

TAHOE REGIONAL PLANNING AGENCY

128 Market Street
Stateline, Nevada
www.trpa.org

P.O. Box 5310
Stateline, Nevada 89449

(775) 588-4547
Fax (775) 588-4527
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HEARINGS OFFICER AGENDA OF MEETING FOR

Tahoe Regional Planning Agency
128 Market Street, TRPA Conference Room
Stateline, NV 89449

Date: March 8, 2008
2:00 p.m.

AGENDA

- I. CALL TO ORDER
- II. APPROVAL OF AGENDA
- III. PUBLIC INTEREST COMMENTS (No Action)

Any member of the public wishing to address the Hearings Officer on any agenda item not listed as an Announcement of Appeal Right or Public Hearing Item, or on any other issue, may do so at this time. However, public comments on Announcement of Appeal Rights or Public Hearing Items will be taken at the time those agenda items are heard.

NOTE: THE HEARINGS OFFICER IS PROHIBITED BY LAW FROM TAKING IMMEDIATE ACTION ON, OR DISCUSSING ISSUES RAISED BY THE PUBLIC THAT ARE NOT LISTED ON THIS AGENDA.

- IV. ANNOUNCEMENT OF APPEAL RIGHTS
- V. PUBLIC HEARING ITEMS
 - A. Scott Beaudry Land Capability Challenge, 5850 Korlebu Lane, Placer County, California, Assessor's Parcel Number 116-060-49, TRPA File Number STD20061874.
 - B. Ward-Young Architects, on behalf of Lakehouse Mall Properties, 120 Grove Street, Placer County, CA, Assessor's Parcel Number 094-090-10, TRPA File Number 20061651. The applicant is submitting the second major plan revision for the Lakehouse commercial building. The proposed design modifications include: an additional 2,049 square feet of Commercial Floor Area (CFA) to be allocated from the Tahoe City Community Plan and an additional 301 square feet of land coverage to extend a foot path on east side of building.

- VI. ADJOURNMENT

By: _____

John Singlaub, Executive Director

This agenda has been posted at the TRPA office and at the following places: Zephyr Cove and Stateline Nevada Post Office, Al Tahoe California Post Office and the El Dorado County Library.

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MEMORANDUM

March 1, 2007

To: TRPA Hearings Officer

From: TRPA Staff

Subject: Mr. Scott Beaudry Land Capability Challenge, 5850 Korlebu Lane, Agate Bay CA, Placer County APN: 116-060-49.

Proposed Action: The applicant, Mr. Scott Beaudry requests the Hearings Officer to review and approve the proposed Land Capability Challenge on the affected parcel.

Staff Recommendation: Staff recommends the Hearings Officer approve the land capability challenge for the parcel changing the land capability from class 1c to classes 4 and 6.

Background: The subject parcel being challenged is shown as land capability class 1c on the TRPA Land Capability Overlay Maps. The Soil Conservation Service Soil Survey for the Lake Tahoe Basin places this parcel within the Sm (Stony colluvial land) miscellaneous map unit. The Sm miscellaneous map unit is consistent with the D-1 (Toe Slope Lands, low hazard lands) geomorphic unit classification. The Sm miscellaneous map unit is classified as a non-soil designation. The genesis for this type of setting formed geologically in colluvium derived from latite and andesite.

A land capability verification was never conducted on this property. A land capability challenge was filed to confirm the soil series and land capability for the parcel.

Findings: The parcel is mapped within geomorphic unit the D-1 (Toe Slope Lands, low hazard lands) on the TRPA Geomorphic Analysis Map of the Lake Tahoe Basin. The soils investigation was conducted by TRPA staff. Based on two soil pits, a representative soil profile was described (see Attachment A). After the visit to APN:116-060-49 the soils were determined to be consistent with land capability class 6, in accordance with the Land Capability Classification of the Lake Tahoe Basin (Bailey, 1974).

If you have questions on this agenda item, please contact Tim Hagan, at 775-588-4547 (ext. 275).

SOIL INVESTIGATION FOR
PLACER COUNTY APN: 116-060-49, 5850 Korlebu Lane, Agate Bay CA

INTRODUCTION

A soil investigation was conducted on APN: 116-060-49 in Placer County. A land capability verification was never conducted by TRPA staff on this parcel.

ENVIRONMENTAL SETTING

The parcel being challenged is shown as land capability class 1c on the TRPA Land Capability Overlay Maps. The Soil Conservation Service Soil Survey for the Lake Tahoe Basin places this parcel within the Sm (Stony colluvial land) miscellaneous map unit. The Sm miscellaneous map unit is consistent with the D-1 (Toe Slope Lands, low hazard lands) geomorphic unit classification. The Sm miscellaneous map unit is classified as a non-soil designation. The genesis for this type of setting formed geologically in colluvium derived from latite and andesite. This parcel is on an east facing slope. The natural slopes associated with this property are between 10 to 22 percent.

PROCEDURES

One soil pit was available for observation on this parcel. After examination the soil profiles, it was described in detail as representative of the soils on the parcel. A copy of this description is included in this report. Slopes were measured with a clinometer.

FINDINGS

One un named soil was identified on this parcel. The soil on this parcel is generally deep and well drained. This soil is characterized as having a very thin (< 1") sparse surface mantle of organic matter over a dark brown extremely gravelly sandy loam surface horizon. The subsoil is comprised of an extremely gravelly-stony brown sandy clay loam to a depth of greater than 60 inches. This soil would be most accurately described as a phase of the Jorge soil series. These soils are skeletal members of Hydrologic Group B. This un-named soil has an argillic horizon within the control section and exhibit textures that are described as gravelly to stony sandy loam. Therefore, the soil on the property can be properly characterized as an un-recognized soil in the Tahoe Basin and therefore is assigned to land capability classes 4 and 6 based on slope above and below 16 percent.

CONCLUSION

Based on the results of the site visit, the soils on APN: 116-060-49 is interpreted to be an extremely gravelly un-named soil. Therefore, based on slope and previously cited characteristics, the soil on the affected parcel would be assigned to land capability classes 4 and 6, in accordance with the Land Capability Classification of the Lake Tahoe Basin (Bailey, 1974).

Tim Hagan, Principal Planner / Soil Scientist

APN: 116-060-49

Representative Soil Profile:

Soil Classification: Loamy-skeletal, mixed, frigid, Ultic Haploxeralf
Drainage Class: Deep, well drained,
Hydrologic Group B

- Oi** 2 to 0 inches; needles and duff.
- A1** 0 to 9 inches; Grayish brown (10YR 5/2) extremely gravelly sandy loam, dark brown (10YR 3/3) moist; moderate fine granular structure; soft, loose, nonsticky and nonplastic; many very fine and fine roots, few coarse roots; many very fine and fine interstitial pores; 5 percent gravel, 50 percent cobbles, 40 percent stones; clear smooth boundary.
- A2** 9 to 17 inches; yellowish brown (10YR 5/3) extremely gravelly sandy loam, dark brown (10 YR 4/3) moist; moderate, medium subangular structure; hard, friable, slightly sticky and slightly plastic; common fine, medium and coarse roots; many very fine and fine tubular pores; common clay films on ped faces and lining pores 30 percent gravel, 30 percent cobbles; clear wavy boundary.
- A3** 17 to 24 inches; brown (10YR 6/3) extremely gravelly sandy clay loam, dark brown (10 YR 4/3) moist; moderate, medium subangular structure; hard, friable, slightly sticky and plastic; common fine, medium and coarse roots; many very fine and fine tubular pores; 30 percent gravel, 35 percent stones; clear wavy boundary.
- Bt1** 24 to 38 inches; brown (7.5YR 5/4) extremely gravelly sandy clay loam, dark brown (7.5 YR 4/4) moist; moderate, medium subangular structure; hard, friable, slightly sticky and plastic; common fine, medium and coarse roots; many very fine and fine tubular pores; 30 percent gravel, 35 percent cobbles; clear wavy boundary.
- Bt2** 38 to 50+ inches; yellowish brown (10 YR 5/6) extremely gravelly coarse sandy clay loam, dark yellowish brown (10 YR 4/6) moist; moderate, medium subangular structure; hard, friable, slightly sticky and plastic; common fine, medium and coarse roots; many very fine and fine tubular pores; common clay films on ped faces and lining pores 30 percent gravel, 35 percent stones; gradual wavy boundary.

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TAHOE REGIONAL PLANNING AGENCY HEARINGS OFFICER STAFF SUMMARY

Project Name: Lakehouse Commercial Building Second Major Plan Revision

Application Type: Eating and Drinking Places

Applicant: Lakehouse Mall Properties; Fred and Julie Motamedi

Applicant's Representative: Ward-Young Architects, Ron Larkins

Agency Planner: Patrick Dobbs, Assistant Planner

Location: 120 Grove Street, Placer County, California

Assessor's Parcel Number / File Number: 094-090-10/20061651

Staff Recommendation: Staff recommends approval of the project based on this staff summary and the evidence contained in the project record. The recommended conditions of approval are contained in the attached Draft Permit.

Project Description: The project is the second major plan revision to the Lakehouse commercial building located at 120 Grove Street, Placer County, California. The revision calls for an additional 2,049 square feet of Commercial Floor Area (CFA) to be allocated to this project from the Tahoe City Community Plan. The additional CFA is attributed to the basement and storage area on the bottom floor, and outdoor dining terrace on the main floor. These areas were previously approved for floor area and land coverage in substantial conformance to the proposed design. This phase of the project is proposing to allocate CFA to these locations. A portion of the basement will be used to construct a unisex public restroom. 301 square feet of land coverage is proposed to be relocated onsite within Land Capability Class 5. The additional land coverage will extend a foot path on the east side of the building, as well as reconfigure the stairs that exit the dining deck and terrace. All new land coverage is located land capability class 5, and is within the legally existing verified land coverage on the property. The building will be rebuilt in substantial compliance with the former building and was reviewed under Level 3 of the Scenic Quality Review in the Shoreland Ordinances, as there was an increase of less than 20 percent of the lakefront facade. Scenic Quality Review Level 3 allows for a visible magnitude of 1,500 square feet. This project proposes 1,574 square feet of lakefront facade. Therefore, 74 square feet of proposed perimeter screening is required as part of an approved landscape plan.

Site Description: Assessor's Parcel Number (APN) 094-090-10 is a lakefront parcel located within Special Area #1 of the Tahoe City Community Plan, Tahoe City, California. Within the Tahoe City Community Plan for Special Area #1, eating and drinking places is an allowable use. This use is consistent with the surrounding retail and tourist businesses and encouraged in this area by the Tahoe City Community Plan. The parcel size is 23,517 square feet and contains areas of land capability districts 1, 3 and 5. The proposed land coverage additions lay entirely within the land capability class 5 portion of the project area. The base allowable land coverage

Hearings Officer / P.D.
March 8, 2007

AGENDA ITEM NO. B.

on the parcel is 4,840 square feet. An existing coverage verification was completed (TRPA File# 20010379) in which 19,753 square feet of land coverage was verified as legally existing. The applicant is proposing a project revision to construct 19,556 square feet of land coverage resulting in an overall coverage reduction of 197 square feet from the originally verified totals. The affected property proposal will result in 14,716 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. Alternatively, the applicant shall demonstrate prior mitigation of the excess coverage from previous permits.

This revision has no net change in parking stalls based on the proposed maximum occupancy seating count.

Issues: The proposed project involves an allocation of commercial floor area in the amount of 2,049 square feet and therefore requires Hearings Officer review in accordance with Chapter 4, Appendix A, of the TRPA Code. The primary project related issues are:

1. Additional commercial floor area allocated from the Tahoe City Community Plan
2. Scenic impacts from Lake Tahoe

Required Findings: The following is a list of the required findings as set forth in Chapters 6 and 20 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 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.

This commercial project (eating and drinking facilities) is an allowable use within Special Area #1 of the Tahoe City Community Plan. Commercial uses that cater to tourist activities are a goal for this location within the Community Plan. This use is appropriate for the area and will not adversely affect the Regional Plan and the Goals and Policies of the Tahoe Regional Planning Agency.

- (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 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. 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 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.

(Refer to paragraph 1.b, above.)

3. Chapter 20 – Land Coverage Findings:

- (a) The land coverage relocation is to an equal or superior portion of the parcel or project area.

All of the proposed coverage changes occur within the verified land capability class 5 portion of the parcel. The parcel is extensively disturbed and the relocation will not result in the removal of trees or significant additional disturbance.

- (b) The area from which the land coverage was removed for relocation is restored in accordance with Subsection 20.4.C.

Restoration will occur in accordance of the approved landscape plan.

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

No activity is authorized with this project in low land capability districts.

Required Actions: Agency staff recommends that the Hearings Officer approve the project 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 project, based on the staff summary, subject to the conditions contained in the attached Draft TRPA permit.

Attachments:

1. Draft Permit
2. Site Plan and Building Elevations

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**-D-R-A-F-T-
PERMIT**

PROJECT DESCRIPTION: Food and Beverage Retail Sales

APN: 094-090-10

PERMITTEE(S): Lakehouse Mall Properties; Fred and Julie Motamedi

FILE #20061651

COUNTY/LOCATION: Placer County / 120 Grove Street

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on March 8, 2007, subject to the standard conditions of approval attached hereto (Attachment Q) and the special conditions found in this permit, and those contained in the original and previous plan revision dated September 29, 2004 and August 31, 2005.

This permit shall expire on September 29, 2007, 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 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 PREGRADING 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 _____

/prd

PERMIT CONTINUED ON NEXT PAGE

D-R-A-F-T

**APN: 094-090-10
FILE NO. 20061651**

Excess Coverage Mitigation Fee (1): Amount \$ _____ Paid _____ Receipt No. _____

Security Posted: Amount \$ _____ Posted: File 19990769 Type CD Receipt No. 414074

Notes:

(1) Amount to be determined. See Special Condition 3. D., below.

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 and is eligible for a county building permit:

TRPA Executive Director/Designee

Date

SPECIAL CONDITIONS

1. This permit specifically authorizes the second major plan revision to plans approved (TRPA File 20041083 and TRPA File 20051137) for the reconstruction of a commercial building (eating and drinking place) that was destroyed by a fire in 2004. The Lakehouse Building located within the Tahoe City Community Plan Special Area 1, at 120 Grove Street, Tahoe City, California. This plan revision includes the allocation of an additional 2,049 square feet of Commercial Floor Area (CFA) from the Tahoe City Community Plan. 1,482 square of permitted floor area on the basement level will be converted to CFA to serve as accessory CFA to the primary commercial use. Within the basement area, a unisex public restroom will be constructed. On the lower level an outside dining terrace is allocated 567 square feet of CFA. In addition, 301 square feet of relocated land coverage is approved with this project to extend the entry walkway and accommodate the reconfiguration of the stairways on the terrace and rear dining deck. The total visible lakefront facade permitted under Level 3 with a contrast score of 22 is 1,500 square feet; the visible area with the rebuild is 1574 square feet; the additional 74 square feet must be mitigated with vegetative screening.
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) Provide a detail of the reconstructed terrace.
 - (2) A note indicating: The deck posts will be painted Drylac color 7010. (This color was assumed during the Composite Scenic Baseline Contrast Rating.)
- B. A BMP plan shall be submitted to include:
- (1) Identification of BMP's for the areas of new and reconfigured land coverage.
 - (2) Submit calculations demonstrating that the proposed infiltration trenches, sand/oil separator and drop inlet structures are sized accordingly for the slope and soil type of the property and will capture and infiltrate a 20 year/ 1 hour storm event. BMP details on the site plan shall reflect accurate sizes.
- C. The floor plans shall be revised to include:
- (1) Gas fireplace make and model numbers.
- D. The affected property has 14,716 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 .025% (as identified in Table A of Subsection 20.5.A.(3), Chapter 20 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.

- E. The permittee shall submit a landscape/revegetation plan for the project area that demonstrates screening of 74 square feet of lakefront facade. All vegetation shall be consistent with the requirements of Chapter 30 of the TRPA Code of Ordinances, including the specification for sizing and species of plants.
- F. The permittee shall submit a scenic monitoring plan which shall include:
- an initial 30 day post-construction photo, and
 - annual post-construction photos for at least five years, taken on the anniversary of vegetation planting, consistent with the same established viewpoints as the submitted simulations. Photos submitted will demonstrate that the simulations and proposed landscaping screening are accurate and adequate to achieve the required scenic screening. Additional landscaping may be required to replace landscaping that fails to meet the screening mitigation required for the project. By signature of this permit, the permittee agrees that the landscaping authorized under this permit shall be maintained for scenic mitigation purposes in perpetuity.
 - Monitoring fees are to be paid by the applicant for TRPA staff to review scenic reports and conduct periodic site visits. The applicant agrees to pay to TRPA, reasonable, hourly monitoring costs that will not exceed the costs incurred by the Agency. These costs will be billed to the applicant and shall be submitted to TRPA within 30-days of receipt of the invoice.
Or
 - Payment of a monitoring deposit is required prior to the acknowledgement of the permit and is subject to a refund or additional billing. Field inspection and administrative costs related to monitoring will be charged against the deposit. Fees for monitoring are based on an hourly rate established in the TRPA's general fee schedule. Rates are subject to change.
4. All other conditions contained within the original permit (TRPA File 20041083) and the first plan revision (TRPA File 20051137) shall be applied to this revision.

END OF PERMIT

WARD-YOUNG

LAKEHOUSE BUILDING

128 Green Street
Shore City, California

DATE: 04/08

SCALE: 1/4" = 1'-0"

BY: ST

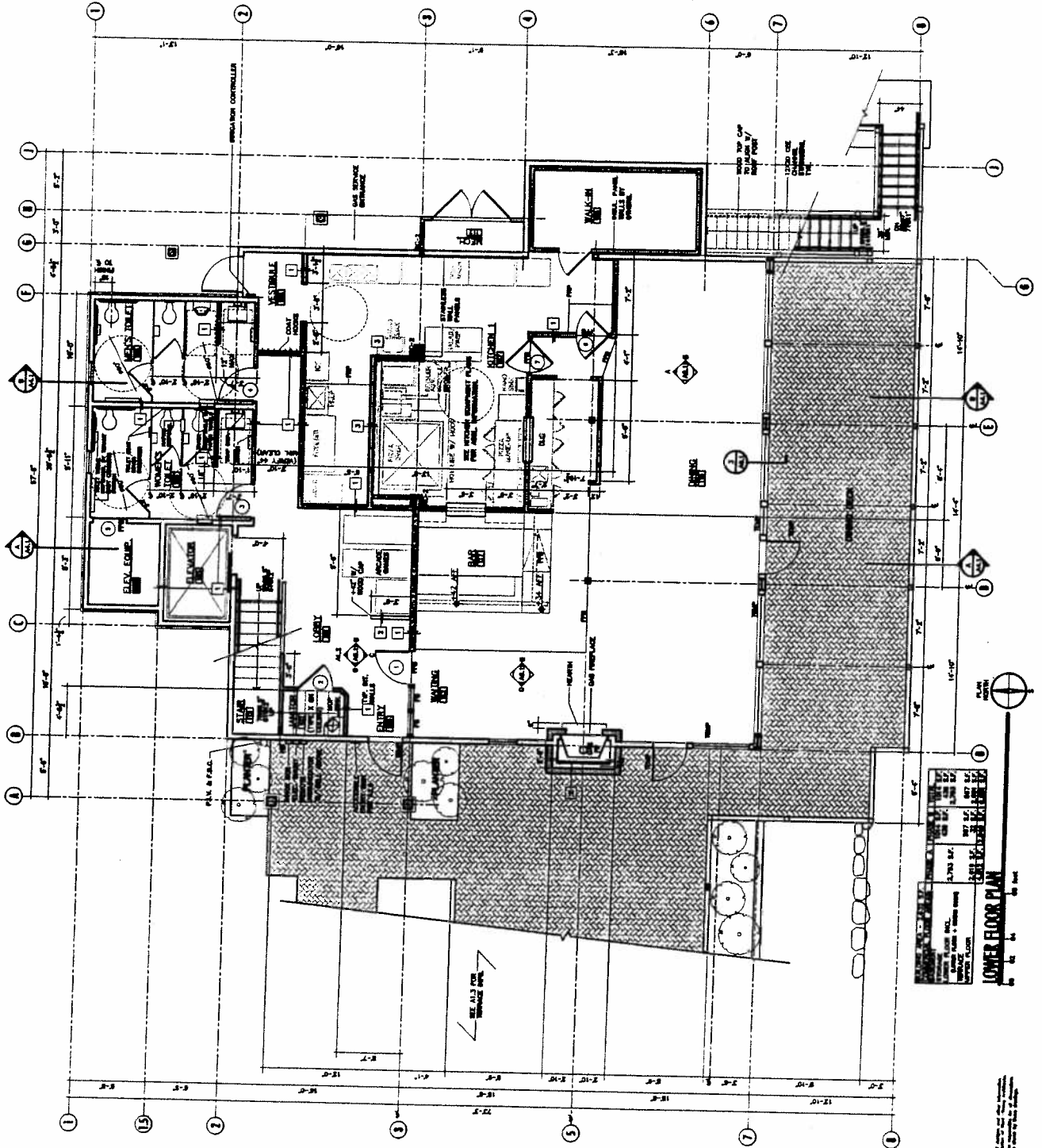
REVISIONS

DATE: 04/08

PROJECT: PHASE 1

DESCRIPTION: LOWER FLOOR PLAN

A2.1



LOWER FLOOR PLAN

DATE: 04/08

PROJECT: PHASE 1

DESCRIPTION: LOWER FLOOR PLAN

SCALE: 1/4" = 1'-0"

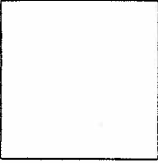
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REVISIONS

DATE: 04/08

PROJECT: PHASE 1

DESCRIPTION: LOWER FLOOR PLAN



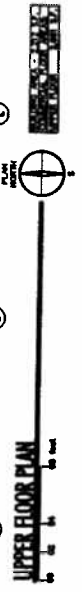
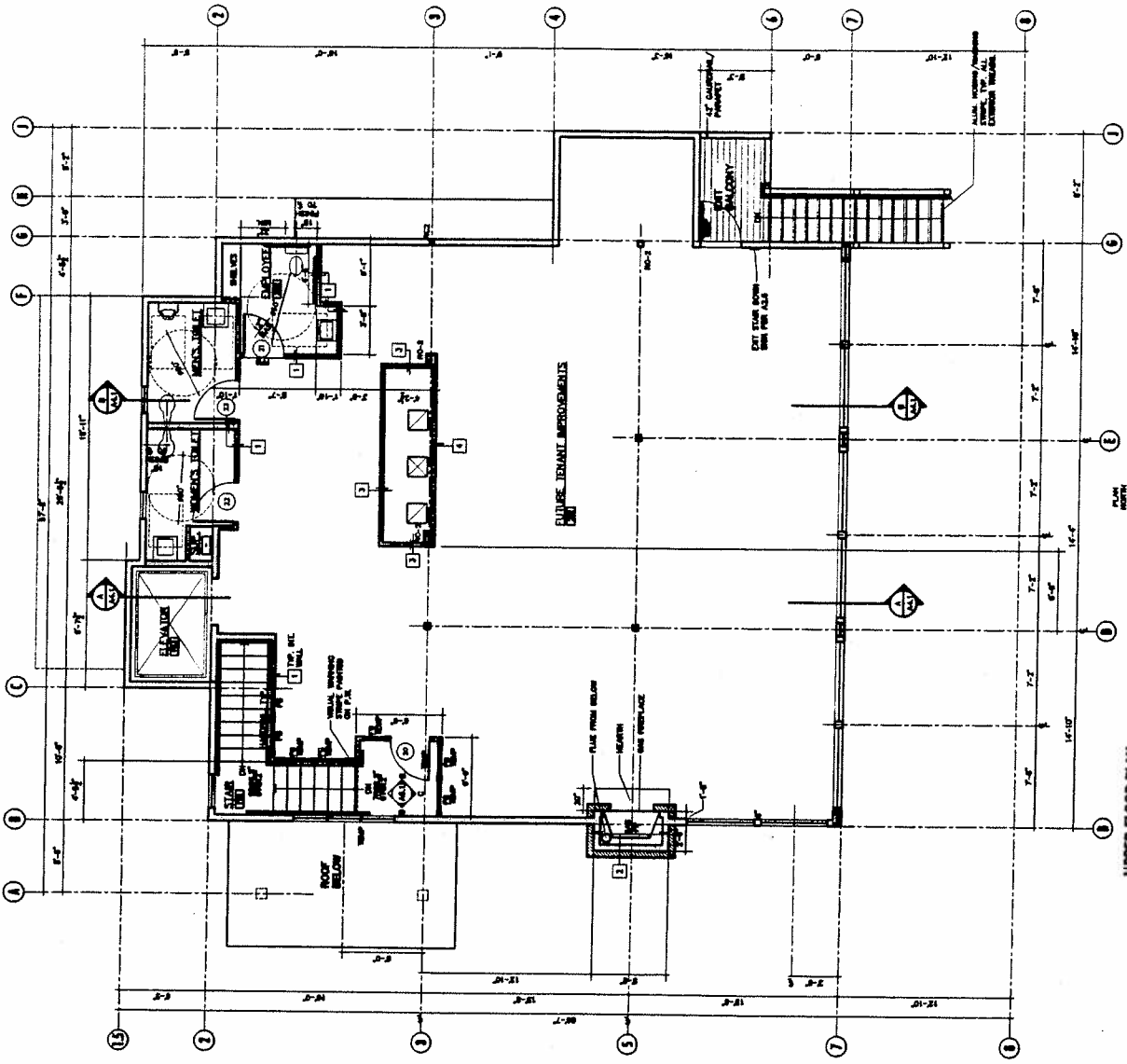
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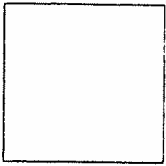
1200 Broadway
 San Francisco, CA 94133

PROJECT NO. 04680
 DATE 1/10/07
 DRAWN BY ST
 CHECKED BY RL
 DATE MARCH 14, 2008
 PHASE I
 UPPER FLOOR PLAN

A2.2



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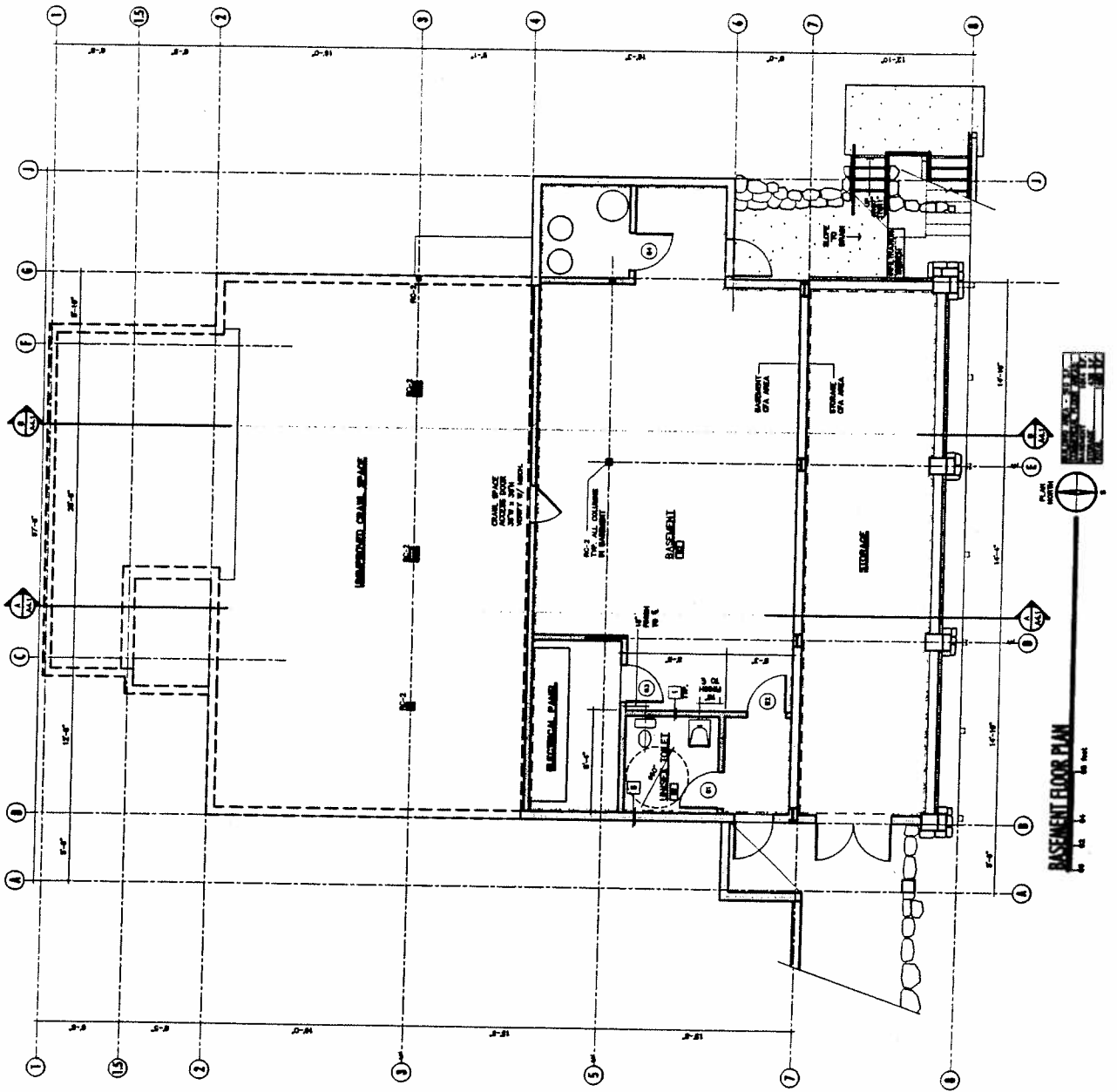
WARD-YOUNG
 ARCHITECTS
 1200 G Street
 Suite 120, California

LAKEHOUSE
 BUILDING

1200 G Street
 Suite 120, California

PROJECT NO.	04-050
DATE	1/2" = 1'-0"
ST	FL
MARCH 15, 2006	
PHASE 1	
BASMENT FLOOR PLAN	

A2.3



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LAKEHOUSE

BUILDING

120 Grove Street
Tahoe City, California

