



Mail
PO Box 5310
Stateline, NV 89449-5310

Location
128 Market Street
Stateline, NV 89449

Contact
Phone: 775-588-4547
Fax: 775-588-4527
www.trpa.org

STAFF REPORT

Date: January 23, 2020

To: TRPA Hearings Officer

From: TRPA Staff

Subject: Shadyside Tavern Commercial Reconstruction/Change in Operation, 1770 West Lake Blvd, Placer County, California; Assessor's Parcel No: 083-108-005; TRPA File No: ERSP2019-1232

Staff Recommendation:

Staff recommends the Hearings Officer make the required findings and approve the project subject to the conditions in the draft permit.

Project Description:

This proposal is for a partial reconstruction and expansion of an existing unoccupied commercial building, and a change in commercial use from professional offices to a tavern (eating and drinking facility). The project will consist of a two-story, 1,895 sq. ft. building with a public tavern on the first floor and storage for the business on the second floor. The expansion will add 418 sq. ft. of additional commercial floor area. The 5,147 sq. ft. parcel is located at 1770 West Lake Boulevard, south of Tahoe City within the Sunnyside Village Center, with commercial buildings (restaurants, stores, marina) to the west, north, and south; single family residential to the west and north; tourist uses to the north; and William Kent Beach to the east. The structure was originally built in 1950, but has been determined by TRPA to not be historically significant. The property has been verified as Land Capability Class 5. The project will mostly be within the existing footprint and will not create any land coverage onsite; total onsite coverage for the project shall remain at 1,890 sq. ft. The project will include all required onsite stormwater infiltration, and bicycle parking. All Best Management Practices will be installed and/or maintained for the project area. The 12 parking spaces required for the project are recognized by Placer County and CalTrans as existing and sufficient in front of the building within the Highway 89 right of way. No additional parking is required. The existing structure is located on and visible from the Highway 89 scenic corridor and bike trail. As scenic mitigation, the structure will incorporate some of the existing articulation of the old style Tahoe design while also incorporating design features to integrate with the existing adjacent building. Materials will include cedar siding and reuse of the existing metal roof materials, and will be painted in earthtone colors that blend with the environment. The 418 sq. ft. of commercial floor area needed for the project will be allocated by Placer County from the available CFA within the Placer County Area Wide Allocation Pool.

Issues and Concerns:

The proposed project will include the allocation of 418 sq. ft. of commercial floor area and requires Hearings Officer review in accordance with Section 2.2.2, of the TRPA Code.

Environmental Review:

TRPA staff completed the “Project Review Conformance Checklist and Article V(g) Findings”, and has reviewed the Initial Environmental Checklist (IEC) in order to assess the potential environmental impacts of the project, in accordance with Chapter 3, Subsection 3.3 of the TRPA Code of Ordinances. All responses contained on said checklists indicate compliance with the environmental threshold carrying capacities. A copy of the completed IEC will be made available at the Hearings Officer hearing and at TRPA.

Regional Plan Compliance:

The proposed project is consistent with all applicable components of the Regional Plan.

Required Actions:

Staff recommends that the Hearings Officer take the following actions, based on this staff summary and evidence in the record:

1. Approve the findings contained in this staff summary, and a finding of no significant environmental effect (Attachment A).
2. Approve the project, based on the staff summary, and record evidence, subject to the conditions contained in the attached Draft Permit (Attachment B).

Contact Information:

If you have any questions, please contact Theresa Avance via email at tavance@trpa.org, or via telephone at (775) 589-5224.

Attachments:

- A. Required Findings/Rationale
- B. Draft Permit
- C. Project Plans

Attachment A

Required Findings/Rationale

Required Findings/Rationale

The following is a list of the required findings as set forth in Chapter 4 and 30 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.

(1) Land Use: The proposed land use (eating and drinking places) is an allowed use in the Sunnyside Village Center West Shore Mixed Use Subdistrict of the Placer County Tahoe Basin Area Plan. All required Best Management Practices (BMPs) will be installed and maintained for the parcel.

(2) Transportation: The proposed project is calculated to generate 8 additional daily vehicle trip ends (dvte) which is defined by the TRPA as an insignificant increase. The applicant will be required to mitigate all additional dvte generated as a result of this project. Per the parking analysis approved by Placer County, the new use requires 12 parking spaces (including reduction taken for being on a transit route). There is no space available onsite for parking, but owner has entered into a 30 year lease/parking agreement to use 13 spaces available in the Lake Tahoe Park Association parking lot located 200 feet to the south of the project area.

(3) Conservation: The project is visible from the Highway 89 scenic corridor and bike trail. The structure will be painted in suitable earthtone colors and will use wood and metal materials. No additional scenic mitigation is required.

(4) Recreation: The Initial Environmental Checklist did not identify any adverse impacts to recreation associated with the project development.

(5) Public Service and Facilities: The project area is developed and has basic services.

(6) Implementation: The 418 sq. ft. of commercial floor area needed for the project will be allocated by Placer County from the available CFA within the Placer County Area Wide Allocation Pool.

(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, the applicant 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 TPRA 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. Upon completion of construction, the projects will have no impact upon water quality standards.

2. Chapter 30 – Land Coverage

- (a) The relocation is to an equal or superior portion of the parcel, as determined by reference to the following factors:

1. Whether the area of relocation already has been disturbed;
2. The slope of and natural vegetation on the area of relocation;
3. The fragility of the soil on the area of relocation;
4. Whether the area of relocation appropriately fits the scheme of use of the property;
5. The relocation does not further encroach into a stream environment zone, backshore, or the setbacks established in the Code for the protection of stream environment zones or backshore;
6. The project otherwise complies with the land coverage mitigation program set forth in Section 30.6.

The entire parcel is identified as land capability Class 5 and the relocation will be to an area that appropriately fits the scheme of use by providing appropriate ADA access and centrally located entrances.

- (b) The area from which the land coverage was removed for relocation is restored in accordance with Subsection 30.5.C.

Any areas where land coverage will be permanently removed will be landscaped and restored in accordance with Code requirements.

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

All relocated land coverage will be within Class 5.

Attachment B

Draft Permit

DRAFT PERMIT

PROJECT DESCRIPTION: Commercial Reconstruction/Change in Operation

APN 083-108-005

PERMITTEE(S): BT Tahoe Properties LLC

FILE # ERSP2019-1032

COUNTY/LOCATION: Placer/ 1740 West Lake Blvd (Hwy 89)

Having made the findings required by Agency ordinances and rules, the TRPA Hearing Officer approved the project on January 30, 2020, subject to the standard conditions of approval attached hereto (Attachment Q), and the special conditions found in this permit.

This permit shall expire on January 30, 2023 without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of pouring concrete for a foundation and does not include grading, installation of utilities or landscaping. 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 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) THE PERMITTEE OBTAINS A COUNTY BUILDING PERMIT. TRPA'S ACKNOWLEDGEMENT IS NECESSARY TO OBTAIN A COUNTY BUILDING PERMIT. THE COUNTY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS; AND
- (4) 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

PERMIT CONTINUED ON NEXT PAGE

APN 083-108-005
FILE NO. ERSP2019-1032

Air Quality Mitigation Fee (1): Amount \$_____ Paid _____ Receipt No. _____
Excess Coverage Mitigation Fee (2): Amount \$_____ Paid _____ Receipt No. _____
Security Posted (3): Amount \$_____ Type ____ Paid _____ Receipt No. _____
Security Administrative Fee (4): Amount \$_____ Paid _____ Receipt No. _____

Notes:

- (1) Amount to be determined. See Special Condition 3.E., below.
- (2) See Special Condition 3.F., below.
- (3) Amount to be determined. See Special Condition 3.G., below.
- (4) See the current filing fee schedule Line 109 for the correct administrative fee at the time of acknowledgment.

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 This proposal is for a partial reconstruction and second floor expansion of an existing unoccupied commercial building, and a change in commercial use from professional offices to a tavern (eating and drinking facility). The approval is for a two-story, 1,895 sq. ft. building with a public tavern on the first floor and storage for the business on the second floor. The expansion will add 418 sq. ft. of additional commercial floor area, which will be allocated by Placer County from the Placer County Area Wide Allocation Pool. The project will mostly be within the existing footprint and will not create any land coverage onsite; total onsite coverage for the project shall remain at 1,890 sq. ft. The project will include all required onsite stormwater infiltration, and bicycle parking. All Best Management Practices will be installed and/or maintained for the project area. The 12 parking spaces required for the use are met through existing parking spaces directly in front of the parcel, within the Highway 89 right of way.
- 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. The site plan shall be revised to include:
- (1) The location of the proposed trash enclosure for the project. If the enclosure is located on a different parcel:
 - (a) The permittee shall provide a long-term lease agreement with the property owner of the offsite location.
 - (b) A separate permit for that location may be necessary to install correctly regarding coverage and scenic issues. If required, that permit must be obtained prior to acknowledgment of this permit.
 - (c) In the event the trash enclosure location for the project becomes unavailable in the future, the permittee shall notify TRPA, and shall immediately provide for a new enclosure location, including a long-term lease agreement, and meet all TRPA and local requirements for permitting for the new location. If there is an interim period where a trash enclosure location is not available for the project, the permittee will arrange to have the trash removed from the site and taken to an approved disposal facility on a schedule sufficient to remove the need for a trash enclosure.
 - (2) Location of proposed snow storage.
 - (3) Vegetation protective fencing around the entire construction site and individual trees where required. Where a tree exists within the construction area, the vegetation protection fencing must be placed beyond the drip-line of the outermost branches or, in limited instances, at the limit of the foundation. No equipment, personnel or disturbance is allowed within the vegetation fencing.
 - (4) A three-inch layer of gravel (1"-2" drainrock) beneath all raised decks.
 - (5) A note indicating: "All areas disturbed by construction shall be revegetated in accordance with the TRPA Handbook of Best Management Practices and Living with Fire, Lake Tahoe Basin, Second Edition."
 - (6) A note indicating: "Dust control measures shall be in place during construction. Broadcast mulch shall not be permitted as a dust control measure within 35 feet of structures."
- B. The permittee shall submit a landscape/revegetation plan for the project area. All vegetation shall be consistent with the requirements of Chapter 36 of the TRPA Code of Ordinances, including the specification for sizing and species of plants.
- C. The elevations shall be revised to include:
- (1) The following approved colors and materials information:

| | |
|----------------------|---------------------------------------|
| Metal Roof (Reused): | Non-glare/low reflective/matte finish |
|----------------------|---------------------------------------|

Munsell Gley 1 3/5GY_/2
Very Dark Greyish Green

Siding – Flat Cold Rolled Steel Non-glare/low reflective/matte finish
Pre-weathered to final rust color
Final coating will be non-glare

All Wood Materials: Pittsburg Paints Semi-Transparent Stain:
Espresso
(Siding, facia, post/beams) Munsell 10YR 2/1

(2) The following correct height calculations:

Roof Pitch: ½:12 (0:12 for height calc purposes)
Site Slope: 0%
Allowed Height: **24'-0"**
Proposed Height: 21'-10"

(3) Location and model detail of the proposed exterior light fixtures. All exterior lighting shall be consistent with TRPA Code of Ordinances, Section 36.8, Exterior Lighting Standards.

- D. A BMP Inspection and Maintenance Plan shall be submitted detailing the maintenance activity and schedule for all BMPs installed on the property.
- E. The permittee shall submit a \$289.60 air quality mitigation fee. This fee is based on the addition of 8 daily vehicle trip ends at \$36.20/trip.
- F. The affected property has 603 square feet of excess land coverage. The permittee shall mitigate a portion or all of the excess land coverage on this property by removing coverage within Hydrologic Transfer Area 8 – Tahoe City or by submitting an excess coverage mitigation fee.

To calculate the amount of excess coverage to be removed, use the following formula:

Estimated project construction cost multiplied by the fee percentage of 0.12% (as identified in Table 30.6.1-2 of Subsection 30.6.1.C.3. of the TRPA Code of Ordinances) divided by the mitigation factor of 8. If you choose this option, please revise your final site plans and land coverage calculations to account for the permanent coverage removal.

An excess land coverage mitigation fee may be paid in lieu of permanently retiring land coverage. The excess coverage mitigation fee shall be calculated as follows:

Coverage reduction square footage (as determined by formula above) multiplied by the coverage mitigation cost fee of \$8.50 for projects within Hydrologic Transfer Area 8 – Tahoe City. Please provide a construction cost estimate by your

licensed contractor, architect or engineer. In no case shall the mitigation fee be less than \$200.00.

- G. The project security required under Standard Condition I.B. of Attachment Q shall be equal to 110% of the estimated BMP cost prepared by a qualified professional, or \$5,000, whichever is more. Note there is also a security administration fee due at the time of acknowledgment. See Line 109 of the TRPA filing fee schedule at the time of acknowledgment for the current administrative fee. Please see Attachment J, Security Procedures, for appropriate methods of posting the security.
 - H. The permittee shall submit three sets of final construction drawings and site plans to TRPA.
4. The permittee shall submit a projected construction completion schedule to TRPA prior to commencement of construction. Said schedule shall include completion dates for each item of construction, as well as BMP installation for the entire project area, as outlined in Section 33.5 of the TRPA Code of Ordinances.
 5. Temporary and permanent BMPs may be field-fit as appropriate by the TRPA inspector.
 6. The permittee shall prepare and provide photographs to the TRPA Compliance Inspector that have been taken during construction that demonstrate any subsurface BMPs or trenching and backfilling proposed on the project have been constructed correctly (depth, fill material, etc.).
 7. All BMPs shall be maintained subject to the Inspection and Maintenance Plan approved as part of this permit. All maintenance activities shall be recorded in a corresponding maintenance log. This log shall be maintained for the life of the property and made available for inspection by TRPA staff. If this log is not complete, TRPA will assume that maintenance has not been performed and reserves the right to revoke the BMP Certificate of Completion.
 8. By acceptance of this permit, the permittee agrees that the scenic mitigation (colors and materials) authorized under this permit shall be maintained in perpetuity. Failure to meet scenic mitigation requirements is a violation of the permit and TRPA Code of Ordinance Section 5.4 and is subject to enforcement actions.
 9. Excavation equipment shall be limited to approved construction areas to minimize site disturbance. No grading or excavation shall be permitted outside of the approved areas of disturbance.
 10. 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. Discharge of waste material to surface drainage features is prohibited and constitutes a violation of this permit.
 11. All exterior lighting shall be consistent with TRPA Code of Ordinances, Section 36.8, Exterior Lighting Standards.

12. All trash storage and enclosures shall be screened from public view in accordance with Subsection 36.5.2 of the TRPA Code of Ordinances.
13. The project is allocated 418 square feet of commercial floor area and is limited to that additional amount.
14. No signage has been reviewed or approved as a part of this permit. Any proposed signage will require a separate permit from Placer County.
15. To the maximum extent allowable by law, the Permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board, its Planning Commission, its agents, and its employees (collectively, TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person or property or (b) to set aside, attack, void, modify, amend, or annul any actions of TRPA. The foregoing indemnity obligation applies, without limitation, to 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; or (3) the design, installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or Permittee.

Included within the Permittee's indemnity obligation set forth herein, the Permittee agrees to pay all fees of TRPA's attorneys and all other costs and expenses of defenses as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees incurred by TRPA for actions arising directly or indirectly from issuance or implementation of this permit. TRPA will have the sole and exclusive control (including the right to be represented by attorneys of TRPA's choosing) over the defense of any claims against TRPA and over their settlement, compromise or other disposition. Permittee shall also pay all costs, including attorneys' fees, incurred by TRPA to enforce this indemnification agreement. If any judgment is rendered against TRPA in any action subject to this indemnification, the Permittee shall, at its expense, satisfy and discharge the same.

END OF PERMIT

Attachment C

Project Plans