONS: Following the meeting of Legal Committee last month, Mr. Yehros has made a proposal to amend the settlement agreement, which is set forth in Exhibit G, dated 5/6/93. The proposed amendment would increase the total mitigation fund to \$850,000 by increasing the security for the remaining individual units from \$4054.05 to \$4794.79. TRPA would then agree to fund the total cost of the secondary access from the mitigation fund and construction would continue. Mr. Yehros would post the \$100,000 bond required for the road but would not commit to a specific schedule for construction and completion of the road. The settlement agreement states that: "All mitigation projects involving construction shall be prosecuted with reasonable diligence after commencement of construction."

Other options, which are within the scope of existing settlement agreement and would not require the consent of Mr. Yehros, are:

1. The Governing Board may determine that secondary access through the Bitterbrush common area is too expensive or difficult and reallocate the \$750,000 mitigation fund to the remaining energy dissipater, construction of SEZ restoration and erosion control projects in Incline Village, preparation of the surface water facilities operation and maintenance plan, and acquisition, through payments to another agency, of other lands in the Incline Village area to mitigate excess coverage; or

2. The Governing Board may determine that secondary access through the Bitterbrush common area is too expensive or difficult and reallocate the \$750,000 mitigation fund to the the remaining energy dissipater, construction of SEZ restoration and erosion control projects in Incline Village, provision of a fund (\$100,000 to \$262,460) for use by Washoe County, or other appropriate entity, to construct secondary access, preparation of the surface water facilities operation and maintenance plan, and acquisition, through payments to another agency, of other lands in the Incline Village area to mitigate excess coverage.

Specific recommendations on reallocation (dollar amounts and project locations) would be presented to the Board at a later time depending on the action at the May meeting.

STAFF RECOMMENDATION: Staff recommends that the Board accept the revised cost estimate of \$454,410 and determine that it has become too expensive and difficult to build secondary access across the Bitterbrush common area. The Board could then direct staff to prepare a recommendation on a specific reallocation of the mitigation fund. Because of the local and Washoe County concerns regarding secondary access, the staff recommends that the Board set aside a minimum of \$100,000 out of the fund which would be made available to the County or other appropriate entity, for secondary access in the event additional funding for the secondary access is obtained. Staff has suggested consideration of an assessment district to fund and build the road.

Although Mr. Yehros, the adjoining homeowners and others continue to urge the use of the mitigation fund to provide secondary access, TRPA staff has concluded that construction of the road is too expensive and difficult to fund. The engineer's report does not include the costs for obtaining easements or the costs of additional studies which may be required by other permitting agencies. Furthermore, the provision of an adequate bond to insure completion of the project is vital and yet the settlement agreement limits the access bond to \$100,000. Even with an adequate bond, TRPA is not equipped to take over such a difficult construction project should Mr. Yehros not be able to complete the work.

The environmental consequences which result from starting the road and not finishing it as quickly as possible are significant. While temporary BMPs may

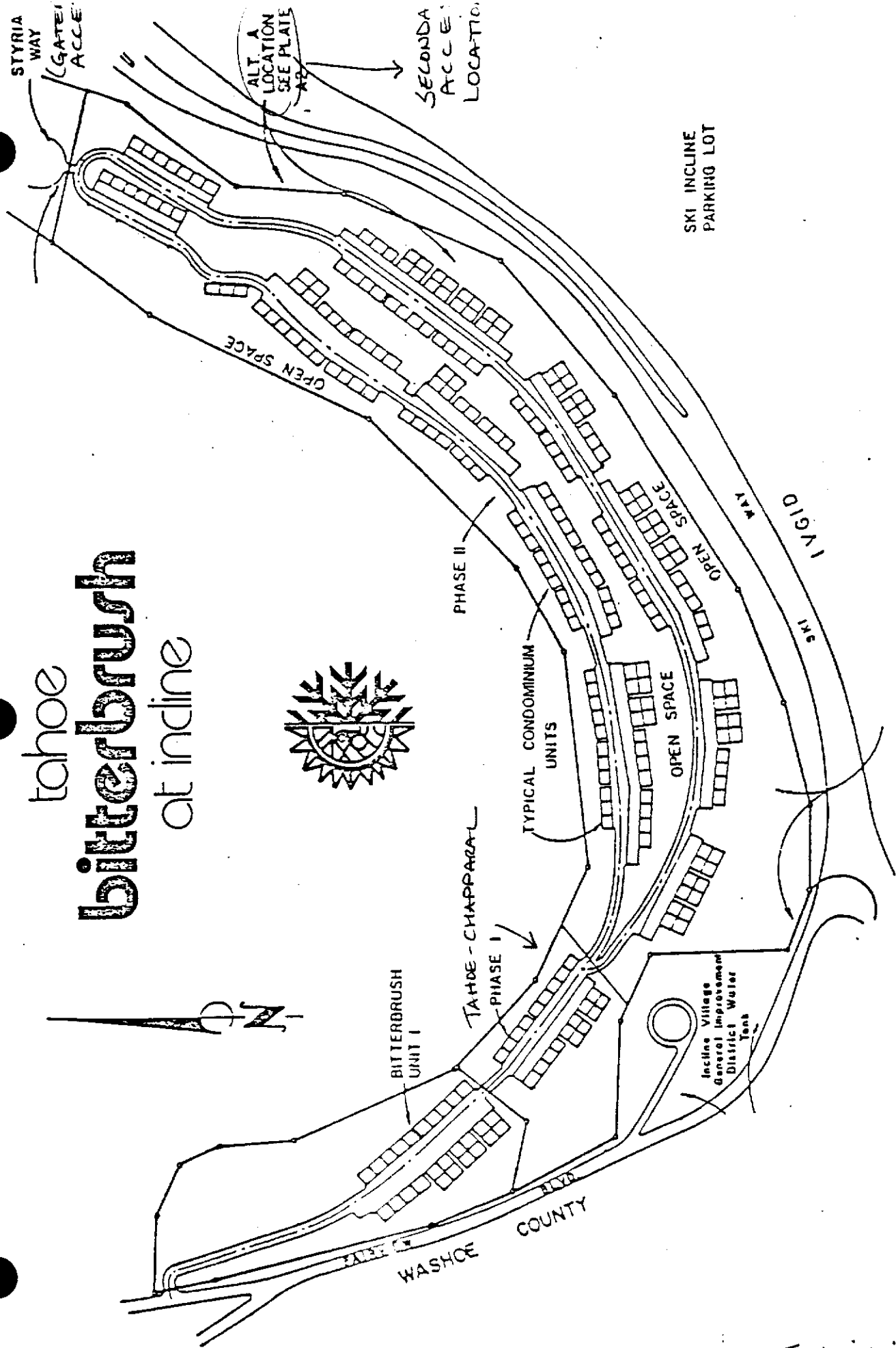
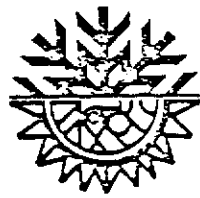
mitigate the impacts, the construction of road down such a steep and possibly unstable slope will cause erosion until the road is completed and the slope stabilization measures (retaining walls up to 16 feet tall) are in place.

Finally, the liability which may attach to TRPA if it requires or funds the building of the secondary access is substantial. It will be a difficult road to engineer, stabilize and build. If TRPA has to complete the road because of Mr. Yehros' inability to do so, then the potential liability becomes even greater. This issue was not adequately considered in 1984 and should be now.

VOTE REQUIRED: A motion to reallocate mitigation funds or make a determination regarding secondary access would require an extraordinary vote of 5/9 (with at least 5 from Nevada).

Failure to reallocate mitigation funds or make a determination regarding funding of the secondary access will result in the 1984 Board action remaining in effect. The inability of TRPA to reconcile the requirement to build the road with the increased cost estimate would likely be deemed a delay or frustration and would excuse commencement of the road prior to starting the 51st unit.

tahoe
bitterbrush
 at incline



DRWN. BY: OLL DATE: 6-23-0

SHARP, KRATER & ASSOCIATES
 ENGINEERS / PLANNERS / SURVEYORS
 P.O. Box 11466
 Reno, Nevada 89510 PH 702-325-6101

BITTERBRUSH SUBDIVISION NO. 2
 INCLINE VILLAGE, NEVADA

JOB NO.
 8579-02

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 Exhibit A

Exhibit A
1982 Settlement Agreement

(for a copy - contact
Susan Scholley at
(702) 588-4547)

VII SPECIAL DETERMINATIONS

C. Certification of EIS for Bitterbrush, Incline Village, Washoe County

Mr. Clark did not participate in the discussion and action on this item.

Mr. George presented a brief summary of the packet material and explained that the Advisory Planning Commission considered the technical adequacy of the EIS on July 11 and found it to be adequate. Some of the APC members expressed concern at having to review an environmental document that did not consider all aspects of the project; the litigation settlement restricted the focus of that EIS. Staff recommends that the Governing Board certify the EIS for the Bitterbrush project.

MOTION by Ms. Roberts to certify the EIS for the Bitterbrush project as identifying all the impacts as directed in the scope of work and as set forth in the litigation settlement. The motion carried on the following vote:

Ayes: Mr. Pruett, Mr. Gibbs, Mr. Hibdon, Mr. Sevison, Ms. Twedt, Ms. Roberts
Mr. Westergard, Mr. Reed, Mr. King, Mr. Stewart, Mr. Hansen
Nays: None
Abstain: None
Absent: Mr. Clark, Mr. Haagen

VIII PROJECT REVIEW

A. Mitigation Measures Pursuant to Bitterbrush Litigation Settlement,
Washoe County

Mr. Clark did not participate in the discussion and action in this matter.

Mr. George explained that the EIS addressed a number of alternative mitigation packages to be implemented under the Bitterbrush litigation settlement which did allow a reduced project to be built on the site. The EIS assesses a number of combinations; copies of the document are in the packet. These measures are strictly off site. The APC's recommendation is as follows: 1) first priority, energy dissipation devices (estimated cost \$18,400); 2) second priority, expenditure of approximately \$200,000 on construction of a portion of the cut slope stabilization project; 3) third priority, construction of access Alternative A with one-way traffic controls (estimated cost \$262,460); 4) construction of the remainder of the cut slope stabilization project (estimated cost \$137,000); 5) preparation and implementation of operation and maintenance plan for surface water management facilities (estimated cost \$20,000); and 6) expenditure of remaining funds on additional water quality improvement projects in the vicinity of the Bitterbrush project (remaining funds approximately \$11,440). (Mr. George used a map display and a road overlay to explain the physical characteristics of the project and access configurations.) The APC's recommendation which included construction of secondary access is based on a concern for public safety. There now is only one access through narrow streets in a neighboring subdivision. There are some legal problems with obtaining the emergency access approved in the initial proposal.

Ms. Scholley explained that the settlement agreement provides that the mitigation measures shall be under the direction and control of TRPA to accomplish any, all, or a portion of the measures. Items one, two and three do not necessary all have to be considered. Mr. George explained that staff had presented an alternative recommendation because the APC's decision was weighted heavily on use of the funds for secondary access. The settlement does provide that \$100,000 be set aside for that purpose; however, the construction cost of the proposed access in today's dollars is \$262,000, and staff is not sure whether this is accurate or not. This would limit the amount of funding for water quality improvements. Staff's recommendation is that \$100,000 be held in trust for eventual construction of the secondary or emergency access. Staff is hopeful that certain aspects of the mitigation package, i.e. energy dissipation devices, cut slope stabilization, can be in place by October 15 of this year.

For clarification purposes, Ms. Scholley read portions of the litigation settlement relating to the secondary access which provide that, if it is determined that secondary access is not favorable, TRPA may utilize the \$100,000 for acquisition of lands as set forth elsewhere in the agreement or for mitigation of environmental problems as determined by the EIS. Mr. George advised that staff would like to see the \$100,000 used to persuade the Tyrolian Village Homeowners Association to allow the emergency access to be completed. This, in staff's opinion, is a better solution than constructing a secondary access through what is an extremely sensitive area.

Discussion followed on access alternatives, the terms of the litigation settlement, and the history of the project. Mr. Mike Harper, APC Chairman and Assistant Director for the Washoe County Department of Comprehensive Planning, presented a history of the project originally approved in 1970 and summarized the status of access problems to the neighboring Tyrolian Village and Bitterbrush projects. The APC's first priority in its recommendation was for energy dissipation devices; the second priority was for cut slope stabilization. These two priorities were to be implemented prior to expending money on the road (priority three). The only point of contention between staff's recommendation and the APC's recommendation relates to the road. There must be a balance between erosion control and other environmental concerns and health, safety and life considerations. One access into and out of a project makes no sense; there must be secondary access. Washoe County is concerned about accepting dedication of these roads because they are narrow and steep and will require tremendous expenditures of funds for snow removal. That is an issue of some concern to the County. What has been approved by Washoe County is construction of secondary access because of the concerns for public health and safety. The County has temporarily accepted (until October or November) an easement for emergency purposes only over the Tyrolian roads. Decisions will be made this fall on whether this will be a permanent easement and, if so, who will maintain it.

MOTION by Mr. King to approve the APC recommendation on the mitigation package for the Bitterbrush litigation settlement.

In clarifying staff's position, Mr. Midkiff explained that the Board had the option of spending more than \$100,000 for access. Staff, however, recommends that, because of the severe erosion problems on the site, the bulk of the funds be spent on correcting existing problems on the high hazard site. This is the primary difference between staff and APC recommendations. As a practical

matter, Mr. Westergard suggested that, rather than spending \$262,000 on an alternative route, the existing alternate access should be completed and the substantial sums devoted to erosion work.

Mr. Stewart White, on behalf of 26 homeowners in Bitterbrush Unit 1, explained previous efforts to realize a secondary access. The existing road through Bitterbrush is 20 feet wide and extremely difficult to negotiate, particularly in winter. There is a vital need for a secondary access. A one-way road is feasible, and the APC has recommended a well prepared plan. The staff's alternative is disappointing because the intent of the agreement is not to limit the expenditure of funds for the road to \$100,000. Finding additional funding beyond the \$100,000 to complete the road will not occur and the road will not be built should the Board approve staff's recommendation.

The motion failed on the following vote:

Ayes: Mr. Hibdon, Mr. Sevison, Ms. Roberts, Mr. Reed, Mr. King,
Mr. Stewart, Mr. Pruett, Mr. Hansen
Nays: Mr. Gibbs, Ms. Twedt, Mr. Westergard
Abstain: None
Absent: Mr. Clark, Mr. Haagen

Ms. Twedt explained she was concerned with the APC's third priority to construct access Alternative A with one-way traffic controls at an estimated cost of \$262,460. Is there a way to put a cap on the amount of money that is to be expended on the road? Mr. Midkiff explained that upon completion of the first two priorities it appears there is a remaining \$500,000 which can be used for the road; there does not appear to be a limitation or cap. Mr. White explained that the settlement provides that no road will be built if it is too expensive. Staff explained that the Board would make the determination on whether the bids for road construction were too high.

MOTION by Ms. Twedt to accept the APC recommendation with a modification to priority three that there is a \$262,460 cap on the construction of the access. Should the cost of the road exceed that amount, the matter shall come back before the Board for reconsideration. The motion carried on the following vote:

Ayes: Mr. Hibdon, Ms. Twedt, Mr. Sevison, Ms. Roberts, Mr. Reed, Mr. King,
Mr. Stewart, Mr. Pruett, Mr. Gibbs, Mr. Hansen
Nays: Mr. Westergard
Abstain: None
Absent: Mr. Clark, Mr. Haagen

IX ENFORCEMENT

A. Show Cause Hearings

2. James Monaghan, Unauthorized Land Coverage and Use, Placement of a Mobile Home, 260 N. Benjamin, Douglas County APN 11-070-11

Environmental Investigator Bob Pavich presented a summary of the site conditions and explained that the mobile home had been removed and the excavated material had been moved. The only remaining work to be done is to proceed with proper

Mr. Harper turned the meeting over to Mr. Combs to act as chairperson at this time.

V PLANNING MATTERS

A. Determination on Technical Adequacy of Draft Environmental Impact Statement, Bitterbrush, Incline Village

Staff presentation by Greg George recommending that the APC find that the Final EIS for Bitterbrush is technically adequate and recommend that the Final EIS be certified by the Governing Board.

Milt Sharp, consulting engineer for Bitterbrush, had no presentation to make in regard to the technical adequacy but would be available to answer any questions the APC might have. Mr. Harper asked if the traffic impacts that were modeled were based upon the assumption that this project was timeshare. Mr. Sharp stated that it was not based upon that assumption and that Washoe County was under the assumption in the traffic analysis it was based on a condominium project. Mr. Curtis asked if there was any attempt to look at the water tank site as another possible alternate route. Mr. Sharp explained that that possibility had been reviewed and determined to be too costly and also disruptive to that portion of the site which is otherwise undisturbed. Mr. Harper wanted confirmation of the statement, in regard to Alternative A, that Bitterbrush's contact with IVGID has indicated that they have not taken a position as to whether they would oppose or not oppose the use of that portion of the road if Alternative A was to be constructed. Mr. Sharp stated that IVGID has not taken any formal action recently; any action that had been taken goes back a few years when a formal request was made of them to construct this Alternative A. Mr. Sharp stated he did discuss the matter with the Acting Manager who indicated that their position of not having made a final decision had not changed.

Stuart White, attorney for lower Bitterbrush, commented on his concerns of heavy trucks traveling through the lower portion of Bitterbrush and the wear and tear on that portion of the highway. Lower Bitterbrush solely maintains that road. Is mitigation for this concern included in the technical adequacy since it is an environmental impact on that section of the highway? Mr. Sharp responded that there is no question that construction puts a heavy burden on the existing roadway facility. He stated that Washoe County is in the best position to enforce any type of maintenance program or to comply with the developers to make repairs that are caused by the construction activities. Mr. Combs asked to have a brief rundown of the status of the project with Washoe County. Mr. Sharp stated that the project was approved in 1972 by Washoe County and later by TRPA by a litigation settlement. The project has been under construction since 1979 or 1980. The site work improvements are covered by an agreement by Washoe County and the developers and the subdivision agreement is backed by a letter of credit in the amount of 1.5 million dollars, which covers the value of the site improvements. Mr. Combs asked if the money could be used as site restoration from damage done by construction. Mr. Sharp felt the response would require a legal decision, but that technically the money is to guarantee completion of construction of site improvements. Mr. Sharp further stated that he felt that Washoe County has enough authority to refuse to release the bond until they are

APC REGULAR MEETING MINUTES JULY 11, 1984

satisfied that the site improvements are being constructed to their satisfaction. Mr. Harper clarified the question by stating that the question asked was could Washoe County take those bond monies and go back and tear up foundations and revegetate and reslope, the answer is no. Counsel has advised that monies are for completion of improvements, not for restoration.

Ms. McMorris asked what is the status with the Fire Department. Mr. Sharp responded that the fire trucks could come through Tyrolian Village if they had to. Mr. Curtis asked if the 2nd Alternate route were constructed, could it be used for construction access rather than using lower Bitterbrush access. Mr. Sharp said yes, if it were constructed. The only problem is that it is a major project to construct that access and funds are not available for it. Mr. Poppoff made the comment that he does not feel that the APC should be involved in the approval of an EIS when the project is already under construction.

MOTION by Ms. McMorris, with a second by Mr. Harper, finding that the Bitterbrush EIS is technically adequate by the following vote:

Ayes: Mr. Renz, Mr. Ryerson, Mr. Hoefler, Mr. Rosse, Ms. McMorris, Mr. Curtis, Mr. Murphy, Mr. Combs, Mr. Harper
Nays: Mr. James
Abstain: Ms. Wilson, Mr. Poppoff
Absent: Ms. Temple, Mr. Hoole, Mr. McMullen, Ms. Sparbel, Mr. Pyle, Mr. Hansen, Ms. Michael

Mr. Harper commented on the status of Washoe County with the Bitterbrush settlement. In 1982, Leroy Development Company approached Washoe County and requested if they would issue building permits out of 1982 allocations, not 1983 allocations. The permits were issued in December, 1982 with conditions, which included the finding or satisfaction of the North Tahoe Fire Protection District (NTFPD) that emergency access was available. The NTFPD is contending that emergency access is not available for the simple reason to have emergency access, you have to go through Tyrolian Village Unit #5. A ditch has been dug across the road to emphasize that Tyrolian Village is private. The District Attorney's office has contended that emergency access is available through Tyrolian Village; someone pointed out that it is rather tough to drive across the access and a fire truck could fall in that "legal access", and nothing stops Tyrolian Village from barricading the road if they so desire. Mr. Harper urges the APC to suggest a mitigation package utilizing the monies. \$100,000 of the money must be committed for alternate transportation or secondary access. The difference between emergency access and secondary access needs to be discussed since secondary access is for air quality reasons also. Emergency access is nothing more than being able to get an emergency vehicle in there if necessary. The contention appears to be whether, in fact, a second emergency access can be constructed and how much of the mitigation package should be used and also the timing of that, because the monies are going for that fund as the units are sold. Mr. Harper asked if there are six mitigation packages, alternatives A, B, & C, plus one-way roads for Alternative A-1 and Alternative D-1.

Mr. George made a summary of the staff's recommended alternative of a combination of mitigation measures to be considered by the APC. Staff's first priority

is to achieve the highest amount of erosion control for the area. Monies would be collected and made available for the access problem. Collect \$100,000 and hold in trust. ~~Mr. Harper feels there is a better way to mitigate without~~ ^J impacting those particular funds. Mr. Ryerson feels that any use of mitigation funds, other than what they were set aside for, are to mitigate major project impacts on the environment and should not be used for any other use. Feels a recommendation to the Governing Board or a recommendation from the Governing Board to Washoe County include that concept. Ms. McMorris commented that public safety should be most important to this Agency, and the access road and Unit #1 should be taken care of regardless of where the funds come from. She also asked if the retaining walls were falling apart and what are they are made of. Mr. Sharp said they are made of a process called reinforced earth which is earth fill with stainless steel strips. She feels some of the mitigation funds go for the access and maintenance of the deteriorating retaining wall. Mr. Harper asked if the energy dissipation devices be funded first, \$200,000 of the cut slope stabilization project be done second, and the third monies be added into construction of the cut slope stabilization program. Mr. Harper asked if one of those secondary accesses were built, does that take care of the construction of the remainder of the cut slope stabilization. Mr. George said it reduces the total cost because it would actually go up through that cut slope and some of the erosion control would be done as part of the access. Mr. Harper asked if a rate of sale had been determined, and what is a realistic timeframe when some of the secondary access could be built presuming it was recommended. For example, \$262,000 could become \$500,000 in five years due to interest rates and inflation. Mr. Sharp said that there is not an answer to that question and said he had never heard of anybody who could predict how rapidly the units could be sold. Mr. George stated that they may be sold faster if there were a secondary access. Staff feels the provision of a secondary access is definitely a benefit to that site. Mr. Sharp commented on staff's priorities. The first two priorities are also prioritized in the settlement agreement. The agreement doesn't say that \$100,000 has to be used for emergency or secondary access, the agreement does make provisions for the fact that if there isn't any need for secondary access that the \$100,000 be used for other purposes. Mr. White, attorney for lower Bitterbrush, commented on the necessity of a second access in the initial approval. He feels it is still possible to to build a two lane road on this Alternative A for about \$240,000, and have enough other money for erosion control. If the Tyrolian Village access were open, everyone from Tyrol would use it as a short cut, which would be more traffic through lower Bitterbrush. The supplemental EIS that was in the packet this month says that 100% of the necessary erosion control and the construction of a one-way access can be done with the \$750,000. The attitude of IVGID is not an opposition to the access, they realize that a very large portion of the mitigation money will be spent on their cut slope all the way around Ski Way which they built. Some possible trade-offs are equally available to satisfy their traffic concerns, such as closing the one-way access on heavy ski days or closing it with heavy snowfall. Mr. White feels that IVGID can be worked with in order to get an easement across their property, which was one of the main concerns. Also, IVGID will be dealing with the TRPA and working with the developers. Mr. White said he was surprised when the two engineers at least agreed to one access to be built one-way within the \$750,000, that the staff would tell them to set aside \$100,000 so that we can agree on how to use it and waste \$100,000; and even more amazing was to have

APC REGULAR MEETING MINUTES JULY 11, 1984

\$273,000 left where they are going to spend on other problems in the Basin. The only mention in the settlement agreement of the \$100,000 limit on the road is their letter of credit on the road if it is not built, the letter of credit can not exceed \$100,000. It says specifically in the settlement agreement that the TRPA can go higher on the road or lower on the road. In Mr. White's opinion, to spend any of the \$750,000 on any other project and just leave the road out would leave the \$100,000 useless. The settlement agreement says if there is any money left over, the road is third. He does not feel that the staff recommendation can be followed since it is against the basis of the settlement agreement. The settlement agreement also says that when they commence construction on the 51st unit, an alternative access would have to be started also. Mr. White's suggestion is to spend \$18,000 on the energy dissipation devices, spend \$200,000 on cut slope stabilization, spend money to build the secondary access and spend what's leftover for more cut slope stabilization. Mr. Harper asked if there is a building schedule. Mr. Sharp said he is not aware of any schedule. Mr. Harper asked if those units built on the lower road are going to create more erosion than those on the higher. Mr. Sharp felt that that was not necessarily true. Mr. Harper asked if the \$200,000 would take care of the problem period. Mr. Sharp said the \$200,000 is offsite mitigation which has nothing to do with the work that is going on at the site. Mr. Harper asked how much problem exists on-site that needs to be rectified right now. Mr. Sharp said the problems on-site have been mitigated in other ways. Part of the litigation agreement required the developer to construct those big corrugated metal retention walls and to do some additional vegetation. Mr. Harper suggested that the APC recommend a mitigation package that essentially calls for first priority being the dissipation devices, the second priority being the \$200,000 on construction of the portions of the cut slope and the third priority being construction of a one-way road on the bottom portion coupled with a one-way access incorporating Alternative A and that the units that are to be constructed in lieu of that are to follow a construction pattern along that bottom road. Mr. James asked if it is legally possible to get the access through Tyrolian Village. Mr. George stated that there is a letter from the District Attorney indicating that they do have a legal right for emergency access at that point. Mr. White feels that Alternative A is much more feasible than fighting Tyrolian Village. Mr. Curtis feels that Alternative A is the best solution for an already bad situation. Mr. Hoefer does not feel that \$750,000 comes anywhere near enough to mitigate the impacts of this project, but feels he can accept the staffs recommendations without supporting anymore than \$100,000 going into the road construction only as seed money to get the road on. The road is important, but there are other ways of getting it done.

MOTION by Mike Harper, with a second by Bill Curtis, recommending that no more units be built in Bitterbrush until funds be expended on first 3 priorities up to secondary access until road is completed, if it takes \$262,000 or whatever it takes to build the road with the stipulation that if something is worked out along the lines of Alternative D, that those funds ought to be reallocated. The motion was carried by the following vote:

APC REGULAR MEETING MINUTES JULY 11, 1984

Ayes: Mr. Renz, Mr. Ryerson, Mr. Rosse, Ms. McMorris, Mr. Curtis, Mr. Poppoff, Mr. Murphy, Mr. Combs, Mr. Harper
Nays: Mr. Hoefler
Abstain: Ms. Wilson, Mr. James
Absent: Ms. Temple, Mr. Hoole, Mr. McMullen, Ms. Sparbel, Mr. Pyle, Mr. Hansen, Ms. Michael

Pursuant to a telephone conversation with Mr. Harper, the following is a clarification of his motion:

Priority 1 -- Sufficient funds to be expended first for the installation of energy dissipation devices, to be partially secured by a financial instrument of no more than \$50,000.

Priority 2 -- \$200,000 to be expended second for the construction of cut slope stabilization improvements, to be secured by a financial instrument of no more than \$200,000.

Priority 3 -- Sufficient funds to be expended third for the construction of alternate access A, to be partially secured by a financial instrument of no more than \$100,000, and with the following stipulations:

Units on the lower street to be constructed first.

Construction of units to commence from Unit #2, Phase 1, and proceed along the lower street.

No construction of units to be allowed beyond the pod of units where Access A intersects with the lower street until Access A is completed.

Credit for the construction of Access A is to be provided against the \$750,000 provided for mitigation through the litigation settlement.

A one-way street system is to be required with one-way ingress from Fairview Boulevard through Bitterbrush Unit #1 and one-way egress onto Ski Way via Access A, with the internal street pattern facilitating this one-way street system.

Priority 4 -- Sufficient funds to be expended fourth for remaining cut slope stabilization improvements.

Priority 5 -- Sufficient funds to be expended fifth for the preparation and implementation of an operation and maintenance plan for surface water management facilities.

Priority 6 -- Sufficient funds to be expended sixth on additional erosion control projects.

B. Regional Plan Status Report

1. Litigation

THOMAS J. HALL
MICHAEL RADMILOVICH

LAW OFFICES OF
THOMAS J. HALL
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RECEIVED

MAR 23 1993

Ans'd. _____

March 22, 1993

Susan E. Scholley, Agency Counsel
TAHOE REGIONAL PLANNING AGENCY
Post Office Box 1038
Zephyr Cove, Nevada 89448-1038

1993-0832
RECEIVED
MAR 23 1993
Hand Del
TAHOE REGIONAL
PLANNING AGENCY

Re: Bitterbrush Settlement/Secondary Access

Dear Susan:

I have been asked by Cy Yehros to review the status of the Bitterbrush Project and the effect, if any, of a secondary access cost estimate exceeding the \$262,640 previously approved by the Agency for expenditures for this facility. It appears that Mr. Yehros is now frustrated, and is therefore partially excused, in his attempts to perform under the Settlement Agreement with respect to secondary access.

By way of background and information, a detailed engineering report prepared by Milton L. Sharp, P.E., will be submitted in the near future which will show the current costs to construct secondary access to the Bitterbrush Project pursuant to Paragraph I(C)(3) of the Settlement Agreement. It is now clear that the cost to provide secondary access will exceed \$262,640.

To refresh your memory on the history of this matter, the Agency and Leroy Land Development Corporation (Leroy) entered into the Settlement Agreement on December 17, 1982, which resolved litigation then in process in the United States District Court for the District of Nevada and the Ninth Circuit Court of Appeals. Leroy agreed to perform certain acts to attempt to bring the Bitterbrush Project into substantial compliance with the Agency's Amended Compact, Ordinances, Rules and Regulations; and the Agency agreed to allow the continuation of construction and development of the Bitterbrush Project.

Among Leroy's obligations under the Settlement Agreement were construction of on-site mitigation measures, consisting of water retention devices and revegetation of land areas disturbed by construction activities, and implementation of certain off-site mitigation measures to a maximum cost of \$750,000. In order to

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Exhibit C

SUSAN E. SCHOLLEY
March 22, 1993
Page 2

provide funds for the implementation of the off-site mitigation measures, Leroy agreed to pay to the Agency the amount of \$4,054.05 from the proceeds of sales of each of the 185 condominium units authorized to be constructed or to pay directly the costs of implementation of said off-site mitigation measures. The determination of the combination of off-site mitigation measures to be implemented and the allocation of the \$750,000 mitigation fund was to be established by the preparation and processing of an Environmental Impact Statement (EIS) with final approval and certification by the Agency's Governing Board.

An EIS was drafted and certified by the Governing Board at its regular meeting held on August 23, 1984. The Minutes of said meeting pertaining to secondary access recite, in pertinent part:

Ms. Twedt explained she was concerned with the APC's third priority to construct access Alternative A with one-way traffic controls at an estimated cost of \$262,460. Is there a way to put a cap on the amount of money that is to be expended on the road? Mr. Midkiff explained that upon completion of the first two priorities it appears there is a remaining \$500,000 which can be used for the road; there does not appear to be a limitation or cap. Mr. White explained that the settlement provides that no road will be built if it is too expensive. Staff explained that the Board would make the determination on whether the bids for road construction were too high.

MOTION by Ms. Twedt to accept the APC recommendation with a modification to priority three that there is a \$262,460 cap on the construction of the access. Should the cost of the road exceed that amount, the matter shall come back before the Board for reconsideration. The motion carried
[Emphasis added.]

The Certification of the EIS and the approved combination of off-site mitigation measures is further set forth in correspondence from the Agency dated August 27, 1984, signed by Greg George, Chief of Project Review, and addressed to Alan Roselinsky at Leroy. The approved combination of mitigation measures was stated as follows:

1. Construction of energy dissipator devices at the two locations shown on the currently approved Site Improvement Plan along Incline Creek where drainage from the Bitterbrush Project and adjacent lands enter Incline Creek (off-site mitigation measure C.1. of the Settlement Agreement and Release).

2. Expenditure of \$200,000 on construction of stabilization devices for the cut slope located on lands of the Incline Village General Improvement District (IVGID) along the north side of Ski Way and Fairview Blvd., southerly of and adjacent to the Bitterbrush Project (off-site mitigation measure C.2. of the Settlement Agreement and Release).

3. Construction of access Alternative A with one-way traffic controls, costs not to exceed \$262,460 (off-site mitigation measure C.3. of the Settlement Agreement and Release).

4. Construction of the remaining stabilization devices for the cut slope located on lands of the IVGID along the north side of Ski Way and Fairview Blvd., southerly of and adjacent to the Bitterbrush Project.

5. Preparation and implementation of an operation and maintenance plan for surface water management facilities.

6. Expenditure of remaining funds on additional water quality improvement projects in the vicinity of the Bitterbrush Project. These projects will be identified by Agency staff and Washoe County when the amount of remaining funds is known.

Mitigation measure 3 pertaining to secondary access is qualified in the Certification by the following statement:

The condition is that if the costs to construct access Alternative A with one-way traffic controls exceeds \$262,460, construction of such secondary access as part of the off-site mitigation measures shall be subject to reconsideration by the TRPA Governing Board. [Emphasis added.]

Furthermore, Paragraph I(E)(7), page 14, of the Settlement Agreement, referring to the secondary access mitigation project, provides:

7. Construction of the mitigation project I(C)(3) [secondary access], if required, shall be commenced by LEROY no later than when construction begins on the fifty first (51st) dwelling unit in the Bitterbrush Project. No delay, frustration or waiver of this construction provision shall be a restriction on LEROY's right to build, sell or occupy dwelling units. [Emphasis added.]

Since execution of the Settlement Agreement, development of Bitterbrush Project has continued. Fifty condominium units have been constructed. Leroy's obligations to construct and implement

SUSAN E. SCHOLLEY

March 22, 1993

Page 4

on-site and off-site mitigation measures have been partially satisfied, as follows:

(a) Construction of on-site water retention devices is approximately 95 percent complete.

(b) On-site revegetation has proceeded along with construction of condominium units and other improvements, and land areas disturbed by construction activities have been revegetated.

(c) One of the energy dissipator devices required by off-site mitigation measure 1 has been constructed.

(d) Cut slope stabilization required by off-site mitigation measure 2 was completed in 1990 under the sponsorship of the IVGID and the Nevada-Tahoe Conservation District. Funding was provided as follows:

State of Nevada, Tahoe Bond Act,	
Capital Improvement Program	- \$333,820
Agency water quality mitigation funds	- <u>111,274</u>
Total	<u>\$445,094</u>

(e) Construction of access Alternative A, off-site mitigation measure 3, has been frustrated because costs will exceed the Agency imposed \$262,460 limitation, and would have exceeded such cost limitation at any time since 1985, the earliest time when construction could have been started. In addition, construction of access Alternative A will require permission of the IVGID, because the access roadway will intersect with Ski Way, a roadway owned and controlled by the IVGID. Necessary permission has not been provided.

(f) Construction of additional stabilization measures adjacent to Bitterbrush, off-site mitigation measure 4, was accomplished in conjunction with the slope stabilization project completed in 1990.

(g) Preparation and implementation of an operation and maintenance plan for surface water management facilities, off-site mitigation measure 5, has not been completed.

(h) Off-site mitigation measure 6 requires expenditure of any remaining funds from the \$750,000 mitigation fund on additional water quality improvement projects to be identified

SUSAN E. SCHOLLEY
March 22, 1993
Page 5

by Agency staff. Mitigation measure 6 has not been implemented and can only be implemented when all other mitigation measures have been completed and the amount of remaining funds is known.

In 1991, Mr. Yehros acquired the Bitterbrush Project from Leroy and assumed Leroy's rights and obligations as set forth in the Settlement Agreement, including the obligation to complete the implementation of on-site and off-site mitigation measures. Mr. Yehros has continued development of the Bitterbrush Project: He has constructed condominium units during 1991 and 1992, and he intends to construct additional condominium units in 1993. Mr. Yehros also intends to continue the process of implementation of the program of on-site and off-site mitigation measures until the obligations under the Settlement Agreement are completely satisfied.

Mr. Yehros' intentions to proceed will be and now are frustrated by the provisions of Paragraph I(E)(7) of the Settlement Agreement pertaining to the secondary roadway access mitigation measure which cannot be implemented under limitations imposed by the certification of the EIS because costs will exceed \$262,460.

Construction of a secondary roadway as an off-site mitigation measure is considered by local governmental agencies and neighboring property owners to be essential. Oral comments from the North Lake Tahoe Fire Protection District, Washoe County Department of Comprehensive Planning, Tyrolian Village Homeowners' Association, and Bitterbrush Unit No. 1 Homeowners' Association, expressing support for construction of the secondary access road have been obtained. The Fire Department's comments are particularly compelling because of their emphasis on public safety. We are seeking written confirmation of the various comments from these agencies.

As developer of the Bitterbrush Project, Mr. Yehros concurs that construction of secondary access is necessary. He will follow through on a request to the Board of Trustees of IVGID for permission to construct the access road, but in order to proceed, relief from the cost limitation imposed in mitigation measure 3 and reallocation of the mitigation fund to provide adequate funding for the secondary access road is necessary.

Inasmuch as Mr. Yehros is unable, pursuant to action of the Agency's Governing Board, to proceed with the construction of secondary access, we request that the subject access be reconsidered by the Governing Board. In the meantime, because Mr.

Yehros has been frustrated in the pursuit of his obligations under mitigation measure 3, he relies on Paragraph I(E)(7), page 14, in partially excusing his specific obligations relative thereto, to wit: "No delay, frustration or waiver of these construction provisions shall be a restriction on LEROY's right to build, sell or occupy dwelling units." Mr. Yehros therefore intends to proceed with construction of several units this year in order to provide due diligence under his existing permits.

We ask your cooperation in expediting the Board's reconsideration of the allocation of monies under the mitigation fund for secondary access and stand ready, willing and able to assist you in this regard. We request that the Governing Board take action as follows:

1. The Governing Board directs the staff, in consultation with the developer and his representatives, the North Lake Tahoe Fire Protection District, Washoe County and IVGID, to determine the feasibility and cost of construction of secondary access for the Bitterbrush Project as a part of a revised combination of off-site mitigation measures.

2. The Governing Board directs the staff, in consultation with the developer and his representatives, to review the status of completion of on-site and off-site mitigation measures, to determine the amounts previously expended which apply to the \$750,000 mitigation fund and to recommend for consideration by the Governing Board a revised combination of off-site mitigation measures. The revised combination of off-site mitigation measures shall include the following:

(a) Completion of construction of energy dissipator devices (mitigation measure C.1. of the Settlement Agreement).

(b) Reimbursement of Agency water quality mitigation funds in the amount of \$111,274 (mitigation measure C.2. of the Settlement Agreement), if required, and on a schedule geared to future unit sales.

(c) Construction of secondary access if determined to be feasible (mitigation measure C.3. of the Settlement Agreement).

(d) Preparation and implementation of an operation and maintenance plan for surface water management facilities.

(e) Expenditure of any remaining funds on additional water quality mitigation projects in the vicinity of Bitterbrush.

THOMAS J. HALL

ATTORNEY AND COUNSELOR AT LAW

SUSAN E. SCHOLLEY

March 22, 1993

Page 7

Mr. Yehros intends to proceed with construction of units in 1993 to meet the due diligence obligation established previously in this matter, and particularly referred to in my letter to you dated August 26, 1987.

Under separate letter I will respond to your letter of August 6, 1992, pertaining to the amount of posted securities for units released on the deed of trust and credits and liabilities relating thereto.

Thank you for your attention to these matters.

Sincerely,



THOMAS J. HALL, ESQ.

TJH:sas

cc: Cy Yehros
Alan Dapp
Milton L. Sharp, P.E.

THOMAS J. HALL
MICHAEL RADMILOVICH

LAW OFFICES OF
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RECEIVED

April 9, 1993

APR 12 1993

Ans'd.....

Hand Delivered

Susan E. Scholley, Agency Counsel
TAHOE REGIONAL PLANNING AGENCY
Post Office Box 1038
Zephyr Cove, Nevada 89448-1038

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1993-0990
TAHOE REGIONAL
PLANNING AGENCY

Re: Bitterbrush Settlement/Secondary Access

Dear Susan:

In supplement to my letter to you of March 23, 1993, I enclose herewith the following documents:

1. Engineer's Report prepared by Milton L. Sharp, P.E., as to estimated cost for construction of secondary access to the Bitterbrush Project pursuant to Paragraph I(C)(3) of the Settlement Agreement. As stated before, it is now clear that the cost to provide secondary access greatly exceeds the prior allocated funds of \$262,640. The estimate for this access is now the sum of \$454,410.

2. Study and copies of all prior releases pursuant to Deed of Trust and Settlement Agreement release provisions.

3. The Deed of Trust recorded January 22, 1986, is enclosed for your ready reference.

We would also like you to be aware that my client, Cy Yehros, is working with TRPA Staff on a feasibility study concerning transfer of substantial density from the Bitterbrush Project to a more environmentally sensitive site. Once this study has been more fully developed and finalized, we will report the results to you.

Please schedule the Bitterbrush access issue illuminated in my March 23, 1993 letter for hearing before the Governing Board at its April 28, 1993, regular meeting, with notice to me as soon as possible as to the exact time the matter will be heard.

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Exhibit D

THOMAS J. HALL
ATTORNEY AND COUNSELOR AT LAW

SUSAN E. SCHOLLEY
April 9, 1993
Page 2

Please contact me if I may provide further information to you.

Sincerely,



THOMAS J. HALL, ESQ.

TJH:sas
Enclosures

cc: Cy Yehros
Milton L. Sharp, P.E.
Alan Dapp

THOMAS J. HALL
MICHAEL RADMILOVICH

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May 13, 1993

RECEIVED
MAY 17 1993

Ans'd. _____

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Via Fax and Mail

Susan E. Scholley, Agency Counsel
TAHOE REGIONAL PLANNING AGENCY
Post Office Box 1038
Zephyr Cove, Nevada 89448-1038

Re: Bitterbrush Settlement/Secondary Access

Dear Susan:

Pursuant to my letter to you dated March 22, page 5, with respect to local agency support for secondary access, I enclose herewith copies of the following letters:

1. Letter from North Lake Tahoe Fire Protection District dated November 12, 1992.
2. Letter from Robert G. Wheeler dated April 2, 1993.
3. Letter from Washoe County Planning dated April 22, 1993.
4. Letter from the Board of Directors of Tahoe Chaparral dated April 27, 1993.

Further, with respect to the second energy dissipator, I enclose herewith a revised engineer's estimate prepared by Milton L. Sharp, P.E., showing the cost of said facility at \$18,380. We propose to defer construction of this facility until the secondary access roadway is resolved and the lower road of Bitterbrush is paved and completed. Please advise as to your direction in this regard.

Sincerely,



THOMAS J. HALL, ESQ.

TJH:sas
Enclosures

cc: Cy Yehros
Alan Dapp
Milton L. Sharp, P.E.

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Exhibit E



NORTH LAKE TAHOE FIRE PROTECTION DISTRICT

Post Office Box 385

Crystal Bay, Nevada 89402

(702) 831-0351 • FAX (702) 831-2072

Loren E. Enstad - Fire Chief

11/12/92

Department of Development Review
PO Box 11130
Reno, NV 89520
Attn: Romany Woodbeck

Dear Ms. Woodbeck,

Received Memorandum dated 11/3/92, and wish to comment on requested Bitterbrush amendments which will enable the developer to convert undeveloped subfloor space to living space.

This development has been fraught with access problems from almost the moment of its conception. There are presently 250 living units planned to be constructed along a lengthy deadend roadway. Allowing a minimum of 2 vehicles per unit, a total of 500 vehicles will be using this one access. The sheer volume of potential vehicle usage indicates that under ordinary circumstances this access will be strained with daily traffic.

During inclement weather conditions, a far greater strain is placed upon this roadway. Because some of the condominiums are rented as time share units, which is contrary to original intent, as well as rentals for profit, visitors and occupants historically ignore the "No Parking Fire Lane" signs that are posted along the roadway and consistently block emergency access. The occupants are confronted with a dilemma since there was never adequate parking provided for occupants or visitors under these conditions. Nor are there adequate provisions or convenient locations for snow storage. Snowy weather causes a buildup of snow along the edge of the roadway, narrowing it considerably. In addition, the occupants are often confronted with the choice of parking in the posted roadway or driving to Fairway Boulevard to seek parking, since many of the rentals are shared by multiple families or friends during ski season.

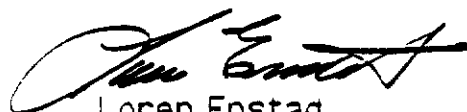
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and holidays. The proposed increase in living space will most assuredly result in an even greater number of people and vehicles. This represents a considerable hardship to the occupants since this potential parking scenario is a great distance from their units which causes logistical difficulties as well as being objectionable to the residents. This one factor alone explains why they consistently park in the street. We regularly receive complaints about these improper parking habits, in addition to complaints about the developer blocking the road with equipment and materials during construction.

These continuing problems often render this development inaccessible due to above mentioned occupant parking and weather conditions. This leaves the residents of this development with a very great potential for disaster since Fire Department equipment and personnel may be impeded in their response to an emergency at this location. Secondary emergency access has been negotiated with Tyrolian Village after much debate and litigation. The use of this access will be hampered with the same problems that have been identified at the primary access, due to the same lack of parking and snow buildup. Therefore, it is imperative that the Department of Development Review require additional secondary access, snow storage, and parking to be included in any further amendments to this development. It is our firm belief that the Department of Development Review has an obligation to the occupants of this development and local governmental agencies to conduct a comprehensive project review and respond in a responsible manner to these conditions. The Fire District will commit to assist in providing testimony of the problem and is willing to share in whatever legal effort is needed to effect a resolution. In considering the developer's request, it is evident that historical usage must be considered, and any approval must favor life and property protection.

Respectfully,



Loren Enstad
Fire Chief

WHEELER · ASSOCIATES · INC

REAL · ESTATE · SERVICES

April 2, 1993

Alan Dapp
Cy Development
P.O. Box 3300
Incline Village, NV 89450

Dear Alan:

The access and emergency egress from Bitterbrush II is still a serious concern. Please expedite any attempts to gain the rights from your development to the IVGID (Ski Way) road.

This consideration on their part should be a priority as it will be embarrassing and potentially reflect in a liability sense on IVGID if you have attempted to gain a right of way and they have denied this. Given that the precedence has been established for Tyrolian Village, I urge you to get IVGID's favorable decision for this access road.

Please keep me posted as to your progress.

Sincerely,



Robert G. Wheeler
Property Manager
Bitterbrush II HOA



WASHOE COUNTY

"To Protect and To Serve"



DEPARTMENT OF DEVELOPMENT REVIEW
Michael A. Harper, AICP, Director
1001 E. Ninth Street
P.O. Box 11130
Reno, NV 89520-0027

Development Review (702) 328-3600
Business License Div. (702) 328-3733
FAX (702) 328-3648

April 22, 1993

Mr. Rob Hunt
IVGID
893 Southwood Boulevard
Incline Village, NV 89451

Re: Bitterbrush Secondary Access

Dear Rob:

Given the potential for a fire disaster (see attached letters), Washoe County supports the creation of a secondary access for the Bitterbrush project. The most recent amendment to the Bitterbrush special use permit includes a condition which states, "A resolution on the secondary access for Bitterbrush residents shall be reached prior to issuance of a building permit for the thirty-first four-storey unit". We recognize that, of the various alternatives, one possible solution could be access onto Ski Way (IVGID property).

If you have any questions, please don't hesitate to call me (328-3634).

Sincerely,

Romany Woodbeck
Planner

Attachments: Letters from North Lake Tahoe Fire Protection District.

rw(SR\SP71L)

xc: Cy Yehros, 1500 E. Tropicana, Las Vegas, NV 89119; Walter Fullerton, P.O. Box 10798, Reno, NV 89510; Milton Sharp, 2995 Skyline Boulevard, Suite 20, Reno, NV 89509; Alan Dapp, P.O. Box 3300, Incline Village, NV 89450.

PACIFIC MANAGEMENT GROUP, LTD.

848 Tanager
P.O. BOX 6879
INCLINE VILLAGE, NV 89450
(702) 831-7070 FAX (702) 831-4581

April 27, 1993


Rob Hunt
General Manager
Incline Village General Improvement District
893 Southwood Blvd.
Incline Village, NV 89451

Ref: Second access, Bitterbrush

Dear Mr. Hunt:

We act as property management for Tahoe Chaparral Resort Owners Association Inc. which property is located next to Bitterbrush off of Fairview Boulevard in Incline Village. Over the past 10 years we have been working with Bitterbrush, Alan Dapp and others, to secure a second access to Bitterbrush.

With out belaboring the point and going into the merits of the second access in great depth it is apparent that from the standpoint of emergency access, congestion, traffic control, environmental concerns, safety, damage to existing roadway and just plain common sense it is absolutely mandatory that a second access be provided for the Bitterbrush property. We have joined, over the last 10 years, with others in the community who can't conceive of Washoe County allowing further development in this area without the second access. Tahoe Chaparral strongly supports Bitterbrush in its application for the second access.



Thomas W. Gruesen
for the Board of Directors
Tahoe Chaparral

BITTERBRUSH UNIT NO. 2
ESTIMATED COST OF CONSTRUCTION
ENERGY DISSIPATION STRUCTURE
DRAIN LINE "Y"

Following estimate reflects 1993 cost levels. Reference, Means Heavy Construction Cost Data, 1992.

1.	Excavation and disposal of excess material, 50 CY	\$ 1,500
2.	Concrete flume	1,000
3.	Storm drain extension, 15" dia., 62 LF @ \$70/LF	3,720
4.	Heavy rock rip-rap in stream channel, 50 CY @ \$70	3,500
5.	Slope protection above concrete flume, 160 SF @ \$2.50	400
6.	Remove and replace parking lot paving. 750 SF @ \$2.50	1,880
7.	Clean-up and restoration of slope and channel	<u>1,000</u>
8.	Contingency, 10%	\$13,620
	Subtotal	<u>1,360</u>
		\$14,980
9.	Engineering, surveying and inspection (Does not include amounts previously expended by Leroy Land Development Corp.)	
	Engineering design and coordination	\$1,500
	Construction stakeout.	1,000
	Inspection and testing	<u>900</u>
		\$3,400
	TOTAL COST	<u>3,400</u>
		\$18,380

Prepared By: Milton L. Sharp, P.E.
May 13, 1993

ROBERT C. MADDOX (NV & CA)
G. DAVID ROBERTSON (NV & CA)
JOHN REESE PETTY (NV & CA)
JO LEE M. WICKES (NV & CA)
MARY KANDARAS (NV & CA)
NANCY A. CYRA (CA)

Maddox & Robertson

ATTORNEYS AT LAW
50 WEST LIBERTY STREET
SUITE 1040, RENO, NEVADA 89501
TELEPHONE (702) 799-3888

FACSIMILE
(702) 322-6338

May 14, 1993

Tahoe Regional Planning
Agency Governing Board
P.O. Box 1038
Zephyr Cove, Nevada 89448-1038

VIA FACSIMILE AND FIRST CLASS MAIL

Re: Bitterbrush Road

Dear Members of the Governing Board:

At your May 26 Governing Board meeting we anticipate that you will be requested to take some action regarding with the settlement agreement in Leroy Land v. TRPA (Bitterbrush). I do not represent any party to the settlement agreement; rather, I represent owners of 47 residential condominiums who will be most directly impacted by whatever decision you make. My clients are the Bitterbrush Homeowners Association (Bitterbrush I) and the Tahoe Chaparral Homeowners Association. The map included with this letter as Exhibit "A" shows the location of the condominiums owned by my clients in respect to the project which is the subject matter of the settlement agreement known as Bitterbrush II, which is presently being constructed by Bitterbrush Limited Partners, Cy Yehros, general partner.

The Bitterbrush Road is a very narrow private street which passes within a few feet on a steep grade of the residences owned by my clients. The terrible noise, exhaust and vibrations caused by the heavy construction traffic passing in front of my clients' vacation residences is destroying their peace and tranquility. We ask that you please consider the interests of my clients when this matter is before you on May 26.

Susan Scholley has provided you in her staff report a summary of the background facts along with a copy of the settlement agreement between the TRPA and Leroy Land Development Corporation entered into on December 17, 1982. The settlement agreement provided for a \$750,000 mitigation package to be funded by payments of \$4,000 per unit upon the sale of each separate condominium at Bitterbrush II. The projects to be funded with such mitigation funds were (1) offsite energy dissipators; (2) cut slope stabilization along Fairview and Ski Way; (3) secondary access across Bitterbrush common area to connect to Ski Way and possibly other projects. The agreement also provided that construction of the secondary access "... if required, shall be commenced by Leroy

BITTER\TRPA.LTR

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Exhibit F

Governing Board
Tahoe Regional Planning Agency
May 14, 1993
Page 2.

no later than when construction begins on the fifty-first (51st) dwelling unit in the Bitterbrush project." Settlement Agreement, paragraph 1.E.7, page 14.

Until now, the developer has made no attempt to construct the secondary access. The developer had not even contacted the Incline Village General Improvement District (IVGID) until this matter was first on you agenda one month ago. They have built their 50th unit and wish to proceed to build approximately 17 more units this summer and seek a waiver from you of the requirement that they not proceed with the 51st unit until they have commenced construction on the secondary access.

For the sake of my clients' sanity and desire for reasonable peace and comfort while staying in their condominiums at Bitterbrush and Tahoe Chaparral, I respectfully request that you not permit the developers of Bitterbrush II to proceed with construction unless and until they have commenced construction on the secondary access.

Unfortunately, this matter is rather complicated. The secondary access is not a required condition for the project. It is instead one of the mitigation measures to be funded by mitigation fees paid upon the sale of each condominium in Bitterbrush II. The secondary access must be constructed by the developer only if required to do so by the TRPA. It is Susan Scholley's interpretation of the settlement agreement that if the TRPA requires the secondary access, it is to be funded out of the mitigation fund and the TRPA does not have the power to require the developer to pay more than what is provided in the settlement agreement. Governing Board action in 1984 set a cap on the cost of constructing the secondary access at \$262,460. The developer, who has made no attempt up until now to pursue construction of the secondary access, tells the governing board that the cost to construct the secondary access is now \$450,000+.

The developer now comes to you asking for two things: (1) to authorize additional funding for secondary access out of the mitigation fund; and, (2) to permit them to continue with construction of additional condominiums this year despite the fact that they have not complied with the settlement agreement and have not commenced construction on the secondary access.

At the time of your governing board meeting in April, your legal committee considered this matter at great length but, because of the complexity of the situation, agreed with the request of the

Governing Board
Tahoe Regional Planning Agency
May 14, 1993
Page 3.

developer to continue the matter for one month. The chairman of the legal committee had recommended that the developer seek to bond construction of the secondary access as a device to possibly obtain permission to continue constructing condominiums this summer. The developer now contends that he cannot bond the project and that unless TRPA requires secondary access, the developer is entitled to continue construction of condominiums. It is also the developer's position that the TRPA cannot require construction of the secondary access unless the construction costs are paid for out of the mitigation fund.

On behalf of my clients, we respectfully request that you do indeed require the developer to construct the secondary access, but that you first seek independent verification of the single cost estimate for the secondary access provided by the developer. The cost estimate presented by the developer does not show any specific plan for construction of the secondary access. It is clear that that cost estimate is based upon a 20' wide roadway. It is entirely conceivable that modifications to the project could result in substantial cost savings, making the secondary access a reasonable project not greatly more expensive than the original \$262,000 estimated cost. If you do not require the secondary access, the developer will continue to pack in condominiums into a tightly confined space on a very steep slope. The secondary access will never get built because of the cost involved and, in the meantime, the heavy construction traffic will continue to destroy any conceivable enjoyment that my clients could obtain from staying in their vacation condominiums.

We realize that there may be a temptation to want to use the mitigation fund for other projects and not to augment the funding for the secondary access. Please keep in mind that there is no \$750,000 fund. There is only the potential for such a fund assuming complete build-out. However, if the governing board requires that the developer construct the secondary access, then the developer must proceed with construction of the secondary access before the developer can commence construction of the 51st unit. The developer would then have to pay for construction of the secondary access and be entitled to credits as to mitigation fees as they are due.

Please do not allow the developer to continue with construction of condominiums without a firm bonded commitment to construct the secondary access.

Governing Board
Tahoe Regional Planning Agency
May 14, 1993
Page 4.

We appreciate all the consideration you may give to our request.

Sincerely,



ROBERT C. MADDOX

RCM:pjf

cc: Fran Grattan
Mary Schulhof
Tom Gruesen
Thomas J. Hall

BITTERBRUSH SECONDARY ACCESS PROPOSALS
(5/6/93)

The following is a list of options for Board consideration:

- (a) As to credit for the slope stabilization:
 - (1) The developer will consent to pay back to the TRPA the sum of \$111,274.
- (b) As to reallocation of funds for the secondary access:
 - (1) Contribution for remaining 135 units to be increased from \$4,054.05 by \$740.74, to \$4,794.79 per unit, resulting in a \$100,000 increase to the mitigation fund.
 - (2) TRPA will allocate \$454,410 towards secondary access.
- (c) As to construction of units in 1993:
 - (1) That the Developer make an additional commitment in exchange for an extension on commencement of the secondary access by way of reduction of units on-site by banking 18 units for future transfer off-site.
- (d) As to mitigation work to be done in 1993:
 - (1) Second energy dissipator to be constructed in 1993 at a cost of approximately \$30,000.
- (e) As to road maintenance:
 - (1) As a separate and distinct collateral matter, Developer will pledge \$350 per unit (including \$100 transfer fee) to be designated as road maintenance and improvement fund for all roadways within Bitterbrush.
 - (2) As a separate and distinct collateral matter, Developer will attempt to negotiate a fair and reasonable road maintenance agreement with Bitterbrush Homeowners Association and Tahoe Chaparral Homeowners Association.

PROPOSED BUDGET FOR BITTERBRUSH MITIGATION FUND
(5/5/93)

		<u>Old</u>	<u>New</u>
<u>Bitterbrush Mitigation Fund</u>		\$750,000	\$850,000
1. Energy Dissipator Design and EIS	- 63,740		
2. Cut Slope (\$337,000 Budgeted)	<u>-111,274</u>	<u>-175,014</u>	<u>-175,014</u>
3. Subtotal		\$574,986	\$674,986
4. Second Energy Dissipator	- 30,000		
5. Secondary Road (Estimated Cost-1993)	<u>-454,410</u>	<u>-484,410</u>	<u>-484,410</u>
6. Balance Available and Uncommitted		\$ 90,576	\$190,576
7. Contribution for remaining 135 units to be increased from \$4054.05 by \$740.74, to \$4,794.79 per unit, resulting in a \$100,000 increase of the mitigation fund to \$850,000.			

TAHOE REGIONAL PLANNING AGENCY

308 Dorla Court
Elks Point, Nevada

P.O. Box 1038
Zephyr Cove, Nevada 89448-1038

(702) 588-4547
Fax (702) 588-4527

MEMORANDUM

May 18, 1993

To: TRPA Governing Board
From: TRPA Staff
Subject: Capital Financing Committee

The chairman has requested that the full Board be given a complete report on the discussions of the Capital Financing Committee, since the Committee typically meets the day after the full Board meets. Therefore, in the future, we will include the minutes from the previous Capital Financing Committee meeting in your packet.

Attached are the minutes of the March and April Capital Financing Committee meetings. Please contact Dave Ziegler or Susan Scholley if you have any questions about these minutes.

5/18/93
DZ:jf

AGENDA ITEM X. C.

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CAPITAL FINANCE COMMITTEE
TRPA Offices
8:15 a.m. - 10:35 a.m.
March 25, 1993

Present: John Upton, Rick Cronk, Roland Westergard, Jerome Waldie,
Steve Teshara, Laurel Ames, Bob McDowell

Presentation on property tax shift (see attached) by Cindy Gustafson on behalf of TCPUD, NTPUD, STPUD. Dave Antonucci, Neil Eskind, Bob Baer, John Hassenplug present.

California is considering diverting more property taxes to state budget. This will decrease funding for special districts' projects (parks, water quality, sewage).

The special districts are seeking legislation to exempt special districts in Tahoe from this property tax shift.

Teshara - Does this have a chance in Sacramento? What if other districts want the same treatment?

Gustafson - Since this is a small percentage of the California budget, we do have a chance. Legislators who supported Tahoe in the past will hopefully see the need to protect these Tahoe monies.

Eskind - Emphasizes the special districts are required to export sewage (i.e., Porter-Cologne) and maintain water quality projects and that taking money away will result in the need for more state or other funds to make up the loss.

Ames - Concurrs that state has a special obligation. Cap. Finance Committee should support the exemption, but we need to look to other funding sources since this trend (to raid local coffers) will continue.

Ziegler - Issue is how we support the bill procedurally? Do we have just Cap. Finance vote or full Board resolution?

Eskind - Leslie has agreed to carry this bill.

Antonucci - Prop. 13 collapsed all taxes into 1% of assessed value and gave legislature the power to apportion local taxes. Historically, state left all taxes at local level and state funded the schools. Now, state is requiring more school funding to come out of local taxes.

Waldie - Is it unreasonable to have local taxes support local schools?

Gustafson - Court case in Ventura is challenging the state raid. Tahoe schools get very little money back from property tax in proportion to money paid.

Eskind - Sacramento people asked same question - why should state pay local sewer bill? Answer is locals have to meet higher sewer standards due to state legislation. Locals pay higher sewer bills to support the system.

Upton - Sewer districts will need to document their increased costs from sewage export and their increased contribution. Also, Tahoe has other unique mandates to meet.

Waldie - Need to refine figures to make case that Tahoe is unique. But Tahoe is not 100% unique. So need figures to define extent of uniqueness. Also, will districts support TRPA budget?

Upton - Full Board resolution is appropriate.

Ziegler - Clarified that Porter-Cologne prohibited wastewater discharge and required sewer export.

Baer - Electric bill is \$3/4 million a year for pumps and \$50,000 to fix a pump.

Waldie - Harder to support parks and recreation aspect since TRPA's charge is water quality.

Antonucci - Recreation is part of TRPA mandate. 80% of persons using parks are not locals. Also, special districts support state recreation facilities.

Eskind/Gustafson - They asked for 100% exemption to start high and accept the reality of getting less after the bargain is struck.

Cronk - What will utility districts do if they don't get the money?

Hassenplug - It will be tough year because maintenance costs will be high.

Eskind - Bike trail funding is threatened by fear that maintenance money won't be available.

Waldie - Need to emphasize impact on water clarity - need figure which will avoid catastrophe to Lake Tahoe.

Ziegler - Will ask Wayne Chimarusti to place resolution on agenda as soon as possible. (Districts will assist in drafting staff summary by April 16.) Districts will support TRPA budget hearing on April 12th.

Don Kornreich - Presentation on BIF. (See file letters.) Need is for matching and operational funds to get grants.

Potential sources (net after costs)
5 cents/gallon fuel tax -- 1 to 1.5 mil/year.
Emer.Bay toll road -- 1.5 to 2 mill/year.
.005/\$1 sales tax -- 2.5 to 3 mill/year.
\$4/day BIF -- 8.5 to 9.5 mill/year.

Critical dates:

November 1996 elections are the soonest changes can be implemented.
2007 VMT Reductions - need to reverse upward trend.
2030 Major Transportation Money - need huge amounts of money to

implement long term projects (e.g., mag lev, air trains)
Projected visitor increase of 60% by 2030.
Don't need more motel rooms.
Proportion of day visitors is increasing.

BIF: 1997 Economics

3,600,000 visitors

831,000 vehicle stickers (for recreational parking, will affect 60% of
visitors)

\$10.8 million gross revenue

9.16 net revenue for projects

BIF represents less than 1% of average daily spending

overhead projected at 15%

2007 public transportation (no farebox except for boats)

4 lakelappers

16 inter-city buses) use smaller

40 community buses) buses/vans (10 person)

40 pedestrian paths & electric carts

120 miles bike & pedestrian paths

2 high speed lake boats

This will stop VMT growth by 1997. Need committee to get this started ASAP to meet 1997 goals. Forget more studies.

Cronk - Supports concept

Upton - Don't need consultants; locals know what they need and want.

Cronk - Can't let visitors continue to freeload - that's very obvious.

Waldie - What is source of prohibition on BIF in Compact? Would Gaming Alliance support its removal?

Teshara - Don't know. Hasn't asked his Board. While study need not be exhaustive, people will want to know how it will work, how collected, the costs, etc.

Discussion regarding amendment of Compact to permit imposition of BIF.

Discussion of strategy for pursuing BIF - need to be thorough and go slow - scope of study will include economic impact -- need business community involvement. Discussion on legality and scope of recreational parking sticker program.

- Transportation Coalition will start the process -- TRPA will provide support.

- Susan will review Compact and legislative history.

- Ziegler:

SB 176 - Nevada bond legislation. Ziegler met with Sen. Raggio; briefed him on issues. Will be following up with other Nevada legislators. Bond 193

bill needs to be amended in some technical respects per Jeannie Botts.

- Ames:

Cal. Park Bond - initiative; final form has \$40 million for Conservancy (total bill is \$2 billion).
Need 700,000 + signatures

Tahoe License plate bill (Leslie) has an April hearing - 2 sponsors - money to Conservancy for wildlife habitat, non-motorized recreational.

Teshara - Lyn Hettrick has requested a Nevada bill for license plate funding. No specifics on money recipient.

Ziegler - Explained recent Gazette article about land acquisition: They are federal funds from land and water conservation funds and Tahoe lands are on list.

Dave Marlowe - Explained that USFS has been getting LWCF funds for Santini-Burton funds.

Westergard - These two funds should be separate!

Ziegler - We will investigate.

Teshara - TTD should pursue waterborne transit funds out of Prop. 116 before Cal. Trans. Comm. Roger Imsdahl will attend hearing. Meanwhile, other funding sources are being considered.

Meeting adjourned at 10:35 a.m.

CAPITAL FINANCE MEETING
TRPA OFFICES

April 29, 1993, at 8:00 a.m. - 9:25 a.m.

Members Present: John Upton, Stan Hansen, Laurel Ames and Steve Teshara

Staff: Dave Ziegler, Susan Scholley and Pam Drum

Ziegler: Described testimony of numerous parties (all in support) at Nevada Senate Finance hearings on AJR 17.

Sen. Raggio indicated that Loop Road funding was important.

Sen. Coffin questioned whether locals should pay costs.

Ms. Mattucci had statewide concerns about bond ratings and priorities for general obligation bonds. Bond bill still in committee.

Ziegler: Will write entire committee with more information on total funding sources.

Ziegler: Explained Nevada limited land bank bill.

Upton: Can excess coverage mitigation be spent on high priority streets and roads?

Ziegler: Funds are earmarked for coverage retirement.

Discussion on future of bond act and potential for another hearing. Need to move quickly and carefully.

Ames: Need to get resolutions from local governments (only IVGID did one).

Ziegler: Will contact Washoe/Douglas.

Hansen: DCSID, KGID, Tahoe Village H.O. Letters could be sent by him (Ziegler will do drafts).

Ames: Passed out sign-up sheets for California initiative (parks/erosion control bond). Organizing petition drive meetings on:

May 5 - Northshore - 7:00 p.m., 666 Pioneer

June 2 - El Dorado County Library - 7:00 p.m.

Organizing petition drive; looking for 20 people to attend meetings and need to do some fund raising. League has already contributed some money.

Hansen: Discussed handouts on Assemblyman Peace's bill (attached).

Ziegler: Looks like good economic roundtable material.

Scholley: Presentation on TTD/TRPA legislative authority and potential for funding.

Upton: Write-up report for BIF committee meeting. Ames/Teshara will set meeting.

Teshara: Coalition taking on issue of Loop Road - size and cost required by Caltrans are still a problem; Sen. Raggio's comment raises issues; Imsdahl says state is working on rural highway studies - could modify state highway studies. Imsdahl will put this on TTD agenda (May 28) to get all players together and push for modified standards (Caltrans is on TTD Board).

Ames: Doesn't RTP have policy of establishing special highway standards?

Need to insure that new redevelopment/Park Avenue plans still rely on 5-lane loop and narrow Highway 50.

Ziegler: Do we have to have 5 lanes?

Discussion that narrowing Highway 50 and light rail on Highway 50 and less than 5-lanes for Loop Road are possibilities. Need to reconsider some of these issues.

Drum: Is this inconsistent with MPO status arguments?

Concurrence that everyone needs to be more aggressive with Caltrans and reduce cost of Loop Road.

The Small Business ADVOCATE

The action newsletter uniting the legislative efforts of 275,000 California businesses. Information provided by California Chamber of Commerce, P.O. Box 1736, Sacramento, CA 95812-1736. (916) 444-6670 May 1993.

Bill Focuses on Mending Infrastructure as Key to Revitalizing California Economy

Assemblyman Steve Peace (D-Chula Vista) has introduced AB 1495, the California Economic Development and Infrastructure Act, as the centerpiece for economic revitalization in the state.

The legislation creates the California Economic Development and Infrastructure Bank, which will seek out public and private funding sources to finance streets, highways, public transportation, drainage, flood control, water, solid waste, sewer, parking and port facilities, as well as other major infrastructure projects.

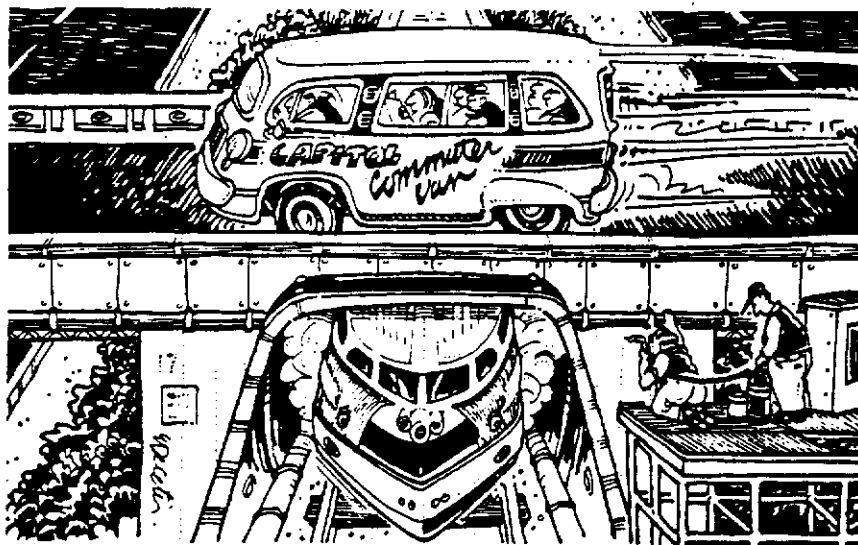
According to Peace, "The case for linking infrastructure investment with job creation is a strong one. California has not embarked on a major public infrastructure investment effort since the 1960s, despite a huge population increase. It's time we got serious about rebuilding California's economy."

The proposal establishes a flexible range of public-private joint ventures consisting largely of self-liquidating debt. Other financing options will be explored, including the possibility of a broad-based special fund source.

The new infrastructure bank also could play an important role in ensuring that the state has the capacity to meet matching fund requirements for federal economic development, defense conversion and infrastructure programs.

To begin its operations, the infrastructure bank will have access to the Unitary Fund, established in 1986 to address some of the state's infrastructure and economic development needs. The

unencumbered balance of the fund is approximately \$45.3 million. Estimates are that these monies might be able to be leveraged to generate an initial \$400 million in public-private investment in infrastructure financing efforts.



The new bank would be structured with broad authority to issue revenue bonds, receive and accept grants, make secured and unsecured loans, provide guarantees and leverage state funds using techniques that will target public investment in projects which generate short- and long-term employment opportunities.

Under the Peace proposal, the infrastructure bank board would consist of the state treasurer, director of finance, state controller, two Cabinet officers designated by the Governor, one person appointed by the speaker of the Assembly, and one person appointed by the Senate Rules Committee.

Previous infrastructure bank proposals have been coupled with a statewide revenue bond measure to provide start-

up funds. This is true in the California Public Improvements Authority proposal outlined in SB 377 (Presley), a comprehensive growth management bill that would tie the public improvements authority to a bond act that would appear on the June 1994 ballot.

In recent years, talk of an infrastructure bank has been linked to growth management discussions. However, the California Chamber believes that the infrastructure bank proposal outlined in AB 1495 is needed immediately and should move ahead with or without growth management legislation.

While it is the intent of the act that the activities of the infrastructure bank will be coordinated with future growth management strategies, AB 1495 is

not linked to any specific growth or planning proposal.

The Wilson administration, State Treasurer Kathleen Brown and the Council on California Competitiveness all have supported the establishment of a state infrastructure bank.

Action Needed

Small business, the California Chamber and, fortunately, California voters have realized the importance of accelerating investment in the state's infrastructure and its positive effects on the state's business climate. It is crucial for businesspersons to contact their Senate and Assembly members and urge them to support the Economic Development and Infrastructure Bank proposal outlined in AB 1495.

CALIFORNIA ECONOMIC DEVELOPMENT AND INFRASTRUCTURE BANK

AB 1495 - ASSEMBLYMAN STEVE PEACE

The California Economic Development and Infrastructure Act was introduced on February 23, 1993, as the centerpiece of an economic development program aimed at job creation, business retention and productivity growth.

According to Peace, "The case for linking public infrastructure investment with job creation is a strong one. California has not embarked on a major public infrastructure investment effort since the 1960's, despite a huge population increase. It's time we got serious about rebuilding California's economy."

The legislation will create the California Economic Development and Infrastructure Bank, which will seek out public and private funding sources to finance transportation, water, sewer, and port facilities as well as other major infrastructure projects. This will enable the state, working hand in hand with local jurisdictions, to support projects which will encourage job-producing private investments.

Recently, both Governor Wilson's Administration and State Treasurer Kathleen Brown have separately called for the establishment of a state infrastructure bank to help guide the wide-ranging job creation and revitalization efforts needed for economic recovery.

"This proposal would establish a flexible range of public-private joint ventures consisting largely of self-liquidating debt. Other financing options will be explored including the possibility of a broad-based special fund source. Also, it is essential to ensure that the state has the capacity to meet prospective matching fund requirements of new federal economic development and defense conversion programs," Peace said.

The new Bank would be structured with broad authority to issue revenue bonds, provide guarantees, and leverage state funds using techniques that will target public investment in projects which generate short and long-term employment opportunities. The use of creative financing mechanisms similar to those utilized by some private banks and public authorities will produce more private sector jobs with less public sector investment.

As introduced, the legislation does not create a new growth management structure, but expresses an intention to coordinate fully with any future legislative plan involving growth management strategies designed to protect and use California's land resource in ways which are economically and socially desirable.

General Legislative Findings:

- o Economic revitalization, future development and a healthy climate for jobs in California will depend upon an interconnected system of well-conceived public infrastructure improvements.
- o A well-maintained and growing system of these public improvements in the state is essential to retain, as well as create jobs in business.
- o Existing mechanisms for federal, state, local and private funding of these improvements are inadequate to meet the state's economic development and employment needs;
- o Local governments, in particular, are constrained in their ability to finance adequate public infrastructure, which makes it difficult to attract and sustain private investment essential to future jobs.

Selected Provisions:

- o Creates the Economic Development and Infrastructure Bank--
Board comprised of seven members (uncompensated):
 - State Treasurer
 - Director of Finance
 - State Controller
 - Two Cabinet Officers designated by the Governor
 - One person appointed by the Speaker of the Assembly
 - One person appointed by the Senate Committee on Rules
- o The Bank may adopt necessary rules and regulations, including criteria and procedures for selecting projects, sponsors and participating parties.
- o A "sponsor" means any subdivision of the state or local government including agencies, commissions, cities, counties, nonprofit corporations formed on behalf of a sponsor, special assessment districts and joint powers authorities or any combination of these which applies to the Bank for financial assistance to fund an eligible project.
- o A "participating party" means any person, company, corporation or entity or group of entities engaged in business within the state and which requires financing from the Bank or a sponsor to implement a project.

o Infrastructure improvements and projects eligible for financing include "facilities" such as:

- city streets, county highways, public transportation;
- parking and related facilities;
- port facilities;
- drainage and flood control facilities;
- environmental mitigation measures including purchase and installation of pollution control and noise abatement equipment and financing of affordable housing;
- parks and recreation facilities;
- power and communications, including facilities for the transmission or distribution of electrical energy, natural gas, telephone and telecommunications services;
- sewage collection and treatment including conduits, equipment and facilities which collect wastewater from residential, manufacturing, and commercial establishments;
- solid waste collection and disposal, including vehicles, waste receptacles, transfer stations, landfills, waste conversion facilities;
- water treatment and distribution including facilities to purify or otherwise treat water to meet residential, manufacturing or commercial purposes;
- educational facilities including elementary and secondary school sites, libraries, child care facilities and employment training facilities.

o It is the intent of the Act that the activities of the Economic Development and Infrastructure Bank be fully coordinated with any future legislative plan involving growth management strategies designed to protect and use California's land resource in ways which are economically and socially desirable.

General Activities:

The Bank will have the authority to:

- o Issue bonds to pay all or any part of the cost of a project, including bonds bearing interest that is taxable for the purpose of federal income taxation.
- o Enter into agreements or contracts with respect to insurance or guarantees from any agency of the federal government or the state (including pension funds), or from any private company, to enhance the quality of credit on obligations involving eligible projects.
- o Receive and accept grants, contributions or loans, from any source (federal, state or private), to aid in the construction or financing of a project.
- o Make secured or unsecured loans to any sponsor or participating party in connection with the financing of a project, except that no loan shall exceed the total cost of the project.

- o Lease the project being financed to a sponsor or participating party, charge and collect fees or rents, or reconvey it upon payment of the indebtedness.
- o Assign or pledge any portion of its interests in mortgages, deeds of trust, indentures of mortgage or trust or similar security interests for the benefit of the holders of bonds issued to finance a project.
- o Contract with the Department of Finance, the Office of State Treasurer, Department of Transportation, Department of Water Resources, California Integrated Waste Management Board, the Governor's Office of Planning and Research or any other necessary agencies or persons to enable the Bank to properly perform its duties.
- o Combine and pledge project revenues to repayment of one or more series of revenue bonds issued under the Act.
- o Authorize a sponsor to issue revenue bonds on its own behalf or in the sponsor's own name secured by payments to be made from revenues.
- o Invest any money held in reserve or sinking funds.
- o Charge and equitably apportion among sponsors and participating parties administrative costs and expenses incurred in the exercise of powers and duties under the Act.

General Criteria:

- o Criteria for the selection of projects to receive financial assistance shall be contained in published regulations, after consultation with the Governor's Office of Planning and Research.
- o Projects must be consistent with the comprehensive State Environmental Goals and Policies Report prepared, maintained and regularly reviewed pursuant to Article 5 (commencing with Section 65041) of the Government Code.
- o Where the project sponsor is a state agency or department, the project must be consistent with the State Capital and Infrastructure Planning Report prepared by the Director of Finance.
- o Where the project sponsor is a city, county, or any other political subdivision of the state, the project shall be consistent with the general plan affecting the jurisdiction in which the project is located. The general plan of that city or county shall comply with relevant statutory requirements and shall contain a capital improvement program that is equivalent to the program described in Government Code Section 65403.

Program Possibilities

The statutory structure of the Act is designed to allow maximum flexibility for traditional as well as innovative new programs to meet California's infrastructure financing needs.

To begin its operations, the Bank will have access to the Unitary Fund, established in 1986 to address some of the state's infrastructure and economic development needs. The Fund's revenue is derived from annual payments by banks and corporations that elect the "water's edge" method of taxation. Most of the annual payments are deposited into the Future Infrastructure State Targeted Account. The unencumbered balance of the Fund is presently estimated at \$45.3 million. Creative leveraging techniques could initially generate between \$400 million and \$500 million of public-private investment in infrastructure financing efforts.

One of the Bank's principal objectives should be to help the State and its local government partners significantly improve strategic planning efforts to answer how capital improvements will be financed in California. It could take the lead in transforming California's current system of economic development into one that highlights the need for business activity which will contribute to the state's long-term economic growth. With the right program tools and financial strategies, the Bank would be a highly visible and effective focal point for these activities.

One program possibility would be to use the new entity partly as a bond bank whereby the State could borrow funds from the public finance markets based on its own credit and then re-loan the proceeds to local governments for infrastructure investments that create the most jobs. The smaller governmental units could borrow more readily from this bank rather than relying on the "outside" bond market. Revenue bonds or federal grants could serve to capitalize the bond bank.

A related concept involves having the new Bank create a bond pool program in which the State would serve as a conduit borrower on behalf of a pool of local agencies. The program could use standardized documents and economies of scale to reduce issuance costs (have investment bankers and bond counsel compete for the pooled business). Job creation criteria could be established to set participation and lending priorities.

It would also be possible for the new Bank to promote a State credit enhancement program that would allow local governments to reduce the cost of their borrowing. Securing credit enhancement--either bond insurance or a bank letter of credit--typically raises a new bond issue's credit rating to that of the credit provider. This, in turn, lowers interest costs. Under present conditions, bond insurers are applying increasingly stringent underwriting criteria to debt instruments such as industrial revenue bonds. Meanwhile bank letters of credit also are becoming scarce compared to the late 1980s.

One intriguing possibility for such a program would be for the Bank to urge the State's two pension funds to enter the credit enhancement business. PERS and STRS could extend bond insurance or letters of credit to municipal borrowers in return for a fee. The pension funds would be expected to perform their own risk analysis and establish a fee structure which ensures a reasonable return on their investment. The Economic Development and Infrastructure Bank could coordinate project efforts and designate sponsors with high job creation potential.

At this time, California appears to be lagging behind other states in preparing plans for the possible infusion of federal infrastructure funds across a broad spectrum of programs. Passage of legislation and creation of this Economic Development and Infrastructure Bank with its new mandate would send a strong and convincing message to Washington, D.C. The Bank could help channel matching funds, fight for federal dollars and insist on maximum State discretion to set spending priorities that emphasize job creation.

Moreover, a recent report of the Congressional Commission to Promote Investment in America's Infrastructure has proposed a national infrastructure corporation to leverage federal dollars and boost investment in infrastructure projects "with a capacity to become self-sustaining through user fees or dedicated revenues." The new federal entity would work in partnership with State infrastructure revolving funds. Of course, California currently does not have one. The Economic Development and Infrastructure Bank could fill that unfortunate void and help shape this future federal program and others to suit California's particular needs.

One "subsidiary" of the new corporation could be an infrastructure insurance company. Initially, this entity would provide a mix of direct insurance and reinsurance to issuers of senior debt on infrastructure projects that existing bond insurers and other credit enhancers cannot or will not insure. Insured debt of projects eligible for tax-exempt financing would become more attractive to the municipal market. Insured debt of taxable-rate projects would become more attractive to pension funds and other fixed-income investors. Once again, creating the Economic Development and Infrastructure Bank would put California ahead of or at least on an equal basis with other leading states when critical decisions are made.

Finally, the Economic Development and Infrastructure Bank could help shape a federal development insurance service. This entity could provide insurance, subject to appropriate retention of risk by the project sponsor, covering the initial development phase of projects. This is where permitting, financial feasibility and regulatory approvals pose specific risks. The Bank could shape the program to serve both private participants and public sponsors. This could benefit California immediately by accelerating job-creating projects in the near future.

These represent only a few program concepts that collectively could introduce new direction and produce dramatic changes in California's current system of economic development and infrastructure financing. This brief list is by no means exhaustive. By combining the talents of innovative thinkers in industry, labor, government and especially the investment banking community, a new entity such as the Economic Development and Infrastructure Bank could have a profound impact on job creation and expansion in California, even before the end of 1993.



CALIFORNIA PARKS & WILDLIFE INITIATIVE

Volunteer Sign-Up



Name

Address

Phone Numbers

I'd be an area coordinator

TAHOE REGIONAL PLANNING AGENCY

308 Dorla Court
Elks Point, Nevada

P.O. Box 1038
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(702) 588-4547
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May 17, 1993

To: Governing Board

From: Agency Staff

Subject: Projects Reviewed at Staff Level and Governing Board Level April 1 through April 30, 1993

Project Reviewed at Staff Level

	CSLT/ El Dorado	Placer	Washoe	Douglas	Total
New Residential	0	0	2	2	4
Res. Modification	7	1	1	2	11
New Res. Plan Rev.	6	1	3	1	11
Res. Mod. Plan Rev.	2	2	1	1	6
Commercial	2	2	0	0	4
Public Service	3	1	0	0	4
Recreation	0	0	0	1	1
Signs	0	0	0	1	1
Dvlp./Cov. Verif.	3	0	0	0	3
Dvlp./Cov. Banking	2	0	0	0	2
Dvlp./Cov. Transfer	2	0	1	1	4
Eros. Control/Grading	1	2	0	0	3
MBLA/Subdivision	0	0	2	0	2

Projects Reviewed at Governing Board Level

Shorezone	0	1	0	1	2
Commercial	1	0	0	0	1
Public Service	3	0	0	2	5
Recreation	0	0	0	1	1
Total Processed	32	10	10	13	65
Total Received	33	25	27	12	97

Site Assessments Processed: 5

Operating Backlog: 69

Incomplete/Pending Information: 223

Compliance Cases Pending: 18

JA
5/17/93

AGENDA ITEM XI A 1. 206

TAHOE REGIONAL PLANNING AGENCY

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MEMORANDUM

May 1, 1993

To: TRPA Governing Board
From: Agency Staff
Subject: IPES/Land Capability Status Report

The status of IPES/Land Capability determinations for the period of April 1, 1993, through April 30, 1993 is as follows:

		CSLT/ Douglas	El Dorado	Placer	Washoe	Total
<u>Land Capability Verifications</u>						
Applications received	4	10	10	7	31	
Verifications completed	0	0	0	0	0	
Operating backlog	14	31	25	29	99	
<u>Land Capability Challenges</u>						
Applications received	0	1	1	0	2	
Challenges completed	0	0	0	0	0	
Operating backlog	0	2	1	2	5	
<u>IPES Determinations of Allowable Coverage</u>						
Applications received	1	2	1	2	6	
Determinations completed	0	0	0	0	0	
Operating backlog	3	5	5	8	21	
<u>IPES Reevaluations</u>						
Applications received	0	0	0	0	0	
Reevaluations completed	0	0	0	0	0	
Operating backlog	1	0	0	3	4	
<u>Initial IPES Evaluations</u>						
Applications received	1	0	1	0	2	
Evaluations completed	0	0	0	0	0	
Operating backlog	1	4	2	1	8	
<u>IPES Appeals *</u>						
Applications received	0	0	0	0	0	
Appeals processed	0	0	0	0	0	
Operating backlog	5	15	20	3	43	
<u>Governing Board Hearing Requests</u>						
Governing Board Appeals Processed	0	0	0	0	0	
Total Pending	4	13	9	10	33	

* Includes appeals that have been placed on hold pending the submission of technical data by the appellants.

/tas
5/1/93

AGENDA ITEM XI A.2

TAHOE REGIONAL PLANNING AGENCY

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May 10, 1993

To: TRPA Governing Board

From: TRPA Staff

Subject: Resolution Supporting A Federal Grant To Monitor California Other
Lakes

Summary

The 208 Water Quality Management Plan for the Lake Tahoe Region includes tracking and monitoring obligations to assure attainment and maintenance of water quality standards. Specifically, Volume I, page 182 of the 208 Plan sets forth targets for monitoring five other lakes in the Lake Tahoe Basin: 1) Cascade Lake, 2) Upper Echo Lake, 3) Lower Echo Lake, 4) Fallen Leaf Lake, and 5) Marlette Lake.

In 1991, the Nevada Division of Environmental Protection (NDEP) in cooperation with TRPA, received a U.S. Environmental Protection Agency Clean Lakes Water Quality Assessment Grant to monitor water quality conditions in Marlette Lake and Spooner Lake in Nevada. TRPA also applied to the California State Water Resources Control Board (CSWRCB) in 1992, to expand the monitoring program to three additional lakes on the California side. TRPA has monitored California and Nevada lakes since 1991.

TRPA has been awarded a \$22,500, two year grant from CSWRCB to monitor three California lakes, and as part of the grant requirements, CSWRCB is requesting a resolution from the TRPA Governing Board supporting this grant and the continued monitoring of other lakes in the Basin.

Requested Action:

TRPA staff recommends that the Governing Board approve the water quality monitoring of California lakes by adopting this resolution.

KN
5/10/93

AGENDA ITEM NO. XII.A

208

RESOLUTION NO. 93-__

A RESOLUTION SUPPORTING A FEDERAL CLEAN
WATER GRANT TO MONITOR CALIFORNIA OTHER LAKES

WHEREAS, the Tahoe Regional Planning Agency (TRPA) is the designated water quality management agency for the Lake Tahoe Region, pursuant to Section 208 of the Federal Clean Water Act; and

WHEREAS, TRPA has the responsibility of conducting water quality monitoring on other lakes in the Lake Tahoe Region; and

WHEREAS, TRPA has monitored Upper and Lower Echo Lakes, and Fallen Leaf Lake since 1991; and

WHEREAS, TRPA has been awarded a two-year grant totaling \$22,500 from the California State Water Resources Control Board to monitor these lakes;

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Tahoe Regional Planning Agency supports receiving this grant and the continued monitoring of other lakes in the Region.

PASSED AND ADOPTED this _____ day of May, 1993, by the Governing Board of the Tahoe Regional Planning Agency, by the following vote:

Ayes:

Nays:

Abstain:

Absent:

Wayne S. Chimarusti, Chairman
Tahoe Regional Planning Agency