

**TRPA
APC
PACKETS**

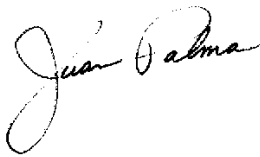
**JULY
2002**

PR

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 July 17, 2002, at the Horizon Resort and Casino, Stateline, Nevada. The agenda for the meeting is attached hereto and made a part of this notice.

July 1, 2002



Juan Palma
Executive Director

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

Horizon Resort Casino
Stateline, Nevada

July 17, 2002
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. APPROVAL OF MINUTES
 - A. New Formal Meeting Minute Format **Page 1**
 - B. June 2002 Meeting Minutes **Page 3**
- V. PUBLIC HEARINGS
 - A. New Round Hill GID MOU **Page 7**
 - B. Amendment of Incline Village Tourist Community Plan to add "Schools- Kindergarten to Secondary" as a Special Use to the General List of Permissible Uses **Page 17**
 - C. Recommendations to the Tahoe Metropolitan Planning Organization Regarding the 2002/03 Federal Transportation Improvement Program for the Lake Tahoe Basin **Page 25**
 - D. Amendments to the Code of Ordinances, the Goals and Policies Plan and other Related Amendments Recommended by the 2001 Threshold Evaluation Report as follows:
 - 1. Code Chapters 30 and 65 Amendments to Increase Vegetation/Soils Protection During Construction **Page 59**

2.	Code Chapters 33,35 and 41 Increase Cost Factors for Monitoring, Bonus Units and Affordable Housing	Page 71
3.	Code Chapter 25 Amendment to Implement BMP Disclosure Requirements	Page 83
4.	Code Chapters 2, 4, 30, 53, 55 and Related Chapters, Goals and Policies Chapter IV, and Design Review Guidelines Amendments to Implement a Shorezone Scenic Review System and to Further Regulate Colors and Roofing Materials	Page 91
5.	Code Chapter 33 and Goals and Policies Chapter VII Amendments to Allow for Residential, Commercial and TAUs Unit Allocations through 2006	Page 149
E.	Resolution Issuing the 2001 Threshold Evaluation Report and Adopting the Amended Compliance Forms (Targets, Indicators, Factors, Compliance Measures, Attainment Schedules, and Related Items) Pursuant to Chapter 32 of the Code	Page 189
VI.	PLANNING ITEMS	
A.	Status Briefing on Incline Village General Improvement District (IVGID) Tennis Courts relative to the EIS	Page 281
B.	Notice of Preparation of Lake Tahoe Shorezone Amendments	Page 285
C.	Review of TRPA Work Program Related to Threshold Recommendations	Page 293
VII.	REPORTS	
A.	Executive Director	
1.	Report on Governing Board Actions Relative To APC Recommendations	
B.	Legal Counsel	
C.	APC Members	
VIII.	ADJOURNMENT	

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July 2, 2002

To: Advisory Planning Commission Members

From: TRPA Staff

Subject: Meeting Minute Format Adopted by the Governing Board June 26, 2002

In order to streamline providing meeting minutes to our Governing Board and APC members while ensuring compliance with the TRPA Compact and Open Meeting Law, a meeting minute format for all TRPA public meetings was presented with recommendation to the Governing Board on June 26, 2002. At that time, the rules committee and the full Governing Board adopted the meeting minute format. The minute format for the attached APC minutes for June 2002 reflect this change. This format will be used on all public meeting minutes provided by the agency. As mandated by TRPA Rules of Procedure, all public meetings will continue to be taped and tapes will be available within 24 hours of the public meeting. All requests for tapes should be made to the clerk of the body presiding at the public meeting.

If you have any questions regarding this information, please contact Jessica Wilson at (775) 588-4547 ext. 230 or jwilson@trpa.org.

TRPA ADVISORY PLANNING COMMISSION

North Tahoe Conference Center
Kings Beach, CA

June 12, 2002
9:30 am

MEETING MINUTES

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Called to order at 9:40 am

Members Present: Alice Baldrice, Larry Lohman, Kevin Cole, Bill Combs, Richard Harris, Robert Jepsen, Lauri Kemper, Eva Krause, Terry Jamin for Gary Marchio, Mimi Moss, Tom Porta, Paul Sweeney, Leo Poppoff, Alan Tolhurst.

Members Absent: Ron McIntyre, Gary Honcoop, Lee Plemel, Randy Lane, Joe Oden.

II. APPROVAL OF AGENDA

Members agreed to take reports first and follow the rest of the agenda as is.

III. PUBLIC INTEREST COMMENTS (No Action)

None

IV. APPROVAL OF MINUTES

MOVED Mimi Moss moved for approval of the minutes.

SECOND Richard Harris

MOTION CARRIES BY MAJORITY VOTE

VII. REPORTS

A. Executive Director

1. Report on Governing Board Actions Relative
To APC Recommendations

Juan Palma reported on Project Applications his handout is available with these minutes. His report continued regarding the plan for resolving this matter, staff focus on projects, other department's help, the possibility of increasing fees and counties assistance in this matter.

Discussion ensued regarding Project Review or other staff being required to focus 3 days a week, Larry Lohman's interest in being in on the process planning, work needed on the process, the City also updating their fees and what the cause for the application increase is.

VII. REPORTS

B. Legal

Jordan Kahn reported on Laub & Porch lawsuit, the TSPC 9th Circuit case and Tahoe Keys Settlement.

V. PUBLIC HEARINGS

A. Amendment of Plan Area Statement 112, Gardner Mountain to Add Special Area #2,
Amend the Special Designation to Add "Transfer of Development Rights for Existing

Development," add "multi-residential incentive program" and add "preferred affordable housing area."

John Hitchcock, Long Range Planning, handed out an exhibit and presented his staff summary.

Discussion ensued regarding a lot line adjustment, the number of units in a building, what the deed restriction will do, the length of the deed restriction, commercial land surrounding the area and parking problems.

Public Comments

Bucky Fong representing the development proposal commented. He stated the project is fully funded.

Discussion ensued regarding what the project will look like as two separate buildings, the building size the limitation of the housing to disabled people, driveway access off of Emerald Bay versus Roger, parking requirements and the level of self-sufficiency of the tenants.

Patrick Connoly, housing and economic housing coordinator for the City, stated the City has been approached to provide this type of housing in the community. He also stated that accessible space assigns space for physical disabilities. There is potential for other types of people to be in the project but it is designed for people with physical disabilities.

MOVED Kevin Cole moved to approve staff recommendation.

SECOND Leo Poppoff

Discussion ensued regarding the refreshing nature of this project

MOTION CARRIED BY MAJORITY VOTE

VI. PLANNING MATTERS

- A. Workshop on 2001 Evaluation Recommendation for Soils and Vegetation Protection to Chapters 30, 65 and Related Code Chapters.

Jerry Dion, Long Range Planning Division, gave a slide presentation and presented his staff summary.

Discussion ensued regarding the differences in staging areas during the winter, heavily wooded lots, the flexibility and compromise needed in some circumstances, whether or not discussion with contractors were held, training for MOU partners, specificity of the lining of the fences, maintenance of fencing during the course of construction, using the fence to set items on, digging up a trench for fencing, fencing on property lines, fencing being in place for pre-grade inspection and the requirement for contractors to do double work.

Public Comments

Tom Toreno, resident of Lake Tahoe, advised APC that maybe each set of plans should have a landscape plan rather than the 12 feet restriction. He stated the Forest Service recommends 30 feet as a fire buffer. He felt 2 feet is not reasonable and cannot be done. He recommended a 20 foot restriction and a mandatory vegetation plan for plan approval.

Discussion ensued regarding shrub side and the need for brush to be taken out, the purpose of this proposal, practical experiences, the practicality of the work area left and the way the current code is written now as far as all equipment requirements to work within the foundation.

Mr. Toreno responded that what has been discussed does not accurately reflect what really happens. He thought that more consideration for the Mirafi Fence should be given. He asked for a common sense approach.

Discussion ensued regarding the change of language in section 34 1 A on page 25 of the packet, adding an option of a landscaping plan and every project needing a compliance change that was designated in the project review stage.

The item is informational only and suggestions were reiterated regarding the need for specific definitions of fencing, adding language regarding moving a fence if there is an approved landscape plan that needs it and a requirement for a properly licensed person to draw the lot plans or landscape plans (which was determined inappropriate at this time).

VI. PLANNING MATTERS

B. Presentation on the Proposal to Establish Total Maximum Daily Loads (TMDLS) for Lake Tahoe as Part of the 2007 Regional Plan Update

Jeremy Sokulski, Lahontan Staff Member, presented the lake Tahoe Nutrient & Sediment TMDL Development.

Discussion ensued regarding time requirement for implementing between what the TMDL is and what it should be, who meets the responsibility of meeting the TMDL - outside residents or local residents, Lahontan standards versus TRPA standards, standardization of standards, impaired waterways, indicators of progress, the fact that TMDL's are not new and do not solely apply to the Tahoe basin, the listing of streams or other water bodies that contribute to the Lake, Local Conservation districts being involved and the need for a comprehensive watershed plan.

Public Comments were not asked for, as this was an information only item.

VII. REPORTS

C. APC Members

Alan Tolhurst stated UPSing of packets is not necessary.

Terri Jamin stated Gary Marchio is still the APC representative.

Lauri Kemper reported on several TMDL Workshops being held, USEPA helping overall and specifically with hiring Tetra Tech, and the fact that Lahontan is finding the basin is behind on storm water regulations.

Paul Sweeney reported that at the Federal Advisory Commission meeting there would be a presentation on the update of the soil survey.

Richard Harris reported that he is working with a legislative group on prop tax relief for propositions in Douglas and Washoe counties.

Kevin Cole reported that the south shore redevelopment is looking good.

Bill Combs reported that the TRPA MOU manager at their office recognized for award and wanted TRPA to know that they are getting the best of the best.

Leo Poppoff commended Lahontan for working on TMDL.

Next months meeting will be held the 3 Wednesday of the month rather than the 10th.

VIII. ADJOURNMENT Time: 12:10 pm



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MEMORANDUM

June 6, 2002

To: Advisory Planning Commission Members

From: TRPA Staff

Subject: Amendment of Chapter 4, Project Review and Exempt Activities, to Adopt A New Memorandum of Understanding Between TRPA and the Round Hill General Improvement District Regarding Certain Exempt and Qualified Exempt Activities

Proposed Action: As provided for in the Permit Integration Program Action Plan, TRPA staff is continuing to pursue 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 a new MOU with the Round Hill General Improvement District (RHGID) regarding certain exempt and qualified exempt activities.

Environmental Documentation: Staff has completed the Initial Environmental Checklist for the initial determination of environmental impact for the proposed MOU. Based on the checklist, staff recommends a finding of no significant effect on the environment of 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 are minor in nature and are subject to all provisions of the Regional Plan. The MOU will allow for routine maintenance and upkeep of the Improvement District's infrastructure and better utilization of TRPA staff time. 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 exempt and qualified exempt activities are minor in nature, are subject to restrictions, and are geared toward essential activities and maintenance of existing facilities. 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 MOU.

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 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 MOU.

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.

Section 4.8 of the Code allows for the implementation of MOUs with public entities to exempt certain activities from TRPA review. The proposed MOU with Round Hill General Improvement District exempts minor activities undertaken by a utility charged with providing essential public services. Under the MOU, the district will be able to more effectively and efficiently provide these services. The MOU has no impact on the regulatory structure and does not result in an increase in development potential or increases in service capacity. The minor nature of the activities, coupled with limitations elsewhere in the Code, assures the MOU 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 4.8 of the Code, which allows amendments to exempt certain activities of public and quasi-public entities.

If you have any questions regarding this staff summary, please contact Rick Angelocci at (775) 588-4547 or Rangelocci@trpa.org.

ATTACHMENT A

Appendix __

**MEMORANDUM OF UNDERSTANDING BETWEEN
TAHOE REGIONAL PLANNING AGENCY AND
ROUND HILL GENERAL IMPROVEMENT DISTRICT**

This Memorandum of Understanding is entered into the _____ day of _____, 2002, by and between the TAHOE REGIONAL PLANNING AGENCY ("TRPA"), through its Executive Director as authorized by the Governing Board, and the ROUND HILL GENERAL IMPROVEMENT DISTRICT by and through its Board of Trustees.

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. Activities exempt under this MOU shall not result in the creation of additional land coverage, relocation of existing coverage, or an increase in vehicle trips in excess of that otherwise exempt pursuant to Chapter 4 of the TRPA Code. All activities undertaken by the Round Hill General Improvement District 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.

I. EXEMPT ACTIVITIES

The following activities of Round Hill General Improvement District in addition to those exempt pursuant to Chapter 4 of the TRPA Code, are not subject to review and approval by TRPA provided any related excavation or backfilling work does not exceed 10 cubic yards (unless modified below), occurs during the grading season (May 1 to October 15) in land capability districts 4 through 7 or within an existing paved area, and the site is stabilized and revegetated within 72 hours to prevent erosion.

A. WATER SUPPLY ACTIVITIES

1. Repair and replacement of existing waterworks equipment such as pumps, valves, motors, compressors, generators, electrical systems, control systems, alarm systems, fire hydrants, pipes, screens, wells, water meters, service connections, service boxes, water tanks, and treatment facilities provided there is no increase in size or capacity and the replacement facilities are similar in type and function.
2. Install new service connections for TRPA-approved projects, provided there is no increase in development potential.
3. Prune vegetation around water facilities and within easement areas provided no vegetation is removed.

4. Install new valves, water meters, fire hydrants and sampling hydrants (for water quality testing) along existing water lines within existing roadways and easements provided there is no increase in capacity.
5. Locate existing underground lines and appurtenances.
6. Install observation wells for groundwater monitoring, soil investigation, or pilot hole investigation.
7. Repair emergency leaks at any time provided all repair work is conducted within land capability districts 4 through 7 or within an existing paved roadway or compacted road shoulder.
8. Flushing of wells and main lines to improve or maintain water quality conformance, provided all discharge is piped directly to the existing sanitary sewer system and all required temporary BMPs are in place.

B. WASTE WATER COLLECTION ACTIVITIES

1. Repair and replace wastewater collection system related equipment such as pumps, valves, motors, compressors, generators, electrical systems, control systems, alarm systems, pipes, service connections, odor control facilities, pumping stations, meters, and wet wells provided there is no increase in size or capacity and replacement facilities are similar in type and function.
2. Grouting, sealing and pressure testing of sewer lines, service laterals, and appurtenances.
3. Prune vegetation around existing sewer facilities and within easement areas involving no removal of plants.
4. Locate underground lines and manholes.
5. Install new service lines and connections for TRPA-approved projects.

C. SIGNS

1. Installation of roadside warning signs related to construction/maintenance activities or needed for safety purposes, provided signs are removed within 10 business days following completion of the activities, or within 10 business days for the removal of the safety hazard.

D. STRUCTURES

1. Demolition of structures provided the structure is not designated, or pending designation on the TRPA Historic Resource Map, as amended from time to time.
2. Structural repair or remodeling less than \$10,000 per year which does not result in an increase in the dimensions of a structure (including height), a change of use, and increase in commercial floor area, or an increase in density.

E. EROSION CONTROL AND RESTORATION ACTIVITIES

1. Installation of erosion control devices such as:
 - a. Sediment basins not exceeding 150 square feet in size.
 - b. Swales
 - c. Rock slope protection not visible from any TRPA-designated scenic roadway or shorezone unit, class 1 bike paths, or recreation area.
 - d. Rock-lined ditches
 - e. Willow wattling
 - f. Access barriers: i.e., bollards and split-rail fencing
2. Restoration of disturbed areas of one acre or less provided scarification does not exceed 6" in depth and excavation and filling does not exceed 20 cubic yards, and a complete set of plans showing all proposed plant materials and grading is submitted to TRPA at least 14 days prior to the commencement of restoration.

II. QUALIFIED EXEMPT ACTIVITIES

The following activities of Round Hill General Improvement District are not subject to review and approval by TRPA, provided Round Hill General Improvement District certifies, on a form provided by TRPA, that the activity does not result in the creation of additional land coverage or relocation of land coverage, occurs during the grading season (May 1 to October 15) in land capability districts 4 through 7 or within an existing paved area, and the site is stabilized and revegetated within 72 hours to prevent erosion, and the activity is in conformance with the applicable provisions of the TRPA Code and this MOU. For those activities involving an excess of 25 cubic yards of excavation, Round Hill General Improvement District shall submit the statement to TRPA 30 days before the activity commences. The following activities are in addition to those activities deemed "Qualified Exempt" pursuant to Chapter 4 of the TRPA Code.

A. WATER SUPPLY ACTIVITIES

1. Replace existing water lines and services connections for a distance of not more than 2,000 lineal feet, provided all excavation is within an existing road right-of-way or easement, there is no increase in capacity, relocation of main lines within existing paved areas or compacted road shoulders, the amount of excavation is the minimum necessary, and stockpiling of spoil material is accomplished in accordance with TRPA BMPs.
2. Repair or replace existing water intake lines, vertical wells, horizontal wells, and infiltration galleries with facilities of similar type and function, and no increase in size or capacity.
3. Install new water lines and service connections for a distance of not more than 750 lineal feet to intertie existing facilities or extend service to TRPA-approved projects or to existing improved properties which have abandoned their existing improved properties which have abandoned their existing well, provided all excavation is within an existing road right-of-way, there is no increase in capacity or development potential, the main line is within an existing paved area or compacted road shoulder, the amount of excavation is the minimum necessary, and all stockpiling of spoil material is accomplished in accordance with TRPA BMPs.

B. WASTE WATER COLLECTION ACTIVITIES

1. Replace existing sewer lines, manholes, and service connections for a distance of not more than 750 lineal feet, provided all excavation is within an existing road right-of-way or easement, there is no increase in capacity, there is no relocation of main lines outside of paved areas, compacted road shoulders, or land capability districts 4-7, the amount of excavation is the minimum necessary, and all stockpiling of spoil material is accomplished in accordance with TRPA BMPs.
2. Install new sewer lines for a distance of not more than 750 lineal feet to intertie existing facilities or extend service to TRPA-approved projects provided all excavation is within an existing road right-of-way, there is no increase in capacity, the amount of excavation is the minimum necessary, and all stockpiling of spoil material is accomplished in accordance with TRPA BMPs.

C. ROADS, DRIVEWAYS AND PARKING AREAS

1. Reconstruction, resurfacing or overlaying existing pavement provided that BMPs are in place, including dust control measures.

D. EROSION CONTROL AND RESORATION ACTIVITIES

1. Installation of retaining walls not exceeding 200 feet in length and 3 feet in height, provided that if located within a TRPA-designated scenic roadway or shoreline unit, the wall design is consistent with the TRPA Design Review Guidelines, and as inventory of existing retaining walls is completed prior to the installation of any new walls.
2. Restoration of disturbed areas not exceeding 2 areas, provided scarification does not exceed 6" in depth, and a complete set of plans showing all proposed plant materials and grading is submitted to TRPA at least 30 days prior to the commencement of restoration.

III TREATMENT AND ACCOUNTING OF COVERAGE

It is understood by the Round Hill General Improvement District and TRPA that the activities involve removal of existing land coverage or restoration of disturbed lands.

Chapter 38 of the Code provides for the accounting, tracking, and banking of coverage in conjunction with Chapter 20. The Round Hill General Improvement District shall report to the Executive Director of TRPA annually on the status of compliance with coverage removal and restoration requirements as related to all activities undertaken pursuant to the MOU.

IV LOSS OF EXEMPTION

Any exempt activity set forth herein shall be considered a project requiring TRPA review if the Executive Director determines that, because of unusual circumstances, the activity may have a substantial effect on the land, air, water, space, or any other natural resource in the Region.

V BEST MANAGEMENT PRACTICES

Round Hill General Improvement District (RHGID) acknowledges that regular maintenance of sidewalks, curbs/gutters, and drop inlets is a requirement of this MOU. Further, Round Hill General Improvement District acknowledges that all properties owned or controlled by the RHGID shall be retrofitted with all required Best Management Practices by the date set forth in Chapter 25 of the TRPA Code of Ordinances for Priority Group 3 properties.

VI TERMINATION

This MOU may be terminated by either party upon sixty (60) days notice in writing.

ROUND HILL GENERAL IMPROVEMENT DISTRICT

DATED: _____
Donald W. Lally, Chairman of the Board of Trustees

TAHOE REGIONAL PLANNING AGENCY

DATED: _____
Juan Palma, Executive Director