

TAHOE REGIONAL PLANNING AGENCY
HEARINGS OFFICER STAFF SUMMARY

Project Name: Opening Day Lake Tahoe – Lake Tahoe Visitors Authority (LTVA)

Application Type: Temporary Activities

Applicant: LTVA c/o Nicole Cox

Agency Planner: Kellee Jones, Associate Planner

Location: Highway 50, Casino Corridor between Park Avenue & Lake Parkway

Assessor's Parcel Number/File Number: 1318-27-001-007/ 20070248

Staff Recommendation: Staff recommends that the Hearings Officer approve the project. The recommended conditions of approval are listed in the Special Conditions of the Draft Permit attached to this staff summary.

Project Description: The Lake Tahoe Visitors Authority is proposing a temporary activity permit to conduct "Opening Day Lake Tahoe," which involves 2 days of outdoor activities. The activities will include the Miss Hawaiian Tropic Finals, a casino rooftop concert, hot rod displays, motocross stunt jumping, geo-caching, food vendors, street performances, and live bands and DJs. In addition, there will be parasail races, the yacht club flotilla and a paddle wheeler race held on Lake Tahoe. The Tahoe Queen and the MS Dixie will operate out of their homeports (Ski Run Marina and Zephyr Cove Resort) called out in their tour boat permits, and will dock at the same. This is a public cruise, with published schedule, not a charter operation. The majority of the event will be held on June 16, 2007 with geo-caching activities on June 17, 2007. Approximately five to six thousand individuals are expected to participate in the activities.

The main event is located within the Highway 50 Casino Corridor. Park Avenue to Lake Parkway will be closed to vehicular traffic between 8 a.m. to 8 p.m. on June 16 and detoured onto the loop road. Parking for the activities will be located at Montbleu, Harrah's, Harvey's, Bill's, and Horizon and the overflow from these locations will be accommodated in the Douglas County parking garage, Lakeside Inn, and Heavenly Mountain Resort California Lodge as indicated by signage. Portable toilets and trash bins will be available, and serviced, during the entire event. Security guards will ensure that vehicles are off of Highway 50 prior to commencement of the activities. Vendors will have parking permits that they will be required to display on their rearview mirrors to drive onto 50 during set-up and tear down times. No vehicles are permitted within the activity perimeter without valid permits displayed. "No Parking" signs will be placed along La Salle Street, Friday Avenue, Poplar Street, Cedar and Manzanita, Lake Parkway, Stateline Avenue, Park Avenue, and Pine Avenue. As a temporary activity, this project was reviewed according to Chapter 7 of the TRPA Code of Ordinances.

Site Description: The total project area includes 6 parcels. The project area lies between Harvey's, Horizon, Harrah's, Bill's and Montbleu casinos on Highway 50. The water events will be held on Lake Tahoe and both Ski Run Marina and Zephyr Cove Resort docks. The Tahoe

Queen and MS Dixie will maintain standard operating procedures as outlined in their permits for tours.

Issues: The proposed activities involve special uses within the Stateline Community Plan and the project could result in a significant increase in traffic, therefore, this application requires Hearings Officer review in accordance with Chapter 4, Appendix A, of the TRPA Code. The special use is not exempt under Chapter 4 due to the closure of Highway 50. The primary project related issue for “Opening Day Lake Tahoe” is:

1. Traffic, Air Quality and Parking: Pursuant to Subsection 7.6. F and 93.3.B of the TRPA Code of Ordinances and Community Plan standards, a traffic analysis (described below) is required for any project which results in an increase of 200 daily vehicle trips. Based on information provided by the applicant, approximately 10,000 people may attend the proposed event. Assuming vehicle occupancy of two persons per vehicle indicates that approximately 5,000 daily vehicle trips could be generated by the proposed project.

Traffic Analysis: As part of the project application for additional or transferred development which would result in a significant increase in daily vehicle trips at the project area, the applicant shall prepare and submit to TRPA, a technically adequate analysis of potential traffic and air quality impacts. For additional or transferred development which would result in a minor increase in daily vehicle trips at the project area and the subject parcel is located within 300 feet of the center of the U.S. Highway 50 right-of-way, in a maintenance area, the applicant shall prepare and submit to TRPA, as part of the project application, an analysis of potential traffic and air quality impacts. A traffic analysis shall include:

- (1) Trip generation rates of the proposed project,
- (2) Impacts of the proposed project on the level of service at any impact intersections,
- (3) Impacts of the proposed project on regional vehicle miles traveled (VMT),
- (4) Impacts of the proposed project on regional and subregional air quality,
- (5) Ingress and egress characteristics of the proposed project, and their impacts on traffic flow adjacent to the project area,
- (6) Measures necessary to mitigate all traffic and air quality impacts to a level consistent with the environmental thresholds, the Goals and Policies, the Regional Transportation Plan, and the 1992 Air Quality Plan, and
- (7) Additional information that TRPA may require.

As a condition of final approval, the Permittee shall take any and all steps to prevent vehicles from being parked along roadsides or other areas not designated as “Lake Tahoe Opening Day Parking.” This includes all of Lake Parkway, Stateline Avenue, Park Avenue, and Pine Boulevard. All parking shall be confined to the designated

parking areas of the Casino Properties. Overflow from these locations shall be accommodated in the Douglas County parking garage indicated by signage.

Staff Analysis:

- A. Environmental Documentation: The applicant has completed an Initial Environmental Checklist (IEC) and traffic analysis 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.
- B. Plan Area Statement/Community Plan: The project is located within the Stateline Community Plan. The Land Use Classification is identified as “Tourist.” The proposed project area has been identified as an area for Privately Owned Assembly and Entertainment as special uses. Agency Staff has reviewed the subject Community Plan and has determined that the project is consistent with the applicable planning statement, planning considerations and special policies. The proposed temporary activity is listed as a “special use.”
- C. Required Findings: The following is a list of the required findings as set forth in Chapters 6, 7, and 18 of the TRPA Code of Ordinances. Following each finding, Agency staff has briefly summarized the evidence on which the finding can be made.

1. Chapter 6 – 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.

Transportation: The proposed development will result in an increase of 5,000 daily vehicle trip ends as defined in the TRPA Code of Ordinances. No permanent impacts to Level of Service or Regional or Sub-Regional air quality are anticipated based on the IEC for this temporary activity.

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

The basis for this finding is provided on the checklist entitled “Project Review Conformance Checklist and Article V(g) Findings” in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklist demonstrate compliance with the environmental threshold carrying capacities.

The Opening Day Lake Tahoe event on June 16th, 2007 will not exceed the Community Noise Equivalency Level (CNEL) noise standard of 55 decibels for the project area per TRPA Code of Ordinances, Chapter 23.

- 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.

(Refer to paragraph b, above.)

2. Chapter 18 – 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 activity will be located on Highway 50 within the casino corridor and will be operated by Lake Tahoe Visitors Authority (LTVA) in conjunction with Montbleu, Harrah's, Harvey's, Bills, and Horizon. The Casino Corridor is a major tourist center which can provide the amenities necessary for the estimated attendance of 5,000-6,000 people, including parking, restroom facilities, trash receptacles, etc.

- 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 issuance of a permit shall take any and all steps to prevent vehicles from being parked along roadsides, neighborhoods or other areas not designated as "Lake Tahoe Day Parking." This includes all of Lake Parkway, Stateline Avenue, Park Avenue, and Pine Boulevard. All parking shall be confined to the designated parking areas of the Casino Properties. Overflow from these locations shall be accommodated in the Douglas County parking garage, Lakeside Inn, and Heavenly Mountain Resort California Lodge as indicated by signage. "No Parking" signs will be placed along La Salle Street, Friday Avenue, Poplar Street, Cedar, Manzanita, Lake Parkway, Stateline Avenue, Park Avenue, and Pine Boulevard.

Further, the applicant shall be required to monitor traffic operations during peak hours of traffic at the following locations; Stateline Ave & Hwy 50, Park Ave & Hwy 50, Lake Parkway & Hwy 50, Lake Parkway & Park Ave. Permit issuance is subject to meeting all TRPA, state and county regulations for parking facilities and road improvements.

- 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/or specific master plan, as the case may be.

The proposed temporary activity is located within an area with other tourist amenities. "Opening Day Lake Tahoe" will not affect or alter the purpose of the applicable planning area statement, community plan and/or specific master plan over a long term period.

3. Chapter 7 – Temporary Activity Findings:

- a. That the activity is in a plan area designated commercial, public service or tourist, is limited to no more than ten hours duration and is between the hours of 8:00 a.m. to 10:00 p.m., or that the activity is a race or exhibition, is limited to no more than six hours duration and is conducted during daylight hours.

The activity is in a plan area designated commercial, public service or tourist and is limited to no more than 10 hours duration per day (12:00 pm – 6:00.) All activities are limited to the daylight hours.

- E. Required Actions: Agency staff recommends that the Hearings Officer approve the activity by making the following motions and findings based on this staff summary and the evidence contained in the record:
- I. Approve the findings contained in this staff summary, and a finding of no significant environmental effect.
 - II. Approve the activity, based on the staff summary, subject to the conditions contained in the attached Draft TRPA Permit.

Attachments:

1. Draft Permit
2. Site Plan
3. Fehr & Peters Transportation Consultants, Traffic Control & Detour Plans
4. U.S. 50 Stateline - Temporary Traffic Operation Conditions

June 5, 2007

Ms. Nicole Cox
P.O. Box 5878
Stateline, NV 89449

TEMPORARY/SPECIAL EVENT, LAKE TAHOE OPENING DAY, EL DORADO AND DOUGLAS COUNTIES, APN 1318-27-002-005 , TRPA FILE NUMBER 20070248.

Dear Ms. Cox:

Enclosed please find a Tahoe Regional Planning Agency (TRPA) permit and attachments for the project referenced above. **TRPA will acknowledge the permit only after all standard and special conditions of approval have been satisfied.** Failure to satisfy these conditions of approval will cause unnecessary time delays. TRPA acknowledgement is required prior to application to other reviewing agencies and commencement of construction.

Please schedule an appointment with me to finalize your project. **Due to time demands, TRPA cannot accept drop-in or unannounced arrivals to finalize plans.**

Please note that combined security and mitigation fee payments can be accepted. Acceptable ways to post a security are listed in the enclosed handout entitled "Attachment J."

Thank you very much for your patience in this matter. Please feel free to call me if you have any questions regarding this letter or your permit in general.

Sincerely,

Kellee Jones
Associate Planner
Transportation Division

Enclosures

DRAFT TEMPORARY ACTIVITY PERMIT

PROJECT DESCRIPTION: Temporary Activity, Lake Tahoe Opening Day

APN: 1318-27-002-005

PERMITTEE: Nicole Cox

FILE # 20070248

COUNTY/LOCATION: Highway 50 casino corridor, El Dorado and Douglas Counties

Having made the findings required by Agency ordinances and rules, TRPA approved the project on **June 14, 2007**, subject to the standard conditions of approval attached hereto (Attachment Q) and the special conditions found in this permit.

This permit shall expire on **June 17, 2007** without further notice unless the activity has commenced prior to this date and diligently pursued thereafter. 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. After the expiration of this permit, permittee shall submit a new application with appropriate fees for next years Temporary Activity, "Opening Day Lake Tahoe."

TEMPORARY ACTIVITIES SHALL NOT COMMENCE UNTIL THE PERMITTEE OBTAINS COUNTY, CITY, NDOT AND CALTRANS PERMITS. THE FOREMENTIONED PERMITS AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AN MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS. ACTIVITIES SHALL NOT COMMENCE UNTIL ALL CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA'S ACKNOWLEDGEMENT OF THIS PERMIT. IN ADDTION, ACTIVITIES SHALL NOT COMMENCE UNTIL 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. TRPA'S ACKNOWLEDGEMENT IS NECESSARY TO OBATAIN A COUNTY BUILDING PERMIT.

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 1318-27-002-005
FILE NO. 20070248**

Security Posted (1): Amount \$ 7,000 Posted _____ Type _____ Receipt No. _____

Security Administrative Fee (2): Amount \$ _____ Paid _____ Receipt No. _____

Notes:

- (1) See Special Condition 3, below.
- (2) \$144 if a cash security is posted, or \$74 if a non-cash security is posted.

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

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

TRPA Executive Director/Designee

Date

SPECIAL CONDITIONS

1. This permit specifically authorizes the permittee to conduct a temporary event, Opening Day Lake Tahoe which involves 2 days of outdoor activities. The activities may include the Miss Hawaiian Tropic Finals, a casino rooftop concert, hot rod displays, motocross stunt jumping, geo-caching, food vendors, street performances, and live bands and DJs. In addition, there will be parasail races, the yacht club flotilla and a paddle wheeler race held on Lake Tahoe. The Tahoe Queen and the MS Dixie will operate out of their homeports (Ski Run Marina and Zephyr Cove Resort) called out in their tour boat permits, and will dock at the same. This is a public cruise, with published schedule, not a charter operation. The majority of the event will be held on June 16, 2007 with geo-caching activities on June 17, 2007. Approximately five to six thousand individuals are expected to participate in the activities. The main event is located within the Highway 50 casino corridor whereas Park Avenue to Lake Parkway will be blocked off to traffic. The traffic will be rerouted onto the loop road. Parking for the activities will be located at Montbleu, Harrah's, Harvey's, Bill's, and Horizon and overflow from these locations shall be accommodated in the Douglas County parking garage, Lakeside Inn, and Heavenly Mountain Resort California Lodge as indicated by signage. Portable toilets and trash bins will be available, and serviced, during the entire event. Security guards shall ensure that vehicles are off of Highway 50 prior to commencement of the activities. Vendors will have parking permits that they will be required to display on their rearview mirrors to drive onto Highway 50 during set-up and tear down times. No vehicles are permitted within the activity perimeter without valid permits displayed. "No Parking" signs will be placed along La Salle Street, Friday Avenue, Poplar Street, Cedar and Manzanita to.
2. Prior to permit acknowledgement, the following general conditions and seven specific "Opening Day Lake Tahoe" conditions of approval must be satisfied.
 - A. The site plan for the event areas shall be submitted which includes:

- (1) Temporary structures proposed for the event including all vendors, portable toilets, and trash receptacles.
 - (2) Permittee shall take any and all steps to prevent vehicles from being parked along roadsides or other areas not designated as "Lake Tahoe Opening Day" parking, including but not limited to temporary signage and other traffic control devices.
 - (3) Locations and dimensions of any and all temporary signage. All temporary signage shall be in conformance with Chapter 26 of TRPA Code of Ordinances.
 - (4) Specific "Lake Tahoe Opening Day" Conditions as follows:
 - a. The permittee shall make encourage use of transit and bicycle modes of transportation to move patron, spectators and staff.
 - b. No parking will be allowed along Lake Parkway, Stateline Avenue, Park Avenue, and Pine Boulevard. All parking shall be confined to the designated parking areas of the Casino properties.
 - c. Parking attendants shall remain in use until the conclusion of all events that take place on the main event day (Saturday, June 16, 2007).
 - d. All local, state and federal requirements, including special agreements in place specifically for this event, shall be met by the permittee.
 - e. The use of the Casino's parking areas shall be utilized and all overflow from this location shall be accommodated in the Douglas County parking garage, Lakeside Inn, and Heavenly Mountain Resort California Lodge as indicated by TRPA conforming signage.
 - f. Permittee agrees to maintain a shuttle system at a level which will fully serve the needs of the Lake Tahoe Opening Day and related events.
- B. A refundable security of \$7,000.00 and a non-refundable Security Administration Fee shall be submitted to TRPA. Release of the project security shall be based on successful restoration of the Highway 50 Casino Corridor, and all other event locations, to pre-event conditions.
- C. Three copies of the site plans shall be submitted to TRPA for review and approval.
3. The permittee shall provide before and after photographs of all event areas, Highway 50 Casino Corridor, detour routes, etc. to demonstrate that the proposed temporary activity area has been brought back to its original condition.

END OF PERMIT