

**TRPA
GOVERNING BOARD
PACKETS**

**FEBRUARY
1998**

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD AND COMMITTEE MEETINGS

NOTICE IS HEREBY GIVEN that on Wednesday, February 25, 1998, commencing at 9:30 a.m., the Governing Board of the Tahoe Regional Planning Agency will conduct its regular meeting. The meeting will take place at the **Horizon Casino Resort**, Cascade Room, U. S. Highway 50, Stateline, Nevada. The agenda is attached hereto and made a part of this notice.

Governing Board Committee items are action items unless otherwise noted.

NOTICE IS FURTHER GIVEN that on February 25, 1998, commencing at 8:30 a.m. at the same location, the Finance Committee will meet. The agenda will be as follows: 1) public interest comments (no action); 2) receipt of January 1998 financial statement and check register; 3) MOU with South Shore Transportation Management Association for expenditure of CTS funds; 4) adjustment of filing fees; and 5) member comments. (Committee: Neft, Heller, Galloway, Bresnick, Chairman Bennett)

NOTICE IS FURTHER GIVEN that on February 25, 1998, commencing at 8:30 a.m. in the same location, the Legal Committee will meet. The agenda will be as follows: 1) public interest comments (no action); 2) show cause hearing on Executive Director determination to use project security, Tahoe Mariner, litigation settlement, Washoe County; 3) Rafton/Vista Shores Resort, tourist accommodation rebuild and addition, Tahoe Vista, Placer County; and 4) member comments. (Committee: Miner, Cronk, Sevison, Wynn, Chairman Waldie)

Date: February 13, 1998

By: 

Jerry Wells
Deputy Director

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

Horizon Casino Resort, Cascade Room
Stateline, Nevada

February 25, 1998
9:30 a.m.

All items on this agenda are action items unless otherwise noted.

AGENDA

- I. PLEDGE OF ALLÉGIANCE
- II. ROLL CALL AND DETERMINATION OF QUORUM
- III. PUBLIC INTEREST COMMENTS (No Action)

Any member of the public wishing to address the Governing Board on any agenda item not listed as a Project Review, Public Hearing, RTPA, Appeal, or Planning Matter item may do so at this time. However, public comment on Project Review, Public Hearing, RTPA, Appeal, and Planning Matter items will be taken at the time those agenda items are heard.

NOTE: THE GOVERNING BOARD IS PROHIBITED BY LAW FROM TAKING IMMEDIATE ACTION ON, OR DISCUSSING ISSUES RAISED BY THE PUBLIC THAT ARE NOT LISTED ON THIS AGENDA.

Page #

- IV. APPROVAL OF MINUTES
- V. APPROVAL OF AGENDA
- VI. CONSENT CALENDAR (see page 3)
- VII. PROJECT REVIEW
 - A. Glenbrook Homeowners Association, New Corporation Yard and Employee Housing, Old Highway 50 in Glenbrook, Special Use Determination, Douglas County APN 01-090-12 36
- VIII. PUBLIC HEARING (*items include action on the findings plus action on related ordinances, resolutions, environmental documents, and/or plans)
 - A. Amendment of Code Chapter 4, Section 4.7, and Appendix A to Modify the List of Projects Requiring Governing Board Review and a Hearings Officer Review; Amendment of the TRPA Rules of Procedure by the Addition of Article XIV Pertaining to Hearings Officer Procedure*(This Item will be acted on before action on item XI.A.) 73
 - B. Adoption of the Environmental Improvement Program* 84

- C. Amendment of Code Section 54.4.B(4) (Prohibition of Superstructures) to Allow Exceptions for Health and Safety Facilities and Scientific Research Facilities* 86
- D. Amendment of Boundary Line Between Plan Area 104, Highland Woods, and Plan Area 103, Sierra Tract-Commercial, to Move a Portion of El Dorado County APN 31-290-25 From PAS 104 to PAS 103* 94
- E. Amendment of the Regional Transportation Plan to Incorporate Projects Proposed in the 1998 Regional Transportation Improvement Program (RTIP) and Adoption of the 1998 Regional Transportation Improvement Program* 108
- F. Morris, Amendment of Regional Plan Overlay Maps for Man-Modified Determination, Douglas County APN 07-180-04* 118
- IX. PROJECT REVIEW - 2:00 p.m.
- A. Stateline Casino Core Areawide Drainage Environmental Assessment and Project Alternatives 132
- X. APPEAL
- A. Leonardini/Wagner, Appeal of Denial of Application for New Multiple-Use Pier and Boatlifts, 905 and 907 Lakeshore Boulevard, Washoe County APNs 122-251-02 and -03 134
- XI. SHOW CAUSE HEARING
- A. Executive Director Determination to Use Project Security, Tahoe Mariner, Litigation Settlement, Washoe County APNs 123-055-01, 123-062-01, and 123-071-24 188
- XII. ADMINISTRATIVE MATTERS
- A. Resolution Amending Filing Fees (This item will be acted on after action on agenda item VIII.A.) 190
- XIII. PLANNING MATTERS
- A. Discussion on Local Jurisdiction Posting of Project Securities 198
- XIV. COMMITTEE RECOMMENDATIONS AND BOARD ACTION
- A. Finance Committee
- B. Legal Committee

XV. REPORTS

- A. Executive Director Monthly Status Report
 - 1. Status Report on Project Applications
- B. Legal Division Monthly Status Report
- C. Governing Board Members

200

XVI. ADJOURNMENT

CONSENT CALENDAR		
<u>Item</u>	<u>Recommendation</u>	
1. January 1998 Financial Statement and January 1998 Check Register	Receipt	1
2. Vista Shores Resort, Tourist Accommodation Rebuild and Addition, 6724 and 6731 No. Lake Boulevard, Tahoe Vista, Placer County APNs 117-072-05 and 117-071-15	Approval of Findings and Conditions	2
3. MOU With Nevada Division of State Lands Regarding SEZ Mitigation Bank	Approval	20
4. MOU With South Shore Transportation Management Association for Expenditure of CTS Funds	Approval	26
5. Amendment of Litigation Settlement in <u>Newton v. TRPA</u>	Approval	34

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 an item be removed from the calendar, it will be taken up separately in the appropriate agenda category.

TAHOE REGIONAL PLANNING AGENCY

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MEMORANDUM

February 17, 1998

To: TRPA Governing Board
From: TRPA Staff
Subject: January 1998 Financial Statement and January 1998 Check Register

Requested Action: Staff is recommending receipt of the January statement and check register and will be discussing this recommendation with the Finance Committee. Requested action, should the Finance Committee concur, is receipt by the Board on the consent calendar.

2/17/98
jf

CONSENT CALENDAR ITEM 1

TAHOE REGIONAL PLANNING AGENCY
STAFF SUMMARY

Project Name: Vista Shores Resort

Application Type: Tourist Accommodation Addition and Rebuild

Applicant: Michael and Jennie Rafton

Applicant's Representative: Leah Kaufman, Planning and Consulting

Agency Planner: Kathy Canfield, Associate Planner

Location: 6724 and 6731 North Lake Boulevard, Tahoe Vista, Placer County

Assessor's Parcel Numbers/Project Number: APN 117-072-08 & 117-071-15

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 add fourteen tourist accommodation units to the existing motel project area. The project area includes two parcels, one located between Lake Tahoe and Highway 28 and the other located to the north of Highway 28. These parcels are contiguous with only the roadway separating them. The lakeward parcel has seven existing motel buildings (containing eight units) which will be demolished. Five new motel buildings will be constructed on the lakeward parcel with a total of 22 units. The applicant has also proposed to provide a swimming pool and will revise the parking lot layout. The landward parcel will be modified to provide additional landscaping and Tahoe Vista Community Plan frontage improvements and painting of the existing motel buildings visible from Highway 28. The applicant is proposing to relocate the 14 additional tourist accommodation units on the lakeward parcel from the landward parcel and is proposing to transfer 14 tourist accommodation units to the landward parcel to replace the relocated units.

Site Description: The project area contains two parcels with existing tourist accommodation uses. The lakeward parcel contains a large dune area with some development and a flat, wooded area next to the highway which contains the parking area. The landward parcel is relatively flat near the road and slopes gently upward away from the road. The development is located in a "U" shape on approximately the front half of the property. The rear of the property is vacant.

Issues: The proposed project involves the transfer of tourist accommodation units which therefore requires Governing Board review in accordance with Chapter 4, Appendix A, of the TRPA Code. The primary project related issues are:

1. Land Capability Districts:

The lakeward parcel has been the subject of a land capability challenge on the dunes portion of the property. TRPA staff has determined that this area is land capability 1b (Be), Beach, and a denial of the challenge was issued by the Executive Director. The applicants filed an appeal of the denial, and that appeal was heard by the TRPA Governing Board. The Governing Board denied the appeal and upheld the Executive Director's decision. This application utilizes the TRPA verified land capability boundaries.

2. Scenic Analysis:

This project area is visible from both Highway 28 (Roadway Unit 20) and Lake Tahoe (Shoreline Unit 21), which are both designated scenic corridors. The roadway unit is not in scenic attainment. Scenic problems identified for this roadway unit are unregulated signs, overhead utilities, and the existing architectural quality and site design of parcels. The shoreline unit is in scenic attainment. In order to approve a project visible from a scenic corridor, TRPA must find that a project visible from a unit that is in scenic attainment will, at a minimum, maintain the existing scenic rating, and a project visible from a unit not in attainment will provide an improvement to the unit. The applicant has prepared a scenic analysis which includes scenic simulations and scenic unit re-ratings of the proposed project.

The applicant has proposed building materials and colors to blend with the forest background for the new buildings located on the lakeward parcel. The existing white buildings on the landward parcel will be re-painted to a more earthtone color. The Tahoe Vista Community Plan street frontage improvements, which include sidewalks and landscaping, will be installed on both sides of the street. The location of the new buildings on the lakeward parcel will open up a view corridor to Lake Tahoe which does not exist today. TRPA staff has concluded that with the proposed design and mitigation measures, along with the special conditions of approval, the project will provide an improvement to the scenic units. The scenic analysis will be available at the Governing Board hearing and at TRPA.

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, as conditioned, 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. Tahoe Vista Community Plan: The project is located within the Tahoe Vista Community Plan, Special Area 1. The Land Use Classification is Tourist and the Management Strategy is Redirection. Agency Staff has reviewed the subject Community Plan and has determined that the project is consistent with the applicable planning statement, planning considerations and special policies. The proposed activity (hotel, motel, and other transient dwelling units) is an allowed use.

C. Land Coverage:

1. Land Capability Districts:

The land capability districts of the 295,528 square foot (6.78 acre) project area are class 1b and 5 for the lakeward parcel and the landward parcel is class 1a, 4 and 6 based upon the Tahoe Vista Community Plan land capability mapping. This mapping was done at a large scale and the boundaries of the land capability districts are not exact. As a condition of project approval, the applicant will be required to have the land capability of the landward parcel land verified.

2. Existing Land Coverage:

Lakeward Parcel (APN 117-072-08)

Class 1b:

Pavement/Concrete:	5,703 square feet
Walkways/Steps:	3,702 square feet
Decks:	2,520 square feet
Other:	842 square feet
Buildings:	4,958 square feet
Total Class 1b:	17,725 square feet

Class 5:

Buildings:	589 square feet
Pavement/Concrete:	9,822 square feet
Walkways/Steps:	126 square feet
Total Class 5:	10,537 square feet

Combined total for lakeward parcel: 28,262 square feet

Landward Parcel (APN 117-071-15):

Buildings:	13,677 square feet
Pavement/Concrete:	39,988 square feet
Walkways/Steps:	592 square feet
Decks:	4,306 square feet
Other:	41 square feet
Total Onsite:	58,604 square feet

Existing total for entire project area: 86,866 square feet

3. Proposed Coverage:

Lakeward Parcel (APN 117-072-08)

Class 1b:

Buildings:	10,748 square feet
Pavement/Concrete:	3,406 square feet
Decks:	1,236 square feet
Total Class 1b:	15,390 square feet

Class 5:

Buildings:	2,370 square feet
Pavement/Concrete:	10,186 square feet
Decks:	209 square feet
Other:	98 square feet
Total Class 5:	12,863 square feet

Combined total for lakeward parcel: 28,253 square feet

Landward Parcel (APN 117-071-15):

No changes to land coverage proposed, total of 58,604 square feet.

Proposed total for entire project area: 86,857 square feet

4. Allowed Land Coverage:

Lakeward Parcel (APN 117-072-08):

Class 1b area: 49,794 square feet x 1% = 498 square feet
Class 5 area: 19,536 square feet x 25% = 4,884 square feet

Landward Parcel (APN 117-071-15):

To be determined by TRPA Land Capability Verification.

5. Coverage Mitigation:

Based on the above coverage figures, the existing project area contains excess land coverage in the Class 1b and Class 5 land capability districts. The landward parcel allowable land coverage has yet to be determined. The results of the required Land Capability Verification will determine if that parcel contains excess land coverage that needs to be mitigated. In order to mitigate the existing land 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.

5 D. Building Height:

Building #	Roof Pitch	Cross Slope	Allowable Height	Proposed Height
#1	4:12	15%	32'3"	32'3"
#2	4:12	6%	30'3"	30'3"
#3	4:12	8%	30'9"	30'9"
#4 & #5	4:12	2%	29'3"	29'3"

Based on the above calculations, the proposed building heights are consistent with Chapter 22 of the TRPA Code of Ordinances. No changes to building height are proposed for the landward parcel.

E. Required Findings: The following is a list of the required findings as set forth in Chapters 6, 20 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 is proposing a land use (hotel, motel, and other transient dwelling units) that is an allowed use for the Tahoe Vista Community Plan. The project includes the design elements outlined in the Community Plan as applicable for this area. As a condition of project approval, the applicant will install all required Best Management Practices (BMPs) for the entire project area and mitigate existing excess land coverage.

(b) Transportation: The proposed project is estimated to generate 142.24 additional daily vehicle trip ends (dvte) which is defined by the TRPA Code of Ordinances as a minor increase. The applicant will be required to mitigate all additional dvte generated as a result of this project.

(c) Conservation: This project is visible from Scenic Roadway Unit 20 and Scenic Shoreline Unit 21. The applicant has submit scenic simulations and scenic re-ratings of the project to demonstrate that the project will not cause a rating decrease, and in the case of the roadway unit, will show an improvement to the existing ratings. TRPA staff has reviewed the analysis, and with the recommended conditions of project approval, agree with the conclusions of the analysis. In addition, the applicant has proposed to relocate approximately 2,335 square feet of existing land coverage from the class 1b area to class 5.

There are no known special interest species, sensitive or uncommon plants, or cultural or historic resources within the project area.

(d) Recreation: This project does not involve any recreation facilities or uses.

(e) Public Service and Facilities: The applicant has indicated on the Initial Environmental Checklist that the site has basic services. As a condition

of project approval, the applicant will be required to provide "will-serve" letters from the local utility districts.

- (f) Implementation: This project does not require any allocations of development. The additional tourist accommodation units needed for this project will be transferred to the site.

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 is to an equal or superior portion of the parcel or project area.

The applicant will be relocating existing land coverage within class 1b and class 5. Relocation occurring within the class 1b will not extend any closer to Lake Tahoe than what currently exists. In addition, approximately 2,335 square feet of class 1b land coverage will be relocated from class 1b to class 5.

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

All areas of land coverage removal shall either be revegetated in accordance with Subsection 20.4.C, or will be left to the natural dune condition. As a condition of project approval, the applicant will be required to submit a landscape plan prepared by a qualified professional indicating plant species compatible with the dune environment.

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

All land coverage to be relocated will be within class 1b, within class 5, or from class 1b to class 5.

7. If the relocation is from one portion of a stream environment zone to another portion, there is a net environmental benefit to the stream environment zone.

The applicant will be relocating approximately 2,335 square feet of class 1b land coverage to class 5 land. In addition, the applicant will also be relocating land coverage within the class 1b area. The relocated land coverage will not extend any closer to Lake Tahoe than what currently exists. The applicant has submitted a report by a qualified professional substantiating that the relocation from class 1b to class 5, and the relocation within the class 1b will provide a net environmental benefit to the stream environment zone.

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

The applicant has submitted photographs taken from both Highway 28 and Lake Tahoe documenting that the proposed development will not block any existing views to ridgelines, nor will the project exceed the forest canopy.

- F. **Required Actions:** Agency staff recommends that the Governing Board approve the project by making the following motions and findings 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 Q.
 2. Prior to acknowledgement of the permit, the following special conditions of approval must be satisfied:
 - A. The permittee shall submit a Land Capability Verification (LCV) for APN 117-071-15. The results of the LCV shall be obtained prior to final acknowledgement of this permit.
 - B. The site plan shall be revised to include:
 - (1) The following revised land coverage calculations:
 - (a) Lot area above highwater line for the entire project area.
 - (b) Allowable land coverage for each verified land capability district, including backshore area for the entire project area.
 - (c) Existing land coverage for each land capability district:

Lakeward Parcel (APN 117-072-08):

Class 1b:	
Buildings:	4,958 square feet
Pavement/Concrete:	5,703 square feet
Walkways/Steps:	3,702 square feet
Decks:	2,520 square feet
Other:	842 square feet
Total Class 1b:	17,725 square feet

Class 5:	
Buildings:	589 square feet
Pavement/Concrete:	9,822 square feet
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Landward Parcel (APN 117-071-15):

Buildings:	13,677 square feet
Pavement/Concrete:	39,988 square feet
Walkways/Steps:	592 square feet
Decks:	4,306 square feet
Other:	41 square feet
Total Onsite:	58,604 square feet*

*The above numbers will need to be revised based on the verified land capability district once obtained.

- (d) Proposed land coverage for each land capability district:

Lakeward Parcel (APN 117-072-08)

Class 1b:	
Buildings:	10,748 square feet
Pavement/Concrete:	3,406 square feet
Decks:	1,236 square feet
Total Class 1b:	15,390 square feet

Class 5:	
Buildings:	2,370 square feet
Pavement/Concrete:	10,186 square feet
Decks:	209 square feet
Other:	98 square feet
Total Class 5:	12,863 square feet

Landward Parcel (APN 117-071-15)

No changes to land coverage are proposed, however, the land coverages do need to be consistent with the verified land capability districts.

- (2) The entire project area which includes APN 117-072-08 and 117-071-15.
- (3) A three-inch layer of gravel (pea or ¾" drainrock) beneath all raised decks for the entire project area.
- (4) Land capability district and backshore boundaries for the entire project area.
- (5) A note indicating: "All barren areas and areas disturbed by construction shall be revegetated in accordance with the TRPA Handbook of Best Management Practices for the entire project area. Application of a mulch may enhance vegetative establishment."
- (5) Dripline infiltration trenches, size 18" deep, constructed beneath all roof driplines within the entire project area.
- (6) Parking barriers to restrict parking to approved parking surfaces only for the entire project area.
- (7) Location of construction staging area. The construction staging area shall be located within the class 5 land capability area.
- (8) A note indicating that signs are not a part of the TRPA review or approval. All signs shall be reviewed for conformance with the Tahoe Vista Community Plan by Placer County.
- (9) Modification of the pool fence detail to demonstrate a height of four feet.
- (10) Highway 28 street frontage improvements (for both sides of the street) which include:
 - (a) Six to eight feet wide asphalt sidewalks.
 - (b) Six inch vertical concrete curbs, or as required by Caltrans.
 - (c) Street trees planted 50 feet on center or pockets of shrubs planted 25 feet on center, or a combination of both.
 - (d) Pedestrian street lights 15 feet high, 50 feet on center or low level lights 25 feet on center.

- (11) A notation that the pier remnants will be removed.
 - (12) Location and details of all exterior lighting, including building lighting. All lighting shall be consistent with Chapters 4 and 20 of the Standards and Guidelines for Signage, Parking and Design of the Tahoe Vista Community Plan.
 - (13) Location of all exterior mechanical equipment. The permittee shall demonstrate that all equipment shall be screened from public view in accordance with Chapters 5 and 8 of the Standards and Guidelines for Signage, Parking and Design of the Tahoe Vista Community Plan.
 - (14) Reduction of one driveway (from three existing driveways to two proposed driveways) on APN 117-071-15 in accordance with Chapter 3, Section B.8 of the Tahoe Vista Community Plan. The land coverage calculations shall be revised accordingly.
 - (15) Location of grass area as depicted on the submitted landscape plan.
- C. The permittee shall submit a \$3,556 air quality mitigation fee. This fee is based on the creation of 142.24 additional daily vehicle trip ends (dvte) assessed at \$25 per dvte.
- D. The security required under Standard Condition I.2 of Attachment Q shall be determined upon the permittee's submittal of required Best Management Practices plan and related cost estimate for the entire project area. Please Attachment J, Security Procedures.
- E. The applicant shall mitigate excess land coverage on this property by submitting an excess coverage mitigation fee, or by removing coverage within Hydrologic Transfer Area Number 9 (see attached map enclosed with permit).

The excess coverage mitigation fee shall be calculated as follows:

- (1) Estimated Project Construction Cost multiplied by the factor outlined in Table A of Subsection 20.5.A(3).

Please provide a construction cost estimate by your contractor, architect, or engineer. **In no case shall the mitigation fee be less than \$100.00.**

Excess land coverage may be removed in lieu of an excess coverage mitigation fee. To calculate the amount