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MEMORANDUM

Date: August 25, 2016

To: TRPA Hearings Officer

From: Shannon Friedman, Senior Planner

Subject: Caltrans Snow Storage Facility, Sierra Blvd. and Barbara Ave., South Lake Tahoe, California; TRPA File No: ERSP2016-0980, TRPA Project No: 880-164-20

Staff Recommendation: Staff recommends approval of the project based on this staff summary and evidence contained in the project record.

Project Description: Caltrans is proposing to fill and pave 17,779 square feet on their snow storage parcel off of Sierra Blvd. There is an existing 183, 945 square feet of existing asphalt paving on the property. The current configuration and square feet of paving does not allow them to effectively store snow and maneuver equipment on the parcel resulting in the need to spray snow off-pavement, which is detrimental to the soil and vegetation. The additional paving is necessary to effectively store snow and maneuver equipment on the parcel, and will avoid the need to spray snow-off-pavement in most cases.

Site Description: The Caltrans parcel is located at the end of Sierra Blvd at the intersection with Barbara Ave. in South Lake Tahoe, California. The parcel is 26.85 acres located on high capability land. The total amount of coverage on the parcel post-project will be 201,724 square feet, which equals 17% of the parcel size and under their allowable coverage per the TRPA Code. This is a snow storage facility, which falls under Local Health and Safety facility, and is a special use in the plan area. Caltrans has owned the parcel since the 1960's and have utilized it for snow storage and support activities the entire time, but a TRPA permit has not been issued to Caltrans for the use of the property until now. Surrounding uses include a residential neighborhood to the northwest, South Tahoe Public Utility District offices and facilities to the north and U.S Forest Service vacant parcels to the south and east.

Issues: The proposed project involves a special use determination and therefore requires Hearings Officer review in accordance with Chapter 2.2.2 of the TRPA Code.

Staff Analysis:

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

- B. Plan Area Statement: The parcel is located in Plan Area Statement 095 – Trout/Cold Creek, which lists Local Public Health and Safety as a special use.
- C. Land Coverage: This project complies with land coverage requirements of the TRPA Code of Ordinances.
- D. Height: There are no structures proposed with this project, so height is not applicable.

Required Findings: The following is a list of the required findings as set forth in Chapter 4, 21, and 50 of the TRPA Code of Ordinances. Following each finding, Agency staff has indicated if there is sufficient evidence contained in the record to make the applicable findings or has briefly summarized the evidence on which the finding can be made.

1. Chapter 4 – Required Findings:

- (a) 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.

Based on the findings provided on the Initial Environmental Checklist and the Article V(g) Findings Checklist, there is sufficient evidence in the project file to make this finding.

- (b) The project will not cause the environmental threshold carrying capacities to be exceeded.

TRPA staff has completed the “Project Review Conformance Checklist and Article V(g) Findings” in accordance with Chapter 4, Subsection 4.3 of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. Also, TRPA staff has completed an Initial Environmental Checklist (IEC). No significant environmental impacts were identified and staff has concluded that the project will not have a significant effect on the environment. A copy of the completed checklist and IEC will be made available at the Hearings Officer hearing and at TRPA.

- (c) Wherever federal, state or local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(g) of the TRPA Compact, the project meets or exceeds such standards.

All potential effects are temporary and shall be mitigated through temporary and permanent Best Management Practices. The applicant will meet or exceed all federal, state, or local water quality standards. The project has received a Categorical Exemption from the Lahontan Regional Water Quality Control Board. Upon completion of construction, the project will have no impact upon water quality standards.

2. Chapter 21 – Special Use Findings:

- (a) The project, to which the use pertains, is of such a nature, scale, density, intensity and type to be an appropriate use for the parcel on which, and surrounding area in which, it will be located.

The proposed use, snow storage facility, is consistent with the historical use of the parcel. There is vegetative screening between the residential neighborhood and the Caltrans property, so residences cannot see the parcel. The project is an appropriate use for the parcel.

- (b) The project to which the use pertains, will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water, and air resources of both the applicant's property and that of surrounding property owners.

The proposed project includes measures to ensure that potential impacts that may result from the use are avoided. Installation of any necessary temporary Best Management Practices and maintenance of existing permanent Best Management Practices are required as a condition of the permit. The snow storage facility is necessary for Caltrans' snow removal operations and provides storage for snow that is removed from Caltrans right of way and the City of South Lake Tahoe right of way.

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

The proposed project will not change the character of the neighborhood or alter the purpose of the Plan Area Statement. The snow storage facility will permit a use that is consistent with the historical use of the parcel. The addition of pavement does not increase the use of the parcel, but rather allows for a more efficient and environmentally sound use of the parcel.

5. Chapter 50.7- Additional Public Service Facilities

- (a) There is a need for the project

The proposed project will benefit Caltrans and the City of South Lake Tahoe by allowing them to more effectively store snow on the parcel. The current configuration of pavement requires Caltrans and the City of South Lake Tahoe to regularly spray snow off of pavement, which has had a detrimental effect to the soil and vegetation adjacent to the pavement. The additional pavement will increase the area available for snow storage, avoid the need to spray snow off-pavement, and will increase the area for the maneuvering of equipment. A central snow storage location reduces the vehicle miles traveled by the snow plow trucks and allows for more efficient snow removal operations.

- (b) The project complies with the Goals and Policies, applicable Plan Area Statements, and Code.

The proposed new public service facility is located in the Trout/Cold Creek Plan Area Statement 095. Local Public Health and Safety is a special use at the project site. The new coverage is within the allowable limits per the TRPA Code and all stormwater and snow melt runoff will be treated by BMPs already in place and will be maintained as a requirement of the permit. Based on this information, the project complies with the Goals and Policies, Plan Area Statements, and Code.

- (c) The project is consistent with the TRPA Environmental Improvement Program.

This project is consistent with and will not affect implementation of any portion of the TRPA Environmental Improvement Program.

- (d) The project meets the findings adopted pursuant to Article V(g) of the Compact as set forth in Chapter 4: Required Findings, as they are applicable to the project's service capacity.

The project complies with all current plans and will not affect the service capacity of the site, community or region, will not exceed the environmental threshold carrying capacities, and will meet all federal, state, and local air and water quality standards. See Finding 1, above.

- (e) If the proposed project is to be located within the boundaries of a community plan area, then, to the extent possible consistent with the public health and safety, the project is compatible with the applicable community plan.

The project is not located within a community plan area.

Required Actions: Staff recommends that the Hearings Officer take the following actions:

- I. Approve the findings contained in this staff summary, and a finding of no significant environmental effect.
- II. Approve the project, based on the staff summary, subject to the conditions contained in the attached Draft TRPA Permit.

DRAFT PERMIT

Having made the findings required by Agency ordinances and rules, TRPA approved the project on September 1, 2016, subject to the standard conditions of approval attached hereto (Attachment Q) and the special conditions found in this permit.

This permit shall expire on September 1, 2019 without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

NO DEMOLITION, TREE REMOVAL, CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:

- (1) TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT;
- (2) ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA'S ACKNOWLEDGEMENT OF THIS PERMIT;
- (3) A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.

TRPA Executive Director/Designee

Date

PERMITTEE'S ACCEPTANCE: I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents' and employees' compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I also understand that certain mitigation fees associated with this permit are non-refundable once paid to TRPA. I understand that it is my sole responsibility to obtain any and all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

Signature of Permittee(s)_____

Date_____

**TRPA PROJECT NUMBER 880-164-20
FILE NO. ERSP016-0980**

Security Posted: N/A

Required plans determined to be in conformance with approval: Date: _____

TRPA ACKNOWLEDGEMENT: The permittee has complied with all pre-construction conditions of approval as of this date:

TRPA Executive Director/Designee

Date

SPECIAL CONDITIONS

1. This permit specifically authorizes paving an additional 17,779 square feet of paving on the Caltrans snow storage facility off of Sierra Blvd. to provide for more effective use of their snow storage operations on this parcel. All improvements are located on the Caltrans property off of Sierra Blvd. in South Lake Tahoe, California.
2. The Standard Conditions of Approval listed in Attachment Q shall apply to this permit.
3. Prior to permit acknowledgement, the following conditions of approval must be satisfied.
 - A. Permittee shall submit three sets of final plans with the following details included:
 - (1) The existing asphalt shall be re-graded so that all of the asphalt drains to the treatment basins on the east side of the parcel.
 - (2) Materials that have accumulated on the south side of the property from years of spraying snow off-pavement shall be removed to a location outside of the Tahoe Basin. The area shall be re-graded to the natural contour and re-vegetated with native and adaptive species
4. Prior to the pre-grade inspection submit a construction schedule to TRPA.
5. Required fill for the project shall come from a regionally local source and be free of contaminants and invasive weeds.

PERMIT CONTINUED ON NEXT PAGE

TRPA PROJECT NUMBER 880-164-20
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6. This approval is based on the permittee's representation that all plans and information contained in the subject application are true and correct. Should any information or representation submitted in connection with the project application be incorrect or untrue, TRPA may rescind this approval, or take other appropriate action.
7. All waste resulting from the saw-cutting of pavement shall be removed using a vacuum (or other TRPA approved method) during the cutting process or immediately thereafter.
8. The permittee shall be responsible for ensuring that all temporary BMPs are constructed as directed by the TRPA Inspector and are maintained during all phases of the proposed project.
9. All permanent BMPs shall be maintained as part of this approval. Verification of their function will be a requirement to finalize the project.
10. Any modifications to the TRPA approved plans shall be submitted to TRPA for review and approval.
11. Any normal construction activities creating noise in excess to the TRPA noise standards shall be considered exempt from said standards provided all such work is conducted between the hours of 8:00 A.M. and 6:30 P.M.
12. The discharge of petroleum products, construction waste and litter (including sawdust), or earthen materials to the surface waters of the Lake Tahoe Region is prohibited. All surplus construction waste materials shall be removed from the project site and disposed of at approved points of disposal.
13. To the maximum extent allowable by law, each party ("Indemnitor") agrees to indemnify, defend, and hold harmless the other party, its governing board, officers, employees and its agents (collectively "Indemnitee") from and against any and all suits, losses, damages, injuries, liabilities, and claims proximately caused by the Indemnitor. To the extent permitted by law, where the foregoing indemnity applies, it includes any and all suits, losses, damages, injuries, liabilities, and claims by any person from any cause whatsoever arising out of or in connection with either directly or indirectly, and in whole or in part (1) the processing, conditioning, issuance, or implementation of this permit; (2) any failure to comply with all applicable laws and regulations; and (3) the design, installation, or operation of any improvements.

END OF PERMIT



**TAHOE
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FINDING OF NO SIGNIFICANT EFFECT

PROJECT DESCRIPTION: Snow Storage Facility

TRPA PROJECT NUMBER: 880-164-20

FILE #: ERSP2016-0980

PERMITTEE(S): Caltrans COUNTY/LOCATION: El Dorado/Sierra Blvd.

Staff Analysis: In accordance with Article IV of the Tahoe Regional Planning Compact, as amended, and Section 6.3 of the TRPA Rules and Regulations of Practice and Procedure, the TRPA staff has reviewed the information submitted with the subject project. On the basis of this initial environmental evaluation, Agency staff has found that the subject project will not have a significant effect on the environment.

Determination: Based on the above-stated finding, the subject project is conditionally exempt from the requirement to prepare an Environmental Impact Statement. The conditions of this exemption are the conditions of permit approval.

TRPA Chairman or Executive Director

Date