

**TRPA
APC
PACKETS**

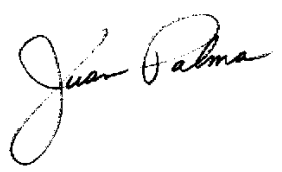
**JUNE
2002**

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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 June 12, 2002, at the North Tahoe Conference Center, Kings Beach, CA. The agenda for the meeting is attached hereto and made a part of this notice.

June 3, 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

North Tahoe Conference Center
Kings Beach, CA

June 12, 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. May 2002 Page 1
- V. PUBLIC HEARINGS Page 7
 - 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."
- VI. PLANNING MATTERS Page 19
 - A. Workshop on 2001 Evaluation Recommendation for Soils and Vegetation Protection to Chapters 30, 65 and Related Code Chapters.
 - B. Presentation on the Proposal to Establish Total Maximum Daily Loads (TMDLS) for Lake Tahoe as Part of the 2007 Regional Plan Update Page 31

VII. REPORTS

A. Executive Director

1. Report on Governing Board Actions Relative
To APC Recommendations

B. Legal Counsel

C. APC Members

VIII. ADJOURNMENT

TRPA ADVISORY PLANNING COMMISSION

Horizon Resort and Casino
Stateline, Nevada

May 8, 2002
9:30 am

MEETING MINUTES

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Called to order at 9:45 am

Members Present: Alice Baldrica, Kevin Cole, Bill Combs, Richard Harris, Lauri Kemper, Eva Krause, Randy Lane, Terry Jamin for Gary Marchio, Mimi Moss, Joe Oden, Gary Honcoop, Tom Porta, Paul Sweeney

Members Absent: Robert Jepsen, Ron McIntyre, Larry Lohman, Lee Plemel, Leo Poppoff, Alan Tolhurst

II. APPROVAL OF AGENDA

MOVED: Terri Jamin Moved to Approve the Agenda as is.

SECOND: Bill Combs

MOTION CARRIES

III. PUBLIC INTEREST COMMENTS (No Action)

Ms. Baldrica asked for public interest comments. There weren't any.

IV. APPROVAL OF MINUTES

Lauri Kemper, Tom Porta, Terri Jamin, Joe Oden and Alice Baldrica all had changes that were reflected in the updated minutes.

MOVED Tom Porta moved to approve the minutes as amended.

SECOND Bill Combs

Kevin Cole and Mimi Moss abstained because neither was present at the meeting.

MOTION CARRIES

Ms. Baldrica announced Paul Sweeney's appointment to APC and Terri Jamin sitting in for Gary Marchio.

VII. REPORTS

A. Executive Director

1. Report on Governing Board Actions Relative
To APC Recommendations

Due to Mr. Palma needing to leave early from today's meeting, he asked to give his report now. APC agreed. Mr. Palma reported that at the last Governing Board meeting, the Lukens Brothers MOU was discussed at length. The board asked that the MOU be re-worked a little bit specifically with regard to the BMP plan and a timeline. He reported Jerry Wells is now at the agency and discussed Jerry's and Carl's roles within the agency. Mr. Palma added that other positions within the agency are in the process of being filled. He ended his discussion with a report on building location bids being received and reviewed.

V. PUBLIC HEARINGS

A. Amendment of Tahoe Regional Planning Agency Rules of Procedure, Article IX, Regarding Enforcement of BMP Violations

Matt Graham, Compliance department, presented the BMP enforcement procedures and the amendments to the Rules of Procedure. He explained that the comments received from Legal Committee, Rules Committee and APC are incorporated in this new version. He introduced Liz Harrison. Ms. Harrison reviewed the language as set forth on page 57 of the packet. She explained the amendment to Article 9 and the procedures to resolve violations to the BMP retrofit program. She stated owners will be identified by the Executive Director as being out of compliance via a letter with a statement of facts. Owners are given 30 days to respond to the notice. They can give details or information that may mitigate or excuse the violation. Owners could, within the same 30 days, submit a BMP mitigation plan. If the owner installs the BMPs within 30 days, penalties will not be pursued. If owners choose to respond to the notice with a description of why they are not in compliance, the Executive Director will use the information in that response and the information in the NOV to determine if a violation exists. If the Executive Director determines there is a violation, owners have a 30-day period to submit a penalty, a plan and schedule. If the owners' BMP implementation schedule is not implemented in the time allotted, or if the owners ignore the notice altogether then counsel will pursue litigation and injunctive relief. Any determination will be recorded at the following Governing Board.

Ms. Baldrice asked for questions.

Mimi Moss stated it wasn't clear if within the first 30 days after notice of violation, the owner was required to submit a plan and / or have BMPs on the ground. If so, she wasn't sure how that would work administratively. The language seems to overlap from plan to actual implementation. Ms. Harrison responded the goal is either response, a plan and/or BMP implementation. Of course, a response and / or a plan is sufficient, the other option is available to get the BMPs on the ground and not have to pay a fine.

Tom Porta asked what happens if a person can not be contacted. Is a lien provision doable? John Marshall stated he will explore the idea. This has not been done in the context of a rules amendment. This procedure was done in an attempt of getting out of the show cause process. The goal was not to list all of the options that might happen.

Gary Honcoop asked what the difference between options A and D are? In A, a Notice of Failure is discussed. This implies a failure was determined. In D there is a final violation determination. Mr. Marshall explained that what is being attempted to be accomplished is a level of internal review. A is the BMP compliance staff saying they believe a owner is in violation. If a person contests, there is option D for the Executive Director's review and make a final determination that warrants pursuing civil penalties or injunctive relief. Mr. Honcoop stated this implies subjectivity. Mr. Marshall replied, in general, there is not a lot of subjectivity; however, they wanted to provide an option where the Executive Director may want to exercise his prosecutorial discretion. There may be instances where the outline is not appropriate. So the Executive Director retains that discretion. Mr. Honcoop stated it is more than a case where there might be mitigating circumstances. Mr. Marshall stated they would have to wait to see what comes up.

Mr. Honcoop asked if the implementation schedule is in writing already? Or is it a case by case basis? Mr. Honcoop wondered if there might be concern the process will be arbitrary. Ms. Harrison responded staff amended C to include language that allows for what part of the season they are in when the notice is

given, what amounts of excavation needs to be done, the cost of implementation, etc. The exact guideline is left open but with an outline of what is being considered in determining it.

Paul Sweeney asked if a site evaluation document is the same as the plan? Ms. Harrison responded it is the same. Mr. Sweeney stated from a legal standpoint, the wording problem could be there if there is a evaluation submitted as a plan.

Kevin Cole stated the language regarding the first 30 days after the notice should be changed to say, "The property owner is to submit a BMP retrofit plan that is in compliance with Chapter 25 of the TRPA Code of Ordinances and a BMP implementation schedule prior to the end of the 30-day period and then is to timely install those BMPs." As it reads now, BMPs have to be installed within the 30-day period. Mr. Hasty responded the intent was to have a plan and schedule done prior to the end of the 30-day period. Mr. Marshall will come up with declarative language to better articulate the intent.

Ms. Baldrice moved to Public Hearing comments.

Michael Donahoe, Sierra Club, asked Matt Graham how many violators there are? Mr. Graham responded the number of properties in priority 1, past the deadline for implementation are probably several hundred. Mr. Donahoe stated the Sierra Club strongly supports this measure and thinks it does not go far enough. He stated that if no civil penalties are incurred until after 30 days, people will be encouraged to wait until that time comes before they get involved in implementing their retrofits. He suggested this be approved for a year to see how it works and then come back to review it to ensure it is accomplishing the threshold accomplishment that is being strived for. The whole purpose is keeping pollutants out of the lake. He stated the Sierra Club had a bumper sticker contest in the middle schools. The winner was Alexandria Cornell, a 7th grader from Kingsbury Middle school. Her sticker read "Keep the Lake Pollution Free No Phosphorous is the Key."

Ms. Baldrice closed the public hearing and brought the item back to APC.

MOVED Lauri Kemper moved approval of staff recommendation with word smithing John Marshall will do. She also asked to include a prescription approved by staff that includes the approved partners or the NRCS and the cooperative extension and anybody else.

SECOND Mimi Moss

MOTION CARRIES

Lauri Kemper echoed the sentiment that this program needs to be enhanced by TRPA resources. She encouraged finding ways to enhance the program.

V. PUBLIC HEARINGS

B. Amendment of Tahoe Keys Master Plan to Delete Proposed Increase in the Number of Boat Slips and Adjustment in Related Mitigation Measures

John Marshall, Legal Department, presented the staff summary located on page 59 of the APC packet. He introduced the Tahoe Keys Marina (TKM) past action, litigation and the settlement. Jordan Kahn presented the amendment to the master plan.

Mimi Moss asked if the EIS will need to be re-certified? Mr. Kahn answered they want recommendation on this. What they want to do is to partially decertify the EIS with references to slip expansion. Ms. Moss asked if the EIS has to be taken out to the public? Mr. Marshall answered no because it what the League and the TRPA agreed to do was to decertify the slip expansion portion.

Ms. Baldrice moved to Public Hearing comments.

Lew Feldman, Feldman, Shaw and Devore and the Tahoe Keys Marina, thanked Juan Palma, John Marshall and Jordan Kahn for working constructively with the League to Save Lake Tahoe and TKM to bring this proposal. He also acknowledged Jon-Paul Harries and Rochelle Nason. He concurred completely and urged APC to adopt staff recommendation.

Michael Adamson, Tahoe Keys Resident, stated his concern that while the study takes care of the expansion of the size of boat slips, he believes there is a need for boat slips. By denying the expansion of the number of slips, where are the boats, that will inevitably be arriving, going to go. He asked if the League and TRPA staff considered that? He is concerned that there are a lot of docks in the Keys and the effect on the water quality in the Keys itself will be negatively affected if boats dock there. He doesn't want to have to pay for PAH removal in the Keys in the future.

Ms. Baldrice returned the item to APC.

Bill Combs asked if staff has checked the requirements under CEQA to decertify the EIR. Mr. Marshall stated this would be up to the city and settlement is ongoing with them. Terry Jamin stated this item will be coming back to City Council. Terry thanked staff for incorporating late language regarding the change relating to the city's zoning.

Kevin Cole commented that this is a significant concession on the part of TKM and he commended them. He agrees with the earlier comment regarding the fact that boats will pop up and he too is interested to see where they will go. He has discomfort with this proposal because he feels the Marina is being singled out and it seems a little discriminatory. However, apparently TKM agrees with the settlement and that is fine. He cautioned that an eye needs to be kept on the number of boats though.

Lauri Kemper stated that the baseline PAH monitoring that the Keys did conduct last year did indicate that PAH concentrations in the Keys were already above some of the standards that were being looked at as being set for the Keys. There is an existing problem with existing boats. Lahontan will conduct a lake wide summer research that will provide recommended management measures that will be incorporated into the shorezone plan for the TRPA. Mr. Marshall added that as part of the settlement, the proposed boat study should incorporate part of the Lahontan study.

Gary Honcoop asked, if 44 slips will accommodate larger boats how will this effect air quality fees if the boats accommodate more people. Mr. Marshall responded that although what is being accommodated are larger boats that hold more people, there is some information that those boats are not used as often. They just don't know at this point what the effects will be. At project level staff will make sure the shift will not be inconsistent with any thresholds.

Ms. Baldrice asked if APC would like to vote on this item as a whole or on the separately proposed items? Mr. Marshall recommended voting in two steps. 1) Approve the decertification; and 2) Approve the amendments.

MOVED Terry Jamin moved to approve the amendments.

SECOND Gary Honcoop

MOTION CARRIES

MOVED Terry Jamin moved to approve the decertification of the EIS.

SECOND Tom Porta
MOTION CARRIES
Kevin Cole Opposes

Kevin felt his explanation for his opposition had already been given.

Break 10:45.

VI. PROJECT REVIEW

- A. Lakeside Trail Phase 3 - Commons Beach, Tahoe City Public Utility District, APN 94-070-13, TRPA File Number 20020057

Kathy Canfield, Project Review, gave an information-only presentation but informed APC that if they would like to make a recommendation they could. Ms. Canfield presented the Tahoe City Lakeside Trail alternatives. She reviewed the 1998 EIS and the map of the area. The Trail system has been broken up and APC reviewed the previously approved sections.

Ms. Baldrice asked if this was the second phase. Ms. Canfield said it was.

Lauri Kemper commented Lahontan is prepared to approve the project. She stated that the staff analysis needs to add the "TCPUD EIR identified several significant impacts." She doesn't know if TRPA identified the same impacts but staff says none were identified. There are impacts specifically to SEZs. As part of this segment of the trail, a lot of the restoration of SEZ will be accomplished by the Commons Beach project. There is reference in the staff report that restoration credits will be imported by the conservancy. That is the condition of the permit. If there is going to be impact to SEZs near the lake, they would prefer that restoration occur within the project site. Finally, the findings that have to be made to allow disturbance within SEZs, are significant. It would be helpful to mention there is a need for a safe route. The project is necessary for public health and safety. What is being talked about is a unique environment. A precedence for setting bike trails on beaches is not being set, in Tahoe City it is imperative. Ms. Kemper gave staff some draft language to use.

Randy Lane asked if class 2 can be used. Ms. Canfield answered that it could.

Ms. Baldrice moved to Public Comments.

There were no public comments.

Ms. Baldrice brought the item back to APC.

Paul Sweeney asked if pets or dogs will be allowed in the park area? Jeff Beckman from TCPUD answered that it is a condition that is being worked out. Currently dogs or pets are not allowed.

Bill Combs asked if a motion was necessary. Mr. Hasty stated it wasn't.

Kathy Canfield related that staff anticipates two more project items related to this and they will be brought back to the APC. Kevin Cole stated he is looking forward to the bridge portion.

Bill Combs stated he looking forward to the completion.

VII. REPORTS

B. Legal

John Marshall reviewed the Supreme Court Ruling on the TSPC v. TRPA case. He reviewed the case history and ramifications. He reviewed all the editorials and specifically the New York Time article. He thanked everyone involved.

Kevin Cole asked if there was any discussion about regulatory takings as it relates to even zoning. It seemed to him that if the case had gone the other way it could be said that zoning could have been considered takings. Mr. Marshall responded that had this gone the other way, the opinion would have been so tightly written he doesn't know if that would be an issue.

VII. REPORTS

C. APC Members

Paul Sweeney stated it was great to be involved in the basin. He has been involved in water quality issues for the last 20 years. He is looking forward to contributing to the effort at the lake.

Richard Harris commented that John Marshall participates every year in his environmental law class. He is very energetic. He stated he feels this is a very important win. He appreciates John's participation and kudos to him for the important decision.

Alice Baldrice congratulated John as well. She reiterated a comment Jordan made last January regarding this being the "World Series of legaldom."

VIII. ADJOURNMENT

Time: 11:51 pm

TAHOE REGIONAL PLANNING AGENCY

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MEMORANDUM

June 4, 2002

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: 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 and Add Special Policies to Plan Area Statement 112

Proposed Action: The applicant, Accessible Space, is proposing to amend PAS 112, Gardner Mountain, to create Special Area #2, which would encompass two parcels owned by Accessible Space located at 714 and 750 Emerald Bay Road. In addition the proposed action would amend the Permissible Use List to add Multiple-family Dwelling as a Special Use, and add "Transfer of Development Rights for Multi-Residential Units" and "Multi-Residential Incentive Program" to the Special Designation. In addition to the requested amendment, staff is proposing to designate Special Area #2 a "Preferred Affordable Housing Area". The designation would permit the applicant to apply for the use of bonus units and exempt the units from an allocation requirement pursuant to Chapter 33, Allocations.

Accessible Space, Inc., is seeking these changes to the plan area in order to submit a subsequent project application to the City and TRPA to develop an 18-unit affordable, accessible apartment complex for persons with mobility impairment and/or brain injury.

Staff Recommendation: Staff recommends that the Advisory Planning Commission conduct the public hearing as noticed and, based on its outcome, recommend approval of the amendment to the TRPA Governing Board with staff modifications.

Consistency with the City of South Lake Tahoe Zoning: The City of South Lake Tahoe (CSLT) has adopted TRPA's Plan Area Statements and Community Plans for its zoning. The amendment being considered addresses proposed amendment to PAS 112, Gardner Mountain, a residential plan area within the City. The Regional Plan amendment will require public hearings and adoption by both TRPA's Governing Board and the City Council

Planning Commission and City County Action: This item was heard before the City's Planning Commission and received a unanimous recommendation of approval to the City Council with the addition of a special policy requiring the units to be deed-restricted to affordable housing. The City Council took action on this item at their meeting on October 21, 2001. The City Council voted in the positive to amend the plan area as recommended by City staff.

Background: The subject parcels are located within PAS 112, Gardner Mountain. This plan area is a residential plan area that permits a mix of single family residential, commercial, and tourist accommodation uses. PAS 112 lies along Highway 89 between the South "Y" and National Forest lands at the edge of town, which is also the extent of the city limits. The applicant's site is composed of two parcels (APNs 023-152-03 & 023-162-01) and is bounded by Highway 89/Emerald Bay Road on the northeast side and Roger Avenue on the southwest side (See Exhibit 2, Location Map). Access to the subject site is possible from both Roger Avenue and Emerald Bay Road. The Highway 89 corridor is a mix of tourist, commercial, and residential uses. Within the interior of PAS 112, the primary use is single-family residential dwellings; however, multiple-family dwellings exist throughout the plan area. The Highway Corridor (Scenic Roadway Unit #1) is identified in TRPA's Scenic Quality Improvement Program (SQIP) and the Environmental Improvement Program (EIP) as an area targeted for scenic and community design restoration.

Last year, the City of South Lake Tahoe proposed an amendment to the Gardner Mountain PAS that would have allowed consideration of new multiple-family dwellings on the subject parcels. At a well-attended public workshop in January 2001 on the proposed amendment, city officials were given feedback that the public was interested in having Accessible Space, Inc, the owner of the vacant parcels, apply for the amendment rather than have the city initiate it.

Subsequently, Accessible Space, Inc., submitted an application to the City, resulting in a different amendment request than was originally proposed by City staff. That application was considered by the City Planning Commission and passed by the City Council October 2, 2001. Due to the City's adoption of TRPA's Plan Area Statements, the applicant was required to also submit an application for amendment of PAS 112 for consideration by the TRPA Governing Board. Generally, these types of amendments are proposed concurrently; however, TRPA did not receive the application until March 2002.

Issues: Staff has reviewed the application for consistency with the Regional Plan Package; issues raised during the City's review process and further discussed by TRPA staff, City staff, interested members of the public, and affected property owners include land use consistency, plan area designations, scenic resource issues, Transit Oriented Design (TOD) findings, and transportation related concerns. These issues are discussed in detail below.

Land Use Consistency: The area proposed for creation of Special Area #2 in PAS 112 backs to a residential area, is across Tenth Street from a small commercial center. The proposed special area is in close proximity (less than a 10-minute walk) to restaurants, tourist accommodations, offices, retail and small apartments. The proposed special area is located adjacent and backs up to a primarily residential area. The area is comprised primarily of single-family dwellings but does include multiple-family dwellings such as apartments and duplexes within the plan area. However, multiple-family dwelling is permissible within Special Area #1 along with all other uses on the General List. Special Area #1 is located north of the subject parcels along Highway 89. The creation of the special area and the addition of multiple-family dwelling as a special use in the permissible use list is consistent with the general theme of the plan area. The amendment would limit multiple-family uses to the highway corridor and close proximity of existing services and ground transportation.

Plan Area Designations: Consistent with the TPRA Goals and Policies, TRPA has created incentive programs for developing affordable housing in the Region. The programs include designating areas as "Preferred Affordable Housing" and "Multi-Residential Incentive Program". The "Preferred Affordable Housing" designation permits applicants to use incentives in Chapter 33 of the Code (allocation exemptions) and Chapter 35 (bonus units assignments). The "Multi-Residential Incentive Program" permits the use of incentives outlined in Chapter 35 to obtain multi-residential bonus units; however, they are not restricted to affordable housing units. In order for an applicant to use bonus units and be exempted from the allocation requirements of Chapter 33, the plan area must be designated as a "Preferred Affordable Housing Area"

The application submitted to TRPA requested that "Multi-Residential Incentive Program" be designated in the plan area. However, it is the applicant's intention to use bonus units and get an exemption from the allocation requirements. In order to facilitate this request, the plan area will also require the "Preferred Affordable Housing Area" designation. Therefore, staff is proposing to amend the original proposal to designate the plan area as a "Preferred Affordable Housing Area" for Special Area #2 only. The designation would permit the applicant to apply for bonus units, get an exemption from the allocation requirements, provided the proposed units are affordable housing.

Scenic: The subject parcels are located adjacent to Highway 89/Emerald Bay Road, which is designated as a scenic highway corridor (Scenic Roadway Unit #1 – Tahoe Valley) and designated in the plan area and the Scenic Quality Improvement Program (SQIP) for scenic restoration. The SQIP is an adopted TRPA document that identified non-attainment scenic travel routes and targeted them for scenic restorations. The program outlines areas of scenic concerns within identified scenic travel routes and made recommendations for scenic improvement to be implemented when a project is submitted to TRPA for review.

The principal concern identified in the SQIP for the Highway 89 corridor is the commercial development along the highway. The subject parcels are generally located within the area of concern. The SQIP states that existing signage, paved parking that is not landscaped, and large areas between building setback and the highway that are not landscaped are contributing to visual distraction and poor scenic quality. Recommendations outlined in the SQIP to improve scenic quality include the landscaping requirements to visually screen parking lots and continue the extension of the natural forest, bring signs into conformance with the City's sign ordinances, create clearly defined access points for development along the highway, underground utility lines, and require building designs to be compatible with the surrounding natural environment.

Since adoption of the SQIP, many of these improvements have occurred along this travel route as noted in the 1996 and 2001 Threshold Evaluations. The Evaluations noted that the man-made subcomponent feature has improved with the remodel of several buildings of improved architecture, as well as new signs that conform to the City's sign ordinances.

In order to maintain the trend of scenic quality improvement in the Emerald Bay corridor and maintain the existing low-density design and character of the neighborhood, the City adopted the following recommendations for any potential multiple-family project that may occur within Special Area #2. The special policies are:

1. The forested character of the land adjacent to Highway 89 will be preserved.
2. Buildings will be massed in such a way as to blend with the character of the Gardner Mountain area using a mix of building sizes/heights.
3. Parking will be screened within the interior of the property.

The policies adopted by the City are consistent with SQIP and will ensure that the maintenance of scenic quality in the highway corridor will be maintained. However, there is not a need to adopt the special policies from TRPA's perspective. Any potential project for this corridor that may occur onsite, regardless of type or size, is required to be consistent with the scenic restoration requirements outlined in SQIP. Since the city's adopted policies are consistent with SQIP and the SQIP recommendations are required as part of project approval, staff did not feel that it was necessary to adopt them as part of the plan area amendment.

Transit Oriented Development: In an amendment to add multiple-family as a permissible use to a plan area or for one or more parcels, the plan area or affected parcels must be found suitable for transit-oriented development (TOD) pursuant to Subsection 13:7.D. The required findings to determine suitability for TOD include but are not limited to areas that have transit and neighborhood services within 10-minute walks, good pedestrian and bike connections, opportunities for residential infill (at densities greater than 8 units per acre) or infill with mixed uses, and adequate public facilities.

In the case of this amendment the TOD findings can be made for the proposed amendment. The subject parcel is located within a 10-minute walk of the local transit station located at 10th Street and Highway 89. Other bus stops are located within close proximity and are illustrated in Exhibit 3, Stage Bus Routes and Stops. Access to neighborhood services include commercial uses along Highway 89 as well as a full-service grocery store located at the intersection of Highway 89 and Highway 50 approximately 0.6 miles away. A convenience store sits at the corner of 10th Street and Roger directly adjacent to the bus stop. Connections to local bike trails are in the planning stages to be enhanced in this area.

Transportation: Concerns have been raised regarding access to the subject parcels from Highway 89, and potential conflicts that it may have to existing level of services. The Regional Transportation Plan states that poorly managed, direct access to major highways can have a serious effect on the capacity, quality of traffic flow and safety of the roadway. As the number of access points increases, conflicting turning movements and delays caused by vehicles turning from the highway to adjacent land uses cause traffic to slow, degrading the level of service. Although it is generally a policy of the Agency to limit or control access to major regional travel routes it does not outright prohibit them. Egress/ingress to sites from the highway can be accommodated provided they are designed correctly to mitigate potential impacts to existing level of services. Caltrans has commented on this project and has indicated that they are not opposed to access onto the highway; however, they recommend that it be located on the southern portion of the subject parcels. Staff agrees with this assessment, because the area is relatively flat and access to the site can be accommodated easily.

Required Findings: The following findings must be made prior to adopting the proposed amendments: