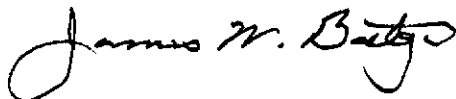


TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION
NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that the Advisory Planning Commission of the Tahoe Regional Planning Agency will conduct its regular meeting at 9:30 a.m. on May 12, 1999, at the Chateau in Incline Village, Nevada. The agenda for the meeting is attached hereto and made a part of this notice.

May 3, 1999



James W. Baetge
Executive Director

This agenda has been posted at the TRPA office and at the following post offices: Zephyr Cove and Stateline, Nevada, and Stateline and Al Tahoe, California. The agenda has also been posted at the North Tahoe Conference Center in Kings Beach, the Incline Village GID office, and the North Lake Tahoe Chamber of Commerce.

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

The Chateau, 955 Fairway Boulevard
Incline Village, Nevada

May 12, 1999
9:30 a.m.

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

AGENDA

- I. CALL TO ORDER AND DETERMINATION OF QUORUM
- II. APPROVAL OF AGENDA
- III. PUBLIC INTEREST COMMENTS (No Action)

Any member of the public wishing to address the Advisory Planning Commission on any agenda item not listed as a Public Hearing or a Planning Matter item, or on any other issue, may do so at this time. However public comment on Public Hearing and Planning Matter items will be taken at the time those agenda items are heard.

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

- IV. DISPOSITION OF MINUTES
- V. PUBLIC HEARINGS
 - A. Amendment of Chapter 4, Project Review and Exempt Activities, by Adoption of New Delegation MOU With the City of South Lake Tahoe Page 1
 - B. Amendment of Plan Area Statement 93, Bijou, to Create a Special Area #1 Page 7
 - C. Amendment of Plan Area Statement 058, Glenbrook, to Prohibit the Construction of New Piers Per the Glenbrook Shorezone Plan Page 15
 - D. Amendment of the Stateline/Ski Run Community Plan as Follows: Page 23
 1. Amendment to the Permissible Uses Matrix
 2. Amendment to Redistribute Commercial Square Footage
 3. Amendment to Objective 2, Policy B, Regarding Construction of the Required Infrastructure Within the "Ski Run Village" District (3b)

VI. PLANNING MATTERS

- A. Staff Presentation on Tall Whitetop (Noxious Weed) and Its Page 33
Potential Impact on Stream Environment Zones in the Tahoe Basin
- B. Forest Service Presentation on Status of Watershed Assessment

VII. REPORTS

- A. Executive Director
- B. Legal Counsel
- C. APC Members

VIII. ADJOURNMENT

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

North Tahoe Conference Center
8318 North Lake Tahoe Boulevard
Kings Beach, California

April 14, 1999

REGULAR MEETING MINUTES

Chairperson Bob Jepsen called the regular April 14, 1999, meeting of the Advisory Planning Commission ("APC") to order at 9:40 a.m. and asked for a roll call.

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Members Present: Mr. Hust, Mr. Doughty, Mr. Cole, Ms. Baldrice, Mr. Barham,
Mr. Porta, Mr. Lane, Mr. Poppoff, Mr. Lawrence, Mr. Morgan,
Mr. Haen, Ms. Kvas, Mr. Combs, Mr. Marchio, Mr. Jepsen
Members Absent: Mr. Kehne, Mr. McDowell, Ms. Kemper, Mr. Joiner

II. APPROVAL OF THE AGENDA

Executive Director Jim Baetge introduced the new APC member, Randy Lane. Mr. Baetge stated that Mr. Lane had recently been appointed by Douglas County to take Candi Rohr's place. We are pleased to have him on the APC board. Mr. Lane commented that he has lived in Lake Tahoe for 24 years in Douglas County at the Lake, and he is basically in the real estate business, development, etc. He stated that he has an infinity for Lake Tahoe or he would not have been here this long. He hoped that he could bring something to the Committee that would help, over the term that he would be involved.

Mr. Baetge stated that TRPA had a budget hearing in Sacramento this morning which both Jerry Wells and John Marshall had to attend. The meeting is over, and TRPA received good results out of the Assembly. In addition, there were no changes to the agenda.

III. PUBLIC INTEREST COMMENTS - None

IV. DISPOSITION OF MINUTES

Mr. Morgan stated that on page 2 of the minutes, paragraph 4, second line, the sentence should read "110-feet long"; not "110-feet wide".

MOTION by Ms. Baldrice, with a second by Mr. Barham, to approve the March 10, 1999, APC minutes as amended. The motion carried unanimously.

V. PUBLIC HEARING AND RECOMMENDATION TO THE GOVERNING BOARD

A. Amendment of Chapter 4, Project Review and Exempt Activities, by Adoption of New Delegation MOU with El Dorado County

Chief of Project Review Rick Angelocci presented the staff summary amending Chapter 4, Project Review and Exempt Activities, to adopt a new Memorandum of Understanding between TRPA and El Dorado County.

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A discussion ensued.

Mr. Haen suggested to Mr. Baetge that he write the Building Official in El Dorado and recognize Larry Lohman for his initiative on this delegation.

Both Mr. Angelocci and Mr. Baetge agreed.

Chairperson Jepsen opened the meeting up for a public hearing. Since no one wished to comment, Chairperson Jepsen closed the public hearing.

MOTION by Mr. Doughty, with a second by Mr. Hust, to recommend approval to the Governing Board amending Chapter 4, Project Review and Exempt Activities, to adopt a new Memorandum of Understanding between TRPA and El Dorado County, along with the changes to the typographical errors. The motion carried unanimously

B. Lake Tahoe Source Water Assessment Protection Program

Associate Planner Jon Paul Kiel presented the status report on the development of the Lake Tahoe Source Water Protection Program

A slide presentation was shown, along with a discussion.

Chairperson Jepsen opened the meeting up for a public hearing. Since no one wished to comment, Chairperson Jepsen closed the public hearing.

C. Amendment of the Boundary Line Between Special Areas #1 and #2 of The Tahoe Vista Community Plan to Include Placer County APN 117-072-012 in Special Area #1

Associate Planner John Hitchcock presented the staff summary amending the boundary line between Special Areas #1 and #2 of the Tahoe Vista Community Plan to include Placer County APN 117-072-01 in Special Area #1.

A discussion ensued.

Chairperson Jepsen opened the meeting up for a public hearing.

Ms. Leah Kaufman, the consultant for the project, stated that she and the owner, Bruce Eisenhard, were here primarily to answer any questions the APC may have. She encouraged the APC to adopt the additional mitigation program because the money that could be collected would be better spent in acquiring parcels for people to use. There is limited access in this area.

Since no one else wished to comment, Chairperson Jepsen closed the public hearing.

MOTION by Mr. Combs, with a second by Mr. Morgan, to recommend approval to the Governing Board amending the boundary line between Special Areas #1 and #2 of the Tahoe Vista Community Plan to include Placer County APN 117-072-01 in Special Area #1. The motion carried unanimously.

(Break taken at 10:41 a.m.)

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(Reconvened at 10:59 a.m.)

D. Amendment of Chapter 20, Land Coverage, Relative to Maximum Land Coverage in Adopted Community Plans

Associate Planner John Hitchcock presented the staff summary amending Chapter 20, Land Coverage, relative to maximum land coverage in adopted community plans.

(Mr. Lane removed himself from the dais because of personal involvement with the project.)

A discussion ensued.

Mr. Haen suggested that subparagraph 3 read the same as subparagraph 2 so that it is consistent.

Ms. Kvas was of the opinion that the staff summary needed to be rewritten for more clarification.

Chairperson Jepsen opened the meeting up for a public hearing.

Mr. Lew Feldman, representing Falcon Capital, commented that inconsistencies in the Code usually are generally discovered because a project comes forward that reveals the inconsistency. In this particular instance, there is an affordable housing project in Douglas County that is a 67-unit project to be constructed off of Kingsbury Grade. In order for that project to go forward this building season, we need to get this Code amendment approved so the project can come up for review because at the present time, absent this revision up to 50% coverage in the Community Plan, the project would not be approvable. I share the intellectual curiosity over the 70% versus 50%, I think it is a separate topic. Mr. Feldman encouraged the APC to take into consideration the comments that had been made with respect to clarifying the proposed language to move this forward so that we can get the Code amendment in place to approve the project, and thus the affordable housing. He stated that he would be happy to answer any questions that the APC may have.

Since no one else wished to comment, Chairperson Jepsen closed the public hearing.

MOTION by Mr. Haen, with a second by Mr. Cole, to recommend approval to the Governing Board to amend Chapter 20, Land Coverage, relative to maximum land coverage in adopted community plans, with the provision that staff rework and redraft the staff summary before the Governing Board meeting. The motion carried with Ms. Kvas opposing.

Ms. Kvas opposed the amendment because she believed the document should be redrafted before being presented to the Governing Board.

(Mr. Lane returned to the dais.)

VI. PLANNING MATTERS

A. California Tahoe Conservancy, Discussion on Cove East Parcel 4 Restoration, City of South Lake Tahoe

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Senior Planner Coleen Shade introduced Steve Goldman and Virginia Esperanza from the California Tahoe Conservancy, who would be presenting the Upper Truckee River Lower West Side Wetland Restoration Project.

Mr. Steve Goldman is the Program Manger for Erosion Control and Stream Restoration at the California Tahoe Conservancy, and the Program Manager for the Upper Truckee River project. He stated that he has been at Lake Tahoe for 14 years but this was his first time at the APC. Mr. Goldman explained that the Conservancy acquired 208 acres near the mouth of the Upper Truckee River in 1988 for the purposes of water quality improvement, wildlife habitat enhancement, wetland restoration, and public access improvement. The site was part of the historic Truckee Marsh, which was an 1100 acre wetland and is the largest in the Basin. Mr. Goldman went on to explain the history of the project.

Mr. Goldman further stated that the Upper Truckee River is the largest tributary to Lake Tahoe, and Trout Creek joins the Upper Truckee River. The combination of these two rivers is 30% of the drainage of the Lake Tahoe Basin. Lake Tahoe is drained by 63 tributaries, but this one river alone drains 30% of the basin, which makes it a very significant site, in addition to being an historic wetland that was a filtering zone for the lake. In addition, 75% of the urban wetlands in the Tahoe Basin have been disturbed or destroyed and/or altered, so the goal of TRPA is to restore 1100 acres of SEZ.

In June of 1998, the Lahontan Regional Water Quality Control Board approved a grant to the Conservancy to remove fill from Parcel 4 and restore wetlands. This is part of the Tahoe Keys Mitigation fund. Lahontan gave the Conservancy a schedule that they wanted the grant money expanded by the year 2,000. So the Conservancy is operating on a fast track.

The site has been studied for about five years now doing hydrologic studies, groundwater studies, river studies, plant community studies, wildlife studies, and more recently studying conceptual alternatives for this Parcel 4 restoration, which is called the Lower Westside Wetland Restoration. Mr. Goldman described the four conceptual alternatives for the wetland restoration.

Mr. Jepsen questioned what percentage of the river water would be treated. Mr. Goldman replied that their consultants had done a statistical analyses of lake levels and river levels, so you have to compare lake elevations and river elevations and what percent of the time is the lake on the site and when the lake isn't there, what percent of the time is the river high enough to get there. When the lake is low, it tends to be a drought period, and the river is also low. The Conservancy is going to do that analysis to figure out how much water we can get on the site, but primarily the site is going to need to function as a natural wetland that will get water through a natural process of flooding, either by the lake or by the river. If we want to maximize for water quality treatment, then we would have to either pump water out there or put some kind of diversion structure in the river to force water over there. Mr. Goldman didn't believe that was a good idea. Pumping water out there during the establishment of the plants is a good idea because flood irrigating the site to establish vegetation is probably the best way to establish wetland vegetation. In addition, we would also get some water quality treatment during the establishment period.

Mr. Baetge questioned how do the alternatives tie into Cove East project. Mr. Goldman stated that one of the requirements the Conservancy put on their consultant is that whatever we do here, needs to be compatible with the ultimate restoration of the site, and we are looking at restoring the natural function of this river to what it was. The river very rarely goes over its

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banks. One of the criteria we put on the design is that whatever we do here, it has to work with the ultimate restoration.

Mr. Baetge stated that his main concern is that it wouldn't destabilize twice. Mr. Goldman commented that he has been very assertive with the team that we have to thoroughly examine the functionality of this with later scenarios; we don't know what exactly the river is going to be.

Mr. Poppoff commented that the Conservancy's flood plain approach would be the best for the long run. Mr. Goldman stated that the Conservancy is leaning towards this one (indicating). The drawing is probably more limited than it's going to be. Originally, the Conservancy thought we were going to have to limit it to an area about this size because the Lahontan grant is not big enough to restore all the parcel.

Mr. Poppoff commented that the \$699,000 is mostly just to remove fill. Mr. Goldman stated that this figure is for fill removal and wetland planting, and \$30,000 is for the monitoring that Lahontan required. That number was calculated based on a \$15 per cubic yard figure for hauling the fill far away. There may be cheaper options for disposing of the fill so we might be able to do more than we thought if we can take it to the asphalt plant, which would be a lot cheaper.

Mr. Poppoff questioned if the fill had to be removed from the Basin right now. Mr. Goldman stated that no, not necessarily, but we used a figure that was a conservative figure because we don't know exactly where we will have to haul it to. The other preferred site at this point is the Globin Ponds, which are abandoned reservoirs above Pioneer Trail near the Sierra House Elementary School. When we did the Cold Creek Restoration in 1994, we had a negative declaration done for that project that proposed the use of the Globin Ponds as a disposal site for this fill. That negative declaration was approved. Part of that site has already been filled with the Lake Christopher Dam and fill from Lake Christopher, but there is still a huge hole there, and it is a fairly short haul; maybe 4 miles from this site; so that is a good disposal site also.

Mr. Poppoff stated that he hoped the Conservancy didn't go to pumping because of the cost of running those pumps will someday mean that they won't pump; that is what's happening in the Tahoe Keys today with that pumping system because it is too expensive. Mr. Cole reiterated that that was his immediate reaction as well. He stated that some day in the future, who knows whether sooner or later, somebody is going to say "you know, this wasn't such a great idea". If we can end up with a more natural wetland area that will better integrate into the bigger plans for Cove East, then that makes the most sense of all.

Mr. Morgan question Mr. Goldman if his concept of the flood plain was to allow this to have second and third phases perhaps that would extend this further back and remove that fill completely. Mr. Goldman replied that ultimately, we would like to remove all the fill from Parcel 4, with the exception of a buffer area on the West side to keep the water from getting into the Marina because we don't want the river water to spill into the Marina. We would like to remove as much as possible to restore wetlands over that entire area. Mr. Morgan further supported Mr. Poppoff's comment about the pumping. Eventually, those become something that eats up all the money if it continues to work. Mr. Morgan stated that a natural system that would flow by gravity and on the elevation of the lake and the streams would be the ideal way to go.

Mr. Poppoff questioned when the Conservancy plans on finalizing the restoration project and start work. Mr. Goldman stated that they have had a lot of rescheduling, and it has taken a long time to get to this point. If we plan on meeting Lahontan's schedule of spending the money by

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the year 2,000, we have to be ready to bid the job by May of 2,000 so that we can get a contractor out there hauling dirt. Mr. Goldman stated that his concern was how are we going to haul dirt out of there if the lake is at 6229' and the ground water is way up, and the site is going to be soupy and messy. If the lake is at the maximum level, we may want to wait a year to do it because it is going to be difficult.

Mr. Combs commented that from a water quality standpoint, this looks like a great project, but from the standpoint of other impacts and what other environmental document the Conservancy may need to do, has there been any thought about how many truck trips are involved and what neighborhoods they will be going through. Mr. Goldman replied that an analysis had not been done as to how many truck trips will be made. It is going to be a lot of truck trips. There will be a steady stream of truck trips every ten or 15 minutes during the Summer, all day long. Another option would be barging it somewhere where it could be off loaded somewhere else.

Mr. Combs commented that he supports projects like this that are going to improve water quality, but the truck trips will have a localized significant impact for the local traffic circulation. He hoped that the Conservancy could work this problem out. Mr. Goldman asked for suggestions but Mr. Combs didn't have any.

Mr. Cole suggested that instead of taking Tahoe Keys Boulevard, they should go down Venice and then up 15th Street because at least it runs the trucks through Tahoe Keys that way and not through the more innocent neighborhood.

Mr. Cole questioned if Pope Marsh was above 6226.6 or below that level. Mr. Goldman said he didn't know. Mr. Cole said that the reason he was asking was because the Conservancy had talked about the lake inundating this area, and he was wondering how significant that is if there is plant material there that could filter the river water anyway; even if the lake is there, the river would still be flowing through that.

Mr. Goldman did not know the elevation of Pope Marsh, but Lahontan asked the Conservancy to do a study of the feasibility of routing water from the river, through Tallac Lagoon, out the Lagoon through Pope Marsh as a way of treating some river water. During the late 1980's, Pope Marsh was dry and it needed water and we weren't getting treatment. The study showed that it was feasible to do this, but it would have to start back where the river is higher, and it would require a stage of the river that was three or four feet in order to really get a velocity going that way.

Mr. Cole stated that he was talking in terms of some of the other alternatives that were being discussed and the fact that the Conservancy would have the lake inundating some of this area (indicating) of Parcel 4, and he believed that this would make it not effective as a water treatment area because the lake would be inundating that area. If it is a marsh land with plant material and that sort of thing in that area, even if the lake inundates it and the river is still filtering through that, doesn't it still function adequately as a water treatment.

Mr. Goldman replied that he believed the issue is they would be treating lake water; that lake water is a lot cleaner than river water. So when the lake back water is in there, there will be some treatment. We don't know exactly what the quality of that lake water is in the immediate area; the mouth of the river; because it is probably dirtier near the mouth of the river than it is out in the middle of the lake. But it is still probably going to be a lot cleaner than the river, and Lahontan was initially interested in treating the river water.

APC REGULAR MEETING MINUTES APRIL 14, 1999

Mr. Porta questioned if the \$30,000 for monitoring included the sediment monitoring within the wetland area. Mr. Goldman replied that the \$30,000 was set aside by Lahontan, and it was to monitor the effectiveness of the project; they wanted to know what kind of treatment are they getting upstream and downstream. One of the tasks that we gave our consultants was to develop a monitoring plan that will enable us to tell how affective this thing is. It will be difficult to monitor this project.

Mr. Porta stated that he is concerned with sediment contamination. While you are removing the nutrients, which is good, one could be building contaminants within the area that you are developing. He questioned if this issue had been addressed or looked at. Mr. Goldman stated that measuring sediment buildup would be a significant thing to measure because it is evidence of treatment effectiveness. One of the things that can be done fairly easily would be to walk around with a ruler and stick it into the mud and then you can do some analyses of deposition that way. Mr. Porta commented that he was more concerned about contaminants within the sediment because otherwise they fill up with contaminants; you get a flood, and then they are flushed out into the lake. He wondered if this had been looked at and if the Conservancy had considered monitoring that. Mr. Goldman stated that the Conservancy is considering ways of measuring the inflow and outflow and no one has come up with a good plan yet. The contract is being amended now to ask the consultant to come up with specific recommendations of how to monitor this so we can tell how effective it is.

Mr. Porta just added that the contamination issue should be looked at, especially since the project is running through an urban area that the Conservancy is trying to clean, in addition to high runoff. Mr. Goldman asked Mr. Porta if he would be willing to help the Conservancy develop a monitoring plan. Mr. Porta stated that he is with the Bureau of Water Quality Planning for the State of Nevada, and if they had something, they would be happy to look at it.

Mr. Morgan asked if the Conservancy had approached the Lahontan about extending the period of time that they could spend the money. Mr. Goldman replied that they had not approached them yet because they were not very happy with how long the Conservancy took to get this far. At some point, Mr. Goldman stated that they may have to discuss this issue with them. They have invited the Lahontan staff to all of the planning meetings, which they have been coming to. At this point, we are still pushing for 2,000.

Mr. Morgan asked if Mr. Goldman had talked to their consultants about trying to raise the level of the base of the river so that you can get a better spread of the water. Mr. Goldman responded that when we did the initial planning study, the consultant suggested raising the bed of the river about three feet. The initial study of the river showed that it has about 1,000 CFS capacity, and the natural bankfull channel for this Upper Truckee River based on two different types of studies. The study showed that the natural river was about 370 CFS channel, which is about one-third the size of the channel. The bottom of the channel and the sides of the channel would be brought up so it would be significantly smaller. The bottom would be about three feet closer to the meadow elevation. The most logical concept would be to put the water back into the historic channels. But it raises issues like flood impact that need to be studied.

Mr. Haen commented that in terms of the flood plain alternative, the Conservancy should make sure the threat of breach into the sailing lagoon while removing fill does not occur.

Mr. Haen questioned if there was an opportunity at lower levels to do a first flush, low flow pumping system if we are looking at a summer storm as a major source of contamination. Mr. Goldman stated that this would probably be one of the best ways of getting treatment of water to

APC REGULAR MEETING MINUTES APRIL 14, 1999

take first flush water and put it out there. If it is the desire of Lahontan and the other reviewers of this project that we want to treat water, then some kind of pumping system would probably be needed. But when you do the calculations of how many pounds of nutrients and sediment you can get may not be a big number.

Mr. Cole commented that the reason some of the homes in the area were flooded a couple of years ago is that the linear part of the river is so channelized it so restricts the flow that the water backed up as a result. If the river were allowed to follow more historic channels through that area and spread out, Mr. Cole was of the opinion that it is less likely to have flooding in those developed areas than you did a couple of years ago.

Mr. Poppoff commented as a historic note, when the property was in private hands and Lahontan was looking at mitigation of the East Cove, we received an estimate of \$50,000 to do this same job; remove the fill.

VII. REPORTS

A. Executive Director

Executive Director Jim Baetge stated that the Notice of Circulation on the Shorezone EIS has been published. Coleen Shade stated that there would be a meeting of the Shorezone Partnership on May 21, 1999. She commented that there would be a 90 day comment and review period that ends on July 2, 1999.

(Mr. Hust left the meeting at 12:25 p.m.)

Mr. Cole complimented Ms. Shade on her hard work to get to this point with the document. Ms. Shade reiterated that she was out on maternity leave for a large portion of that so Gabby Barrett and Sue Rae Irelan deserve most of the credit.

Mr. Baetge complimented Gary Marchio for successfully adopting the streamling Ordinance with the City of South Lake Tahoe and TRPA.

In addition, Mr. Baetge stated that there was a bill in Nevada that would give the local jurisdictions authority to enforce the two-cycle engine ordinance.

B. Legal Counsel

Mr. Baetge commented that Agency Counsel, John Marshall, was not able to attend the meeting today. When he returns, Mr. Baetge stated that Mr. Marshall will bring the APC up to date on the legal issues.

C. APC Members

Mr. Combs stated that the Tahoe City Sidewalk project would be starting construction this summer.

Mr. Haen suggested that half the APC meetings be held on the South Shore and the other half on the North Shore.

VIII. ADJOURNMENT - The meeting was adjourned at 12:30 p.m.

APC REGULAR MEETING MINUTES APRIL 14, 1999

Respectfully submitted,

Sue Mikanovich

Sue Mikanovich
Clerk to the Commission

This meeting was taped in its entirety. Anyone wishing to listen to the tapes may call (775) 588-4547 to make an appointment. In addition, written documents submitted at the meeting are available for review at the TRPA office, 308 Dorla Court, Zephyr Cove, Nevada.

TAHOE REGIONAL PLANNING AGENCY

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MEMORANDUM

April 30, 1999

To: Advisory Planning Commission Members

From: The Staff

Subject: Amendment of Chapter 4, Project Review and Exempt Activities, to Adopt A New Memorandum of Understanding Between TRPA and the City of South Lake Tahoe

Proposed Action: As provided for in the Permit Integration Program Action Plan, TRPA staff is currently pursuing both the development of new MOUs as well as amendment of existing MOUs to improve coordination between certain governmental agencies and to provide clarification and expansion of certain exempt and qualified exempt activities and to increase delegation responsibilities where appropriate. The APC is requested to recommend to the Governing Board approval of the new MOU with the City of South Lake Tahoe (Attachment A) exempting certain activities reviewed by the City from TRPA review.

Description and Discussion: As provided in both the Permit Integration Program Action Plan and the California State Performance Audit (1997) it was recommended that TRPA pursue the delegation of small commercial and other activities to the local jurisdictions so that TRPA could focus on implementation of the Environmental Improvement Program (EIP).

The proposed new MOU would allow the City of South Lake Tahoe to review, permit and enforce applications for:

- Small Commercial (new, additions/modifications) where the amount of new commercial floor area does not exceed 2,500 square feet
- Multi-family Dwellings (new, additions/modifications)
- Minor Additions/Modifications to Tourist Accommodation Uses
- Existing Use/Structure Verifications
- Temporary Uses
- Temporary Structures
- Commercial Changes in Operations

4/14/99
RA

AGENDA ITEM V.A

Review by the City would be limited to only those projects identified in Chapter 4, Appendix A of the TRPA Code as staff or Hearings Officer level review. Any of the activities listed in Chapter 4, Appendix A as Governing Board level would be retained by the TRPA.

Chapter 4, Section 4 of the Code would be amended to add a new Section 4.4.I, Small Commercial and Related Activities by the City of South Lake Tahoe: As set forth in Appendix KK, dated April, 1999, of this Chapter.

Environmental Documentation: Staff has completed the Initial Environmental Checklist for the initial determination of environmental impact for each of the proposed MOUs. Based on the checklist, staff recommends a finding of no significant effect on the environment for the proposed MOU.

Chapter 6 Findings

Section 6.5 of the TRPA Code of Ordinances requires the following four findings be made prior to Code amendments:

- A. The project (ordinance) 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;

Section 4.8 of the Code allows for the development and implementation of MOUs to exempt certain activities not otherwise considered exempt or qualified exempt under Chapter 4. The activities described in the proposed MOU with the City of South Lake Tahoe are minor in nature and are subject to all the provisions of the Regional Plan. The activities will be reviewed, approved and inspected by the City of South Lake Tahoe consistent with the provisions of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and the Code. The MOU will allow for better utilization of City of South Lake Tahoe and TRPA staff time as well as avoid the duplicative review process currently experienced by the City, TRPA and the public. The proposed MOU is consistent with, and will not adversely affect implementation of the Regional Plan.

- B. The project will not cause the environmental thresholds to be exceeded:

Activities undertaken pursuant to the proposed new MOU are subject to the provisions of the Regional Plan. The activities reviewed by the City of South Lake Tahoe will be in accordance with all applicable TRPA regulations. Therefore, the activities listed in the new MOU will not cause the environmental thresholds to be exceeded. This finding is also based on the Article V(g) checklists completed for the proposed amendments.

- C. Wherever federal, state, and local air and water quality standards applicable to the region, whichever are stricter, must be attained and maintained pursuant to Article V(d) of the Compact, the project meets or exceeds such standards; and

Activities undertaken pursuant to the proposed MOU are subject to the standards of the Regional Plan and Code. This finding is also based on the Article V(g) checklists completed for the proposed amendments.

- D. 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.

As explained under findings A, B, and C, above, the Regional Plan will continue to attain and maintain the thresholds.

Article VI(a) Findings – Article VI(a) states:

The Agency shall prescribe by ordinance these activities which it has determined will not have a substantial effect on the land, water, air, space, or any other natural resources in the region and therefore will be exempt from its review and approval.

As discussed above, all activities undertaken pursuant to this MOU will be reviewed under the provisions of the Regional Plan package, including the TRPA Code, Plan Area Statements and applicable Community Plan. Based on the fact that these activities will be consistent with the Regional Plan and the limitations set forth in the MOU, coupled with limitations elsewhere in the Code, the proposed Code amendment will not have a substantial effect on the land, water, air, space, or other natural resources in the Region.

Ordinance 87-8 Findings

Section 2.5 of Ordinance 87-8 provides that findings under Section 2.40 are not needed to add policies of ordinances designed to make existing policies and ordinances more effective. The proposed MOU will implement Section 4.4 of the Code which allows certain activities to be reviewed by local governments pursuant to a memorandum of understanding.

If you have any questions regarding this staff summary, please call Rick Angelocci at (775) 588-4547.

APPENDIX KK

MEMORANDUM OF UNDERSTANDING BETWEEN TAHOE REGIONAL PLANNING AGENCY AND THE CITY OF SOUTH LAKE TAHOE

This Memorandum of Understanding is entered into this _____ day of _____, 1999, by and between the TAHOE REGIONAL PLANNING AGENCY (TRPA), through its Executive Director as authorized by the Governing Board, and the City of South Lake Tahoe (CITY), by and through its Mayor, as authorized by the City Council.

All activities described in this Memorandum of Understanding (MOU) shall be in accordance with the Regional Plan package of TRPA as adopted by Ordinance No. 87-9, as amended from time to time. All activities undertaken by CITY pursuant to the MOU shall comply with applicable Best Management Practices (BMPs), and all provisions of the TRPA Code of Ordinances (Code), as it may be amended from time to time, except for the procedural provisions replaced by this MOU, and such guidelines as may be adopted by TRPA.

RECITALS

- A. TRPA is required by the Tahoe Regional Planning Compact (P.L. 96-551, 94 Stat. 3233, Cal Govt. Code 66801; NRS 277.200) to regulate activities within the Tahoe Basin which may have a substantial effect on the natural resources of the Basin. The bistate Compact, Article VI(a) requires TRPA to define which activities are exempt from TRPA review and approval.
- B. Given the existing comprehensive regulatory structure of CITY as it pertains to review of projects, within the City of South Lake Tahoe and consistent with the mandate of the Compact to defer land use regulation to local government wherever feasible, CITY and TRPA agree that CITY shall review those activities listed under 14 of this MOU to be undertaken within the CITY limits of the City of South Lake Tahoe. Such review by the CITY shall include application of all applicable TRPA regulations to such activities otherwise subject to TRPA review. As long as the applicable TRPA regulations are being complied with and enforced, such activities shall be deemed a qualified exempt activity under TRPA regulations.

IT IS NOW THEREFORE UNDERSTOOD AND AGREED BY THE PARTIES:

- 1. With the exception of those applications requiring TRPA Governing Board approval (Chapter 4, Appendix A), all applications for those activities listed under 14 of this MOU located within the City of South Lake Tahoe limits are hereby exempt under Chapter 4 of the TRPA Code and shall be reviewed by CITY.
- 2. CITY shall administer, in accordance with the provisions of this agreement, all standards of the TRPA Code as applicable to the activities as authorized by this MOU.

CITY shall utilize the TRPA Project Review Conformance Checklist and Procedural Guidelines in its review of projects, as authorized by this MOU.

ATTACHMENT A

CITY shall coordinate with TRPA to determine whether there have been any previous TRPA actions with regard to the subject parcels and the effect of any such action on the pending applications.

3. CITY shall be authorized to collect application and mitigation fees, security deposits, and other designated fees on behalf of TRPA in accordance with fee schedules to be provided to CITY by TRPA. Such fee schedules shall be sufficient in detail to provide specific information concerning fee calculations to assist CITY in performing fee collection activities. Furthermore, CITY shall be authorized to retain a percentage of all application fees collected to offset CITY's costs of administering the provisions of this MOU. Such percentage shall be mutually agreed upon in writing by TRPA and CITY, and may be amended from time to time by mutual agreement of the Executive Director and the Chairman of the Board of Supervisors.

All mitigation fees collected by CITY on behalf of TRPA pursuant to this MOU shall be paid to TRPA on a monthly basis under procedures mutually agree upon by the finance officers of the parties hereto.

4. All existing MOUs between the CITY and TRPA shall remain in full force and effect.
5. Nothing in this MOU shall be construed to limit the authority of CITY to administer state or local regulations or to impose reasonable conditions of approval on any application. Further, nothing in this MOU shall be deemed to limit the land use regulatory powers of either CITY or TRPA.
6. The CITY and TRPA staff shall review quarterly the implementation of this MOU and shall report t their respective governing boards following such reviews.
7. In carrying out the intent of this MOU, CITY and TRPA shall adhere to all provisions contained within TRPA Code Chapter 38 relating to accounting and tracking of coverage, allocations, and any other applicable procedures. All project accounting and tracking shall be completed by CITY and transmitted to TRPA to be included in its permanent accounting and tracking records. In carrying out the provisions of this MOU, CITY shall utilize tracking forms provided by TRPA to record all inspections, verifications, and other project review activities. CITY shall submit completed tracking forms to TRPA on a monthly basis.
8. CITY shall perform compliance inspections to ensure that the projects and activities permitted under this MOU are constructed in accordance with the plans previously submitted and approved.

CITY shall have authority and responsibility to take any and all administrative steps to enforce the standards of the TRPA Code as authorized by this MOU, including the processing of Code violations involving unpermitted activities. Settlements of violations involving civil penalties must be approved by TRPA. If a violation cannot be resolved at the staff level, CITY shall contact TRPA to institute the formal notice of violation procedure.

9. Any activity set forth herein shall be considered a project requiring TRPA review if the Executive Director determines that, because of unusual circumstances or failure to comply with this MOU, the activity may have a substantial effect on the land, air, water, space, or any other natural resource of the region.
10. This MOU shall continue until sixty (60) days' written notice of termination is given by either party. Both parties hereby agree to cooperate in good faith to carry out the provisions of this MOU to achieve the objectives set forth in the Recitals herein.
11. None of the duties set forth in this MOU shall be assigned, transferred, or subcontracted by CITY without the prior written approval of TRPA.
12. Review of projects identified in 14, below, shall be limited to those projects identified in Chapter 4, Appendix A of the TRPA Code, as amended, as staff or Hearings Officer level. Where the review level is identified as Hearings Officer, all procedures identified in the Hearings Officer Procedural Guidelines shall be used. When feasible, joint TRPA Hearings Officer/City Zoning Administrator public hearings shall be held.
13. When required, TRPA staff shall serve as support staff to the CITY in review of the project applications listed in 14, below. Support shall include, but not be limited to, traffic analysis, scenic, and soil/hydro report reviews. All land capability verifications shall be retained by the TRPA.
14. Activities to be reviewed, permitted and enforced by the CITY :
 - a. Small Commercial (new, additions/modifications) where the amount of new commercial floor area does not exceed 2,500 square feet
 - b. Multi-family Dwellings (new, additions/modifications)
 - c. Minor Additions/Modifications to Tourist Accommodation Uses
 - d. Existing Use/Structure Verifications
 - e. Temporary Uses
 - e. Temporary Structures
 - f. Commercial Changes in Operation

Note: Any project listed in the categories above requiring a higher level of environmental documentation than Categorical Exempt as defined under the California Environmental Quality Act (CEQA) shall automatically require TRPA review and approval.

CITY OF SOUTH LAKE TAHOE

Dated: _____

Mayor

TAHOE REGIONAL PLANNING AGENCY

Dated: _____

James Baetge
Executive Director

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April 23, 1999

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Plan Area Statement 093, Bijou, Residential, to Add Two Areas Designated as Special Area #1 to Limit Residential Density to One Single Family Dwelling per Legal Lot of Record

Proposed Action: To amend Plan Area Statement Amendment 093, Bijou, Residential, to add two areas designated as Special Area #1. The purpose of the amendment is to reduce allowable density in the designated Special Area #1 areas by deletion of multi-family dwellings and multi-person dwellings as permissible uses. The action is necessary to make the Plan Area Statement consistent with the historical City zoning allowing residential densities of one single family dwelling per legal lot of record in the subject areas (formally Low Density Residential). This Plan Area Statement amendment is being processed at the request of the City of South Lake Tahoe. TRPA is recommending approval of the amendment.

Staff Recommendation: Staff recommends the Advisory Planning Commission recommend to the Governing Board adoption of the ordinance amending the Bijou Plan Area Statement.

Background: On April 13, 1999 the City of South Lake Tahoe City Council adopted a new General Plan. The new General Plan contains a Land Use Element incorporating the TRPA Plan Area Statements as the new City land use zoning. During the public hearing process, testimony was given to the council identifying an inconsistency between the TRPA Plan Area Statement 093 permissible uses and the then existing traditional City zoning. There were two areas within Plan Area Statement 093 which were designated under City zoning as Low Density Residential (LDR), allowing a density of one single family dwelling per legal lot of record. This conflicted with the permissible uses in the TRPA Plan Area Statement which allowed a higher density, multi-family dwellings and multi-person dwellings, throughout the Plan Area. Upon adoption of the new General Plan the City requested that TRPA amend Plan Area Statement 093 to match the traditional zoning by creating two areas designated Special Area #1 which would limit residential densities to one single family dwelling per legal lot of record. The proposed Plan Area Statement amendment would accomplish this.

Findings: Prior to amending the TRPA Code of Ordinances, TRPA must make the following Findings.

Chapter 6 Findings

1. Finding: 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 proposed amendment to the Bijou Plan Area Statement is consistent with and will not adversely affect implementation of the Regional Plan Package and is consistent with the current residential density pattern in the two areas designated Special Area #1.

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

Rationale: The amendment will not cause environmental thresholds to be exceeded. Reducing the allowable residential density in the two areas designated as Special Area #1 will result in consistent zoning with the local jurisdiction.

3. Finding: Wherever federal, state, and local air and water quality standards applicable to the Region, whichever are stricter, must be attained and maintained pursuant to Article V(d) of the Compact, the project meets or exceeds such standards.

Rationale: See findings 1 and 2 above.

Chapter 13 Findings

1. Finding: The amendment is substantially consistent with the plan area designation criteria in Subsections 13.5.B and 13.5.C.

Rationale: See findings 1 and 2 above. The proposed amendment is consistent with and will not change the current Plan Area Statement designation as Residential and is consistent with the current density pattern of the areas in question.

Environmental Documentation: Staff has prepared an Initial Environmental Checklist (IEC) for the proposed amendment. Staff proposes a Finding of No Significant Effect (FONSE) based on the Chapter 6 findings shown above.

Staff will begin this item with a brief presentation. Please contact Rick Angelocci at 702•588•4547, or via email at trpa@sierra.net, if you have nay comments regarding this item.

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BIJOU

PLAN DESIGNATION:

Land Use Classification	RESIDENTIAL
Management Strategy	MITIGATION
Special Designation	TDR RECEIVING AREA FOR: 1. Existing Development PREFERRED AFFORDABLE HOUSING AREA MULTI-RESIDENTIAL INCENTIVE PROGRAM ELIGIBLE FOR REDEVELOPMENT PLANS

DESCRIPTION:

Location: This area is located south of Highway 50 between Ski Run Boulevard and Bijou Meadow and is located on TRPA maps G-17 and H-17.

Existing Uses: This is an older residential area of mixed residential uses and includes the Bijou Elementary School. The area is 90 percent built out.

Existing Environment: The lands in this area are classified as 70 percent low hazard and 30 percent SEZ. The area has 30 percent hard coverage with an additional 20 percent disturbed. **PLANNING STATEMENT:** This area should continue as residential, maintaining the existing character of the neighborhood.

PLANNING STATEMENT: This area should continue as residential, maintaining the existing character.

PLANNING CONSIDERATIONS:

1. The SEZ has been altered due to single family unit development.
2. This area has deteriorating housing.
3. There is a major drainage problem in this area.

4. The existing Caltrans right-of-way passes through this area.
5. The South Lake Tahoe Demonstration Redevelopment Plan is in this plan area.

SPECIAL POLICIES:

1. Encourage stream restoration in this area in conjunction with the improvement of existing drainage problems.
2. Encourage the improvement of multiple housing units.
3. Encourage the consolidation of small parcels through the redevelopment process.
4. Retain Bijou School and the mini-park as recreation areas. Provide opportunities for expansion.
5. Senior citizen housing should be encouraged in this area.
6. All activities within the South Lake Tahoe Demonstration Redevelopment Plan Area shall be subject to the special provisions of the adopted redevelopment plan.
7. Commercial, tourist accommodation or residential uses on parcels abutting the Montreal Road Extension right-of-way shall not be permitted access to the Montreal Road Extension, except for new single family residences which have no alternative access. New commercial and tourist accommodation uses or signage, abutting the Montreal Road Extension, shall be restricted consistent with the limited access design of the Montreal Road Extension.

PERMISSIBLE USES: Pursuant to Chapter 18 PERMISSIBLE USES and if applicable, Chapter 51 PERMISSIBLE USES AND ACCESSORY STRUCTURES IN THE SHOREZONE AND LAKEZONE, the following primary uses may be permitted within all or a portion of the Plan Area. The list indicates if the use is allowed (A) or must be considered under the provisions for a special use (S). Existing uses not listed shall be considered nonconforming uses within this Plan Area. The establishment of new uses not listed shall be prohibited within this Plan Area.

General List: The following list of permissible uses is applicable throughout the Plan Area:

Residential	Single family dwelling (A), employee housing (S), multiple family dwellings (A), and multi-person dwellings (S).
Public Service	Local public health and safety facilities (S), transit stations and terminals (S), pipelines and power transmission (S), transmission and receiving facilities (S), transportation routes (S),

public utility centers (S), churches (S), schools - kindergarten through secondary (A), local assembly and entertainment (S), cultural facilities (S), and day care centers/pre-schools (S).

Recreation

Participant sports facilities (S), day use areas (A), and riding and hiking trails (A).

Resource Management

Reforestation (A), sanitation salvage cut (A), special cut (A), thinning (A), early successional stage vegetation management (A), structural and nonstructural fish/wildlife habitat management (A), fire detection and suppression (A), fuels treatment/management (A), insect and disease suppression (A), sensitive and uncommon plant management (A), erosion control (A), SEZ restoration (A), and runoff control (A).

Special Area #1: The following list of permissible uses is applicable in those areas identified as Special Area #1.

All those uses listed on the General List with the following modification:

Residential: Single family dwelling (A).

MAXIMUM DENSITIES: Pursuant to Chapter 21 DENSITY, the following list establishes the maximum allowable densities that may be permitted for any parcel located within the Plan Area. The actual development permitted may be further limited by transfer of development rights limitations, residential density incentive program, special use determinations, allocation limitations and general site development standards.

USE	MAXIMUM DENSITY
Residential	
Single Family Dwelling	1 unit per parcel
Multiple Family Dwellings	15 units per acre
Multi-person Dwellings	25 persons per acre

RESIDENTIAL BONUS UNITS: Pursuant to Chapter 35, the maximum number of residential bonus units which may be permitted for this Plan Area is 30 units.

MAXIMUM COMMUNITY NOISE EQUIVALENT LEVEL: The maximum community noise equivalent level for this Plan Area is 55 CNEL.

ADDITIONAL DEVELOPED OUTDOOR RECREATION: The following are the targets and limits for additional developed outdoor recreation facilities specified in Chapter 13 to be located within this Plan Area. Specific projects and their timing are addressed in the TRPA Five-Year Recreation Program pursuant to Chapter 33 Allocation of Development. The following additional capacities allowed are measured in persons at one time.

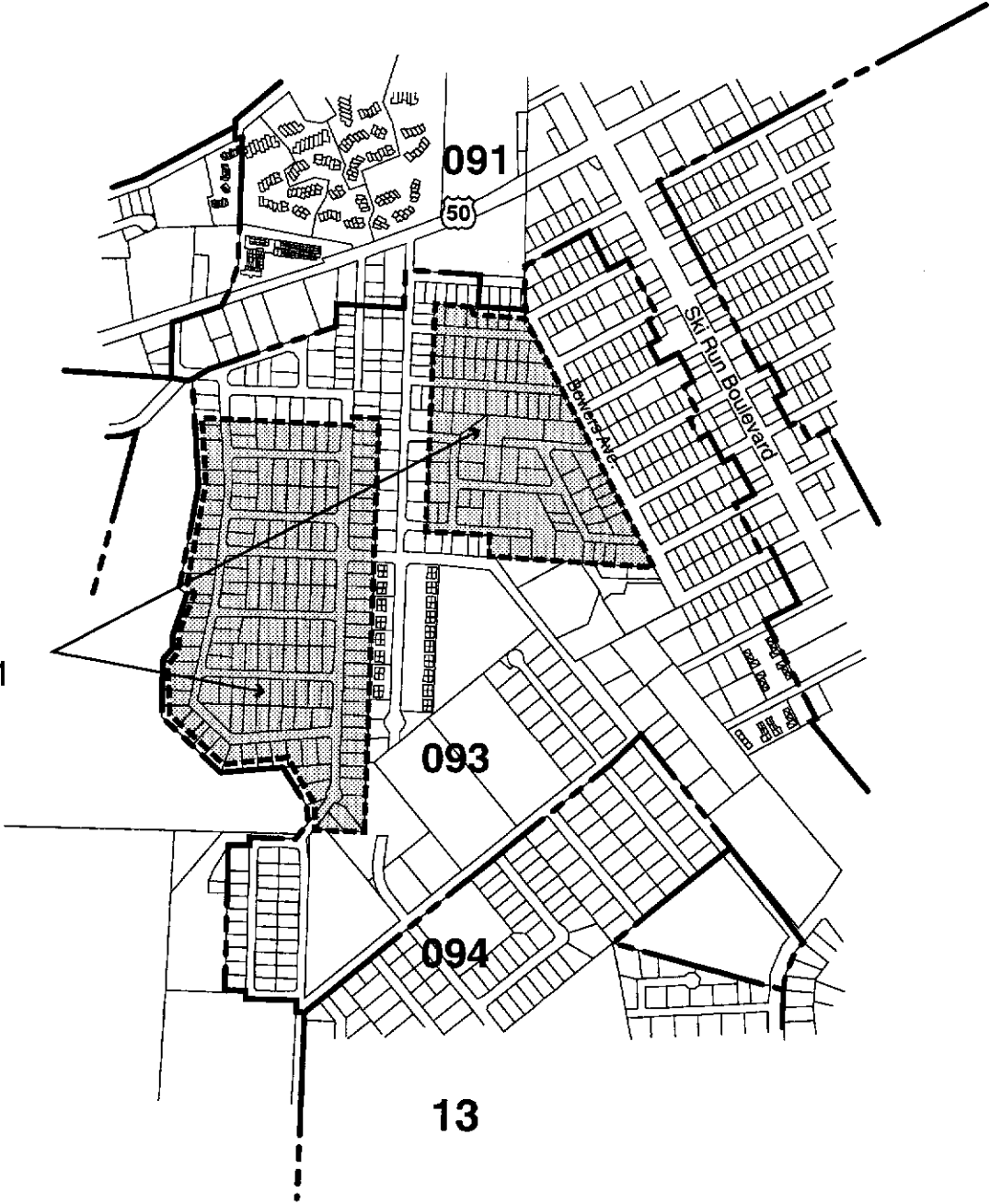
SUMMER DAY USES 0 PAOT WINTER DAY USES 0 PAOT OVERNIGHT USES 0 PAOT

IMPROVEMENT PROGRAMS: The capital improvement and other improvement programs required by the Regional Goals and Policies Plan for this area shall be implemented. The improvements include, but are not limited to, the following:

1. Improvements required by Volume IV of the Water Quality Management Plan.
2. The highway and transit improvements indicated in the Transportation Element of the Regional Goals and Policies Plan.
3. Stream zone restoration as indicated in Volume III of the Water Quality Management Plan.

PROPOSED SPECIAL AREA #1s

SPECIAL
AREAS #1



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MEMORANDUM

May 3, 1999

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Plan Area Statement 058 – Glenbrook, to Prohibit the Construction of New Piers Per the Glenbrook Shorezone Plan

Proposed Action: The applicant, Robert Daiss, proposes to amend Plan Area Statement (PAS) 058, Glenbrook, by adding Special Policy #7 (see Exhibit A) that would prohibit new piers within the boundaries of a new Special Area #1 (see Exhibit B). Special Area #1 would include all littoral parcels beginning at 01-080-09 on the south end of the bay through the parcel containing the outlet of Slaughterhouse Creek on the north end. The purpose for this amendment is to protect and preserve the natural, historic, and scenic values of Glenbrook Bay.

Staff Recommendation: Staff recommends that the APC conduct a public hearing as noticed and recommend adoption of the proposed PAS amendment to the Governing Board.

Background: The amendment of PAS 058, Glenbrook, is to ensure that the direction of the Glenbrook Homeowners Association (GHOA) and the Glenbrook Property Owners Association (GPOA) members be implemented. The majority of members from both groups went on record during last summer's associations' meetings to show their continued support for prohibiting new piers in Glenbrook Bay. This application is an attempt to further codify language that was developed in the Glenbrook Bay Shorezone Plan (April, 1984) and provide more direction for Special Policy #4 which exists in PAS 058 today.

In 1983 Nevada State Lands facilitated the drafting of a plan for the shorezone of Glenbrook Bay. The purpose of the plan was to bring together all interests to develop a plan that would be useful to permitting agencies, meet the concerns of the people in Glenbrook, provide direction for resource management and planning in Glenbrook Bay, and provide direction for future decisions affecting Glenbrook Bay. The Glenbrook Bay Shorezone Plan was completed and presented to the Tahoe Regional Planning Agency Governing Board. The TRPA Governing Board did not adopt or certify the plan; however, when the TRPA adopted the Plan Area Statements in 1987, PAS 058 Special Policy #4 states the "the Glenbrook Shorezone Plan should serve as a planning guide for development in the shorezone".

"The Plan" identifies recommendations for the following; pilings, buoys, swim areas, piers, breakwaters, and watercraft. Pertinant to this proposed PAS amendment are the five recommendations listed for piers. The recommendations are listed below in their entirety

1. A landing may be added to the south side of the existing community pier as space allows between preserved pilings and the pumphouse, similar in size and construction to the present landing on the north side of the pier, providing the pilings mentioned in item 1.C, under Pilings, are removed and appropriate permits obtained.
2. For the present, no additional modifications or extensions should be allowed to the community pier, including boat hoists, except the landing discussed above. A future review of this pier may be made by a representative committee of the various interests and property owner groups in the Glenbrook community to evaluate the adequacy of the pier and landing space. However, extensions and/or additions which may be approved in the future, if any are to be designed to preserve the remaining historic pilings.
3. No additional piers should be constructed on the community beaches, including the China Garden beach area.
4. Individual private piers should be kept to a minimum and allowed only where there is a special need (i.e., where littoral properties are inaccessible to the lake for boating purposes due to the terrain). Multiple ownership piers serving as many littoral property owners as possible are preferable to individual private piers. Pier applications may be reviewed by a representative committee of the various interests and property owner groups in the Glenbrook community for appropriateness and need.
5. All pier owners shall be entitled to repair or replace their piers when necessary in accordance with existing regulations.

By restricting the development of new piers in Special Area #1 in Glenbrook Bay the amendment would maintain unimpeded lateral beach access from the community pier on the south end through Slaughterhouse Creek on the north end. The amendment assists maintaining scenic quality within the Bay. Glenbrook Bay falls within the Shoreline Unit 26, Cave Rock. The overall unit scenic quality composite rating is moderate (2); however, Shoreline View 26.2 is the view specifically of the low shore with long sandy beaches of Glenbrook where the scenic quality is rated as high (3). TRPA has identified thirty-three (33) shoreline units around the entire shoreline of Lake Tahoe. Only 7 shoreline units have a high rated view of a sandy beach. Of the 7 units Rubicon Point (Paradise Flat view), Edgewood (Edgewood Golf Course view), and Cave Rock (Glenbrook Bay view) are privately owned. All other shoreline units' shoreline view ratings of a sandy beach are either rated moderate or low.

Special Area #1 includes all littoral parcels where terrain does not pose a problem for lake access from the beach. The area known as Yellow Jacket Point on the south end and Deadman's Point (or Lands End) on the north end of the bay are not included in the Special Area #1 designation because of the steep and rocky condition of the backshore.