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TAHOE REGIONAL PLANNING AGENCY HEARINGS OFFICER STAFF SUMMARY

Project Name: Sierra Nevada College – Holman Art and Media Center

Application Type: Change of Use: Commercial to Public Service

Applicant: Sierra Nevada College

Applicant's Representative: Kristina Hill, Hill Planning, Inc.

Agency Planner: Theresa Avance, Senior Planner

Location: 1008 Tahoe Boulevard, Incline Village, NV

Project Number/File Number: 130-050-11/ ERSP2013-0143

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

<u>Project Description:</u> The existing two-story building currently contains a parking garage on the lower floor, and 4,951 square feet of commercial office space on the upper floor. The applicant is proposing to change the use of the commercial building to public service to house the Art and Media program of the Sierra Nevada College, and bank the existing commercial floor area for future transfer. The lower garage level will be enclosed and improved for use as art studio space, and a portion of the existing parking area directly west of the building will be converted to a patio area with a kiln shed. Additionally, the applicant proposes to construct a pathway along Tahoe Boulevard and Country Club Drive to provide pedestrian access between this building and the main Sierra Nevada College campus. Proposed parking on site will be limited to three short-term spaces; all students, faculty, staff, and visitors will be required to park at the Sierra Nevada College or a shared parking location and walk to the Holman Arts and Media building. Permanent BMPs are in place, and will be modified as necessary for the project.

<u>Site Description</u>: The 17,635 sq. ft. parcel is located east of Country Club Drive on Tahoe Boulevard in Incline Village. The site is developed with an existing two-story building with surface and garage parking. There is a single ingress/egress point onto Tahoe Boulevard. Surrounding uses include United States Forest Service properties to the East, a single-family residential neighborhood to the north, a condominium complex and church to the west, and commercial uses to the South. <u>Issues:</u> 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. <u>Environmental Documentation</u>: The applicant 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. <u>Community Plan Area</u>: Incline Village Tourist Community Plan lists Schools-College, as a special use.
- C. <u>Land Coverage</u>: This project complies with land coverage requirements of the TRPA Code of Ordinances.
- D. <u>Height:</u> This existing structure complies with height requirements of the TRPA Code of Ordinances, and no change is proposed with this project.

<u>Required Findings</u>: The following is a list of the required findings as set forth in Chapter 4, 21, 30 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. <u>Chapter 4 Required Findings</u>:
 - (a) <u>The project is consistent with and will not adversely affect implementation of the</u> <u>Regional Plan, including all applicable Goals and Policies, Plan Area Statements and</u> <u>maps, the Code and other TRPA plans and programs</u>.

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) <u>The project will not cause the environmental threshold carrying capacities to be exceeded.</u>

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) <u>Wherever federal, state or local air and water quality standards applicable for the</u> <u>Region, whichever are strictest, must be attained and maintained pursuant to Article V</u> (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. <u>Chapter 21 Special Use Findings</u>:
 - (a) <u>The project, to which the use pertains, is of such a nature, scale, density, intensity and</u> <u>type to be an appropriate use for the parcel on which, and surrounding area in which, it</u> <u>will be located</u>.

The proposed use (School – College) is located on Tahoe Blvd. (Highway 28), within 500 feet of the main Sierra Nevada College campus, and will be an extension of the main campus and consistent and compatible in nature to other surrounding uses, including an adjacent church, residential condominiums, and business park. The proposed change in use will not change the scale of the existing structure, and the use is similar in intensity to the previously existing commercial service uses (plumbing, electric utility, and real estate offices). 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. Such measures include careful location of the kiln yard to protect the public from any injury or disturbance, installation of a pedestrian walkway to the main Sierra Nevada College that will be maintained by the college, a shared parking agreement with Lifepoint Church, installation of parking barriers to ensure safe parking and access to the property, and installation of all necessary temporary and permanent Best Management Practices.

(c) <u>The project, to which the use pertains, will not change the character of the</u> <u>neighborhood detrimentally affect or alter the purpose of the applicable planning area</u> <u>statement, community plan and specific or master plan, as the case may be</u>. The proposed project is an extension of the Sierra Nevada College, a main component to the existing character of the neighborhood, and will include a new walkway that will enhance the quality of life for the neighborhood.

- 3. Chapter 30.4.2.A Coverage Transfer for Linear Public Facility
 - (a) <u>The project complies with required findings for additional public service facilities</u> <u>if required pursuant to Section 50.8.</u>

The project complies with all required findings for additional public service facilities. See Finding 5, below.

(b) <u>There is no feasible alternative that would reduce land coverage.</u>

The proposed walkway has been designed and located to require the least amount of land coverage, and still meet the requirements for size and access. Any other alternative would require additional land coverage.

(c) <u>The project, because of its unusual configuration or service requirement,</u> requires special consideration.

The proposed walkway (linear public facility) from the Sierra Nevada College to the proposed Holman Art and Media Center is necessary to provide safe pedestrian access along a major roadway for college students and the general public, and will reduce the dependency on and need for automobiles, and thereby requires special consideration.

(d) <u>The facility primarily serves the needs of persons other than those who are, or</u> will be, residents of the lands in question, or the owners of the land in question.

The proposed walkway will be located in the Nevada Department of Transportation right of way, but will serve the general public.

- 4. <u>Chapter 30.4.5 Relocation of Land Coverage</u>
 - (a) <u>The relocation is to an equal or superior portion of the parcel or project area, as</u> <u>determined by reference to the following factors:</u>

The land coverage relocation will consist of small adjustments to the existing parking area. The new coverage configuration will be in substantially the same location, and consists of reconfigured parking spaces. The entire parcel has been verified as Class 4.

(b) <u>The area from which the land coverage was removed for relocation is restored in accordance with Subsection 30.5.3.</u>

Areas where coverage is being removed will be revegetated as required by the TRPA Code of Ordinances.

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

The entire parcel is Land Capability District 4.

5. Chapter 50.8- Additional Public Service Facilities

(a) <u>There is a need for the project</u>

The proposed project location will be an extension of the nearby Sierra Nevada College. The current location for the Sierra Nevada College Arts program is located within a much smaller building that is outdated and no longer serves the needs of the program. This new facility provides a more modern, up-to-code building than the current location, and meets the need for a more roomy and flexible academic space for this creative department.

(b) <u>The project complies with the Goals and Policies, applicable Plan Area Statements, and</u> <u>Code.</u>

The proposed new public service facility is located in the Incline Tourist Community Plan (IVTCP); Schools – Colleges is a special use at the project site. The IVTCP specifically allows for the expansion of Sierra Nevada College, including encouraging disincentives for driving automobiles and creation of pedestrian pathways. Further, the IVTCP encourages shared parking between the college and nearby church.

The new facility complies with the TRPA Code of Ordinances which provides for the proposed modifications of the existing structure, off-site and shared parking, construction of pedestrian pathways with additional coverage transferred to the site, associated grading, installation of BMP's, landscaping, etc. Based on this information, the project complies with the Goals and Policies, Plan Area Statements, and Code.

(c) <u>The project is consistent with the TRPA Environmental Improvement Program.</u>

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

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

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.

See Finding 5(b), above.

<u>Required Actions</u>: 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.

Attachments:

- A. Draft Permit
- B. Plans

ATTACHMENT A

DRAFT PERMIT

PROJECT DESCRIPTION: Change in Use- SNC Holman Art and Media Ctr. APN 130-050-11

PERMITTEE(S): Sierra Nevada College FILE # ERSP2013-0143

COUNTY/LOCATION: Washoe/1008 Tahoe Boulevard, Incline Village, NV

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on May 16, 2013, subject to the standard conditions of approval attached hereto (Attachment Q), and the special conditions found in this permit.

This permit shall expire on May 16, 2016 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 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 130-050-11 FILE NO. ERSP2013-0143

Offsite Coverage Mitigation Fee (1	: Amount \$	Paid	Receipt No
Security Posted (2):	Amount \$ <u>5,000.00</u> Type	Paid	Receipt No
Security Administrative Fee (3):	Amount \$	Paid	Receipt No
 <u>Notes</u>: (1) Amount to be determined. See Special Condition 3.F., below. (2) See Special Condition 3.G., below. (3) \$152 if a cash security is posted or \$135 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-construction conditions of approval as of this date:

TRPA Executive Director/Designee	Date

SPECIAL CONDITIONS

- 1. This permit specifically authorizes the change in use of the existing commercial building located at 1008 Tahoe Boulevard to public service to house the Art and Media program of the Sierra Nevada College, and bank the 4,951 square feet of existing commercial floor area for future transfer. Additionally, this permit authorizes the construction of a 4,242 square foot linear public facility pathway along Tahoe Boulevard and Country Club Drive to provide pedestrian access between this building and the main Sierra Nevada College campus. The upper level of the building will be remodeled into classrooms and studios, the existing lower garage level will be enclosed and improved for use as art studio space, and a portion of the existing parking area directly west of the building will be converted to a patio area with a kiln shed. Proposed parking on site will be limited to three short-term spaces; all students, faculty, staff, and visitors will be required to park at the Sierra Nevada College or locations with shared parking agreements and walk to the Holman Arts and Media building. No additional land coverage will be created onsite. All land coverage necessary for the new linear public facility will be transferred to the 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 following revised land coverage calculations:
 - (a) Existing land coverage by coverage type, as approved in TRPA File 20061995.
 - (b) Proposed land coverage by coverage type. Proposed coverage must include any unapproved as-built land coverage that will remain that was created subsequent to TRPA File 20061995.
 - (c) Onsite coverage to be banked.
 - (d) New off-site land coverage being created in the public right-of-way, not including the proposed linear public facility walkway.
 - (e) Corrected land coverage amounts for the proposed linear public facility walkway.
- (2) Location of any existing unapproved as-built coverage that will be accounted for in Special Condition 3.A (b).
- (3) Location and details of stormwater runoff infiltration facilities for the parking and patio areas.
- (4) Location and details for infiltration facilities for the linear public facility walkway. Note that the infiltration facilities must be designed correctly for the slope of the installation location to adequately capture and infiltrate the runoff.
- (5) Calculations demonstrating that the proposed infiltration facilities are sized accordingly for the slope and soil type of the property and will capture and infiltrate a 20 year/1 hour storm event.
- (6) A note indicating: "All areas disturbed by construction shall be revegetated in accordance with the TRPA <u>Handbook of Best Management Practices</u> and <u>Living</u> with Fire, Lake Tahoe Basin, Second Edition."
- (7) Wood bollard parking barriers along the edge of the Tahoe Boulevard travel way in front of APNs 130-050-06 and 130-050-11 to restrict vehicle parking to paved surfaces only.
- B. The elevation drawings shall be revised to include:
 - (1) The correct finished grade and improvements on all sides of the structure.
 - (2) The following notes indicating conformance to the following design standards for color, roofs, and fences:
 - (a) <u>Color</u>: The color of this structure, including any fences on the property, shall be compatible with the surroundings. Subdued colors in the

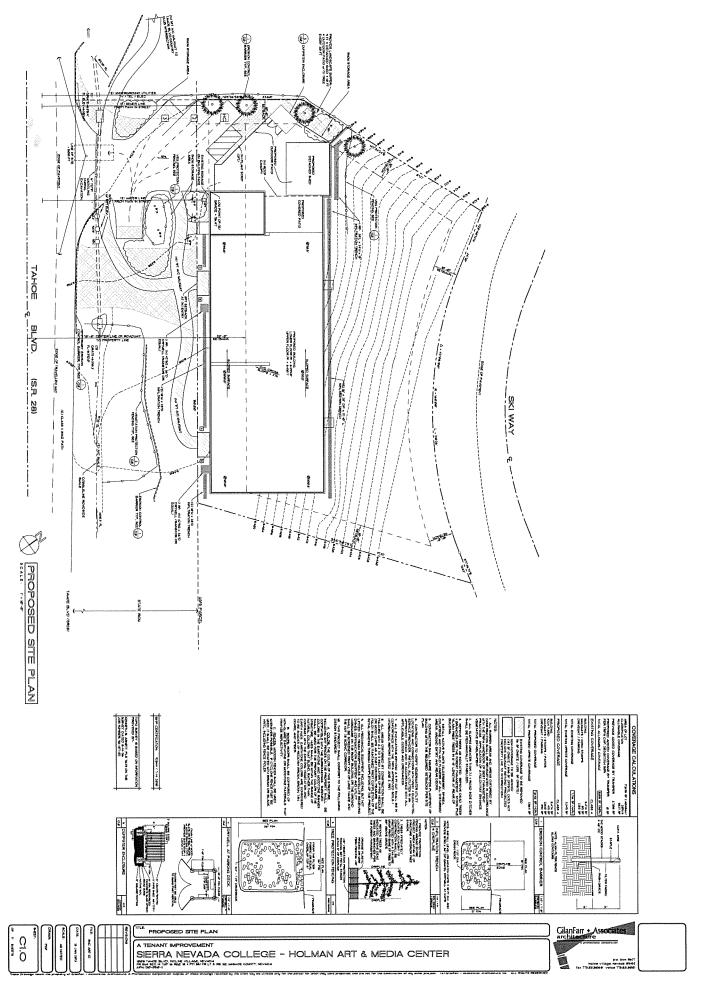
earthtone and woodtone ranges shall be used for the primary color of the structure. Hues shall be within the range of natural colors that blend, rather than contrast, with the existing vegetation and earth hues. Earthtone colors are considered to be shades of reddish brown, brown, tan, ochre, and umber.

- (b) <u>Roofs</u>: Roofs shall be composed of non-glare earthtone or woodtone materials that minimize reflectivity.
- (c) <u>Fences</u>: Wooden fences shall be used whenever possible. If cyclone fence must be used, it shall be coated with brown or black vinyl, including fence poles.
- C. Permittee shall provide a copy of the shared parking agreement between the Sierra Nevada College and Lifepoint Church.
- D. Permittee shall provide documentation of responsibility for maintenance of the linear public facility walkway to be located in the NDOT right of way, including surface maintenance, BMPs, and snow removal.
- E. Permittee shall transfer 4,242 square feet of coverage of any type or classification to the right of way for the linear public facility walkway. All transferred coverage shall be located within Hydrologic Area 1- Incline Village. (Note all coverage transfers must be in compliance with Chapter 30 of the TRPA Code of Ordinances, and the TRPA Rules of Procedure.)
- F. The permittee shall pay an offsite coverage mitigation fee assessed at \$20.00 per square foot for the creation of any impervious coverage in the public right-of-way beyond the 1,947 sq. ft. approved in TRPA File 20061995. This offsite coverage calculation is exclusive of the proposed linear public facility walkway to the Sierra Nevada College.
- G. The security required under Standard Condition I.B. of Attachment Q shall be \$5,000.00. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.
- 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.
- 5. Commencement of use at this building may not occur prior to completion of the required linear public service walkway.
- 6. Temporary and permanent BMPs may be field-fit as appropriate by the TRPA inspector.
- 7. 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

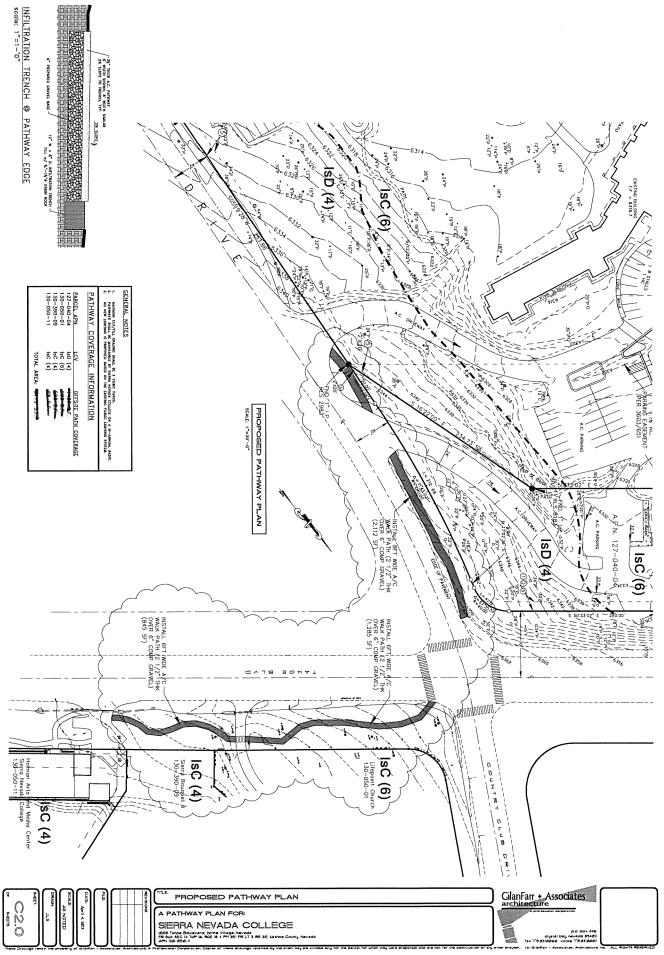
(collectively, TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person or property or (b) to set aside, attack, void, modify, amend, or annul any actions of TRPA. The foregoing indemnity obligation 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.

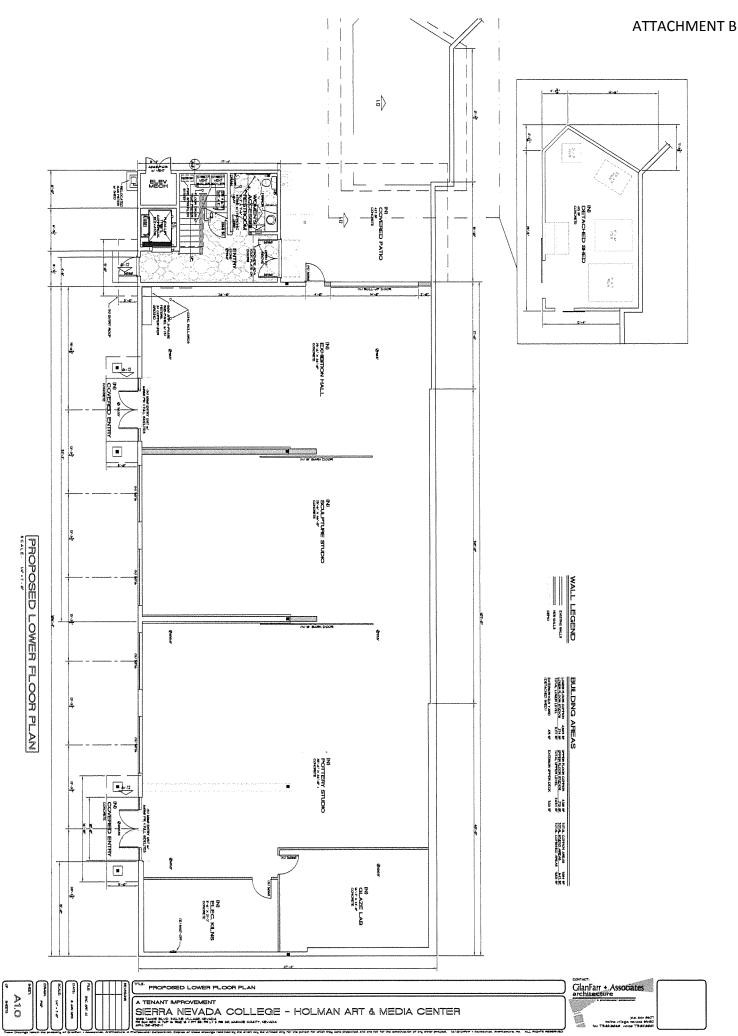
Included within the Permittee's indemnity obligation set forth herein, the Permittee agrees to pay all fees of TRPA's attorneys and all other costs and expenses of defenses as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees incurred by TRPA for actions arising directly or indirectly from issuance or implementation of this permit. 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



4/25/13

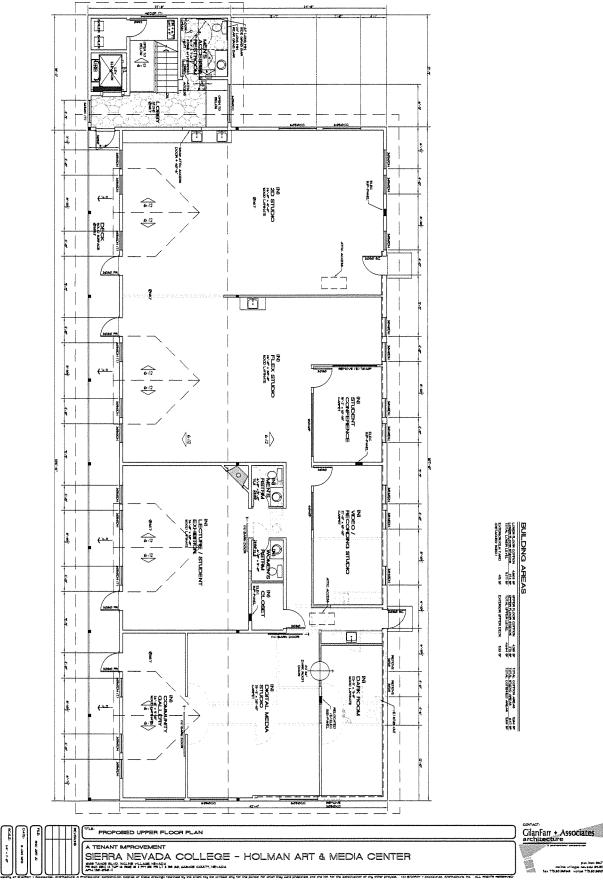




PROPOSED UPPER FLOOR PLAN

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