TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION
NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that the Advisory Planning Commission of the Tahoe Regional Planning Agency will conduct its regular meeting at 9:30 a.m. on April 9, 2003, at the North Tahoe Conference Center, 8318 North Lake Boulevard, Kings Beach, California. The agenda for the meeting is attached hereto and made a part of this notice.

March 31, 2003

Juan Palma
Executive Director

This agenda has been posted at the TRPA office and at the following post offices: Zephyr Cove and Stateline, Nevada, and Tahoe Valley and Al Tahoe, California. The agenda has also been posted at the North Tahoe Conference Center in Kings Beach, the Incline Village GID office, and the North Lake Tahoe Chamber of Commerce.

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

North Tahoe Conference Center
8318 North Lake Boulevard
Kings Beach, California

April 9, 2003
9:30 a.m.

All items on this agenda are action items unless otherwise noted.

AGENDA

I. CALL TO ORDER AND DETERMINATION OF QUORUM

II. APPROVAL OF AGENDA

III. PUBLIC INTEREST COMMENTS (No Action)

Any member of the public wishing to address the Advisory Planning Commission on any agenda item not listed as a Public Hearing or a Planning Matter item, or on any other issue, may do so at this time. However, public comment on Public Hearing and Planning Matter items will be taken at the time those agenda items are heard. The Advisory Planning Commission is prohibited by law from taking immediate action on or discussing issues raised by the public that are not listed on this agenda.

IV. DISPOSITION OF MINUTES

Approval of March 12, 2003, APC minutes.

V. PUBLIC HEARINGS

A. Amendment of Code Chapter 20, Land Coverage Standards, to Permit the Use of Soft Coverage for Commercial Project Located in the South Y Industrial Tract Community Plan Within the Upper Truckee Hydrologic Area Pg.1

B. Recommendation to Adopt Memorandum of Understanding (MOU) between TRPA and the Lahontan Regional Water Quality Control Board Pg.15

C. Notice of Preparation, Environmental Impact Statement/Environmental Impact Report (EIS/EIR), Mourelatos Family Partnership and Affordable Housing Development Corporation (AHDC), Scoping for Mourelatos/Cedar Grove Affordable Housing Project and Related Regional Plan Amendments Pg.23

VI. REPORTS

A. Executive Director

1. Report on Governing Board Actions Relative to APC Recommendations

B. Legal Counsel

C. APC Members

VII. ADJOURNMENT

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

Horizon Resort and Casino
Stateline, Nevada

March 12, 2003
9:30 a.m.

MEETING MINUTES

I. CALL TO ORDER AND DETERMINATION OF QUORUM
Called to order at 9:34 am

Present: Larry Lohman, Bill Combs, Bob Jepsen, Lauri Kemper, Eva Krause, Gary Marchio, Ron McIntyre, Mimi Moss, Joe Oden, Lee Plemel, Leo Poppoff, Alan Tolhurst,

Absent: Alice Baldrica, Kevin Cole, Richard Harris, Kathleen Tschogl, Randy Lane, Tom Porta, Paul Sweeney

II. APPROVAL OF AGENDA

Staff asked to take item V. E., Amendment to Chapter 33 Allocations and Related Chapters to Modify the Residential Allocation System first, take item V. I., Sierra Nevada College Draft Environmental Impact Statement (60-day circulation period for public comments) after lunch and continue item V. H., Notice of Preparation, Environmental Impact Statement/Environmental Impact Report (EIS/EIR), Mourelatos Family Partnership and Affordable Housing Development Corporation (AHDC), Scoping for Mourelatos/Cedar Grove Affordable Housing Project and Related Regional Plan Amendments.

MOVED Mimi Moss moved to approve the agenda as amended.
SECOND Leo Poppoff
MOTION CARRIES
No Nays
No Abstentions

III. PUBLIC INTEREST COMMENTS (No Action)

None

IV. DISPOSITION OF MINUTES

Approval of February 12, 2003, APC minutes.

Ms. Krause asked that the changes made to the January minutes should be clearly reflected.

Mr. Jepsen noted his first same was listed as Bill instead of Bob.

MOVED Leo Poppoff moved to approve as amended.
SECOND Mimi Moss
MOTION CARRIES
No Nays
No Abstentions

V. PUBLIC HEARINGS (Item E Taken First)

E. Amendment to Chapter 33 Allocations and Related Chapters to Modify the Residential Allocation System

- Larry Benoit, Long Range Planning, presented the staff summary on this item.
- Discussion ensued amongst APC regarding:
- Applying each jurisdiction's definition of affordable or low cost housing to the understanding.
- Evaluation, hiring and direction of estate assessor is done the same as that of the assessment of costs.
- BMPs being done in group situations and possibly being tied to local government programs needing to be done through Matt Graham who will work on the details and getting the permission of the various homeowners.
- 2 issues with the 1 parcel for 1 allocation system. First, this could get costly for EIP projects that could need 30 allocations and; Second, if one project takes up all the allocations, that would be unfair to others who need allocations.

Public Comments

Larry Benoit read an email from Christine Sproul regarding this issue. A copy of that is attached to the record.

Jon Paul Harries, League to Save Lake Tahoe, had a few comments. Time has been spent in League stakeholder meetings talking about this. He does not want to be a nay sayer but there are some concerns. With the first element to be changed, 4 b, they have to agree with the Atty Generals. They look at these allocations as having been considered as part of the regional plan. However, the way they view the allocations now, they are retired allocations. The only way they can be retrieved is by retiring a sensitive lot. That is robust in terms of environmental protection. They do not view this as offering the same protection as exists with the pool today. That being said, they do understand the need for affordable housing and low cost housing in this area and they have been willing to and trying to come up with some ideas using the allocation program that would advance that. They would say that with 4b they have 2 concerns. First, there is nothing in the document that requires these to remain low cost housing. Anyone could come in, get an allocation today, say, "Hey, I am building a low cost housing project. I am only going to charge this much in rent. I am only going to sell it for this much." The following year, they could come in and get an allocation and replace that unit with that. In a way, this can be used as kind of a banking of development. It is going to be called one thing and we are going to hold on to it as that until we get the allocations to replace it. That does not meet the needs of what is being tried to be accomplished. One of the best ways this can be addressed is requiring those units to be deed restricted for some period of time into the future, along the lines of 20 to 30 years. This is to insure that if the allocations are being handed out, the objective is being met. He thinks that it is in the interest of all the jurisdictions. Second, they are little bit uncomfortable with the transit component. Of course they support transit but the way it is written, it is a little funky because there is no specified components of transit programs right now. He is not sure how someone would come in with a project and say, "This is the specified component". It would all be from the backwards end that the specified component would be identified. There really should be some assurance that the jurisdiction would view that as a transportation program. Putting up a bus stop that a jurisdiction has no intention of serving does not meet any kind of transit program. They have brought this up in the past and yet no provision has been added here. They would like to see something that bolsters that.

On 4 C, they agree that as written it is not comparable to sensitive lot retirement. The cost of BMPs is not the equivalent of retiring a lot. That has compounded environmental impacts. They ask that that be significantly increased. Additionally, as written, one only must show certificates of completion. You can get a certificate by building a new development. There is probably a number of these floating around. The idea was to go after those that needed retrofits. As written, this does not require it to be a retrofit BMP. You can just simply show that you have BMPs on a project. They ask that this be clarified to increase the amount of work that will need to be done as well as ensure that they are retrofits that TRPA has identified as being needed. There needs to be upfront acknowledgement that those retrofits need to be installed. There needs to be an agreement. They think some of the stuff that is written could work but they think that a month or two is needed to polish the document.

Lisa O'Daly, City of South Lake Tahoe, wants to thank TRPA for giving consideration to moderate income housing needs. She stated maybe there are some tweeks that could enhance the program, but this has been a critical gap for the local jurisdictions especially in California who are assigned a moderate income housing need target through their regional housing need allocations. In the case of the City of South Lake Tahoe they have an obligation to the Sacramento Area Counsel of Government region to construct 31 units of moderate income housing between 2000 and 2007. Bonus units work very well for very low and low income. They are doing great with that. But the bottom line is when there is talk about market rate housing people tend to want to build as much as they can. They don't want to build something more moderate. She appreciates that this program is considering ways to help the jurisdictions fill that gab.

Mr. Marchio asked if applying a deed restriction to moderate-income housing would be a problem. Ms. O'Daly thought that was the best way to ensure a moderate housing supply.

APC Discussion

- Lauri Kemper 's concerns;
    - Some that are the same as the League's and Christine Sproul's regarding the BMP retrofit program not being equal or superior
    - The need to be more aggressive
    - The need to do more comparison of local jurisdictions and contractors as far as who gets allocations
    - The program would only be available once jurisdictions met the targets (this concern is shared with Harold Singer)
    - BMP retrofits being required already and giving benefit for doing them concerns her
    - Benefits should be for a limited set of properties that have been identified by inventorying as a higher priority or who are low income

- Alan Tolhurst's concerns:
    - This is a little vague and little premature and needs more analysis and more discussion
    - There is too much opportunity for this to be misused

- If you went market rate instead of affordable, deed restrictions may be limited but for most cases they would be permanent.

- Each jurisdiction is required to have a BMP retrofit plan. Sitting down with the jurisdiction has to be done to get the details. The implementation and accounting every year will develop the details as well.

- Mr. Plemel and Mr. Marchio believe that this is a good way to get BMPs completed.

- Mr. Marchio's concern that this is premature in some of the elements, especially concerning transit.

- John Marshall's concerns;
    - While using the allocation pool the role that it plays must be maintained.
    - This is great for water quality but it also increases the market value for vacant lots. That gives a property owner value for an unbuildable lot. This provides defense for takings claims.
    - When thinking about how to arrange programs, considering agency goals and maintaining value of lots should both be considered.
    - If another mechanism for people now on the wait list to get an allocation is being created, it needs to be done in a way that does not affect the demand for those vacant lots. If it does, the demand will drop, market value will drop, BMPs quality will drop.

- There is desire to make sure that the market be maintained and BMP implementation be increased.

MOVED Bill Combs moved that staff make adjustments with recommendations made and bring back to APC.
SECOND Bob Jepsen
MOTION CARRIES
No Nays
No Abstentions

V. PUBLIC HEARINGS

A. Adoption of the South Y Industrial Community Plan And Related Amendments

Peter Eichar, Long Range Planning, presented this staff summary and reviewed the community plan as provided to the APC and attached to this record.

Public Hearing

Lisa O'Daly, City of South Lake Tahoe, stated this has been a real treat working with Peter Eichar on developing this community plan. This product is much better than the draft version and came from a lot of hard work. The City worked hard to hit the ground running on this community plan. They did some things here that haven't been done before. For example, rather than promising that they would get BMPs on the ground as a result of community plan adoption, they ran ahead and implemented a major stream environment zone and water quality improvement project prior to adoption. This document is one that they will be able to immediately implement especially since TRPA has gone through the extra effort to bring to APC a palette of additional amendments that APC will be considering. The one item missing that the City Council felt was very important are some modifications to land coverage issues. The City is concerned about a shortage of hard and soft coverage to be able to be transferred in order to make this effective. She expects that APC will see some potential amendments coming up that will help address and mitigate these concerns because they really want to see the implementing projects coming on board immediately.

Alan Tolhurst asked if the cost of the parcels have increased so much that applicants can't move there anymore. Ms. O'Daly stated they would like to keep some of the owners already there stay there and only the market will tell if the prices have gone too high. There is significant negotiation going on to relocate some current non-conforming businesses to this location.

MOVED Lauri Kemper moved to adopt staff recommendation
SECOND Gary Marchio
MOTION CARRIES
No Nays

No Abstentions

V. PUBLIC HEARINGS

B. Amendment of the Land Capability Overlay and Man- Modified Determination for the South Y Community Plan Area in the City of South Lake Tahoe

Tim Hagan, Project Review, presented this staff summary using a power point presentation.

Discussion ensued regarding

- The modification was done in 1965 but the mapping was done in the mid 70's and does not show the man modification. For land capability, they did not go through and map the man-modified because the opportunity to restore the sites would have been lost if the area was accepted as modified.

Public Hearing

Lisa O'Daly, City of South Lake Tahoe, stated she joined the City in the spring of 2000 and one of the first things that was asked of her was to put out the contract to Haen Engineering to do the assessment to see if the findings could be made for man-modified on this specific area. Even at that time much mork had occurred ahead of Ms. O'Daly starting with the city. TRPA, through Joe Pepi, had installed the wells. This has been a long-term process and it has taken a while to get to this point. She can only say for sure what occurred when she joined the City but the Haen product was done in coordination with Kara Russell from Lahontan, Tim Hagan from the TRPA and City Engineers and herself. The product that Haen Engineering produced was produced in October 2000. It was reviewed by the different agencies and it lead directly to the City of South Lake Tahoe through a very generous grant by the Tahoe Conservancy, doing the restoration project that you see on the ground in the industrial tract today. With specific respect to the man-modified area, what the community plan that APC just recommended adoption on does is take that 5.46 acres that the City expects as restoration credit as a result of their restoration efforts and makes them available for these man-modified parcels only for existing non-conforming uses that chose to come to the area. If someone happens to own a parcel in this man-modified area, and you want to build a 4-wheel-drive shop. They would be allowed to but they would not get community plan SEZ restoration credit for it. They can pay the $200,000 an acre mitigation fee to the TRPA but they would not be eligible for those 5.46 acres. If say, Sierra Ready Mix, makes a match with the property owner in this potential man-modified area and they want some of those 5.46 acres, the City would say "Happy days are here again and here you go for free." That provides a strong economic benefit for people that have an existing non-conforming use that qualifies for the incentive. Again, that was a leap of faith to do the restoration ahead of time beyond full support of the CTC through their funding mechanisms. Ms. O'Daly looks forward to closing part of this loop as part of the action here today.

Lew Feldman, representing Ruth Dalman who is a property owner in the affected area, commended Lisa O'Daly and Peter Eichar in brining this forward. It is infrequent that we see local jurisdictions getting in front of the process and taking some risk. The land use pattern that the APC just approved previously, creates an opportunity in a scarce resource to concentrate these industrial uses and get them out of areas that are inappropriate. TRPA, the City, the Conservancy and many other property owners in that area have worked constructively for the last couple of years to make this vision a reality. Making the findings that are before the APC is necessary to realize the benefit that will be ultimately achieved by getting these non-conforming uses out of more sensitive and scenic areas and concentrate them where apparently the collective wisdom thinks they should be concentrated. He thinks the area is appropriate. He applauds the agencies and their collective efforts.

MOVED Mimi moved to approve staff recommendation
SECOND Alan Tolhurst

No Nays
No Abstentions

Discussion ensued regarding:

Lauri Kemper stated (**verbatim for explanation of nay vote**) first of all she wants to echo what Lew Feldman said and everyone else said, the restoration work that the City undertook was fantastic and she appreciates all the work the TRPA staff, Lahontan staff and the City staff have done on helping the city with that restoration project. She thinks that was fantastic and the work on the community plan has been wonderful. She looks at all those things as being separate and the action that is before the APC right now is the decision about man-modified. She supports the recommendation in general for man-modified but she does not support, she is disappointed she supposes with the staff report. With specific regard to finding number five about the restoration of land is infeasible because the factor such that the cost and Tim talked about the fact that there is 18 parcels and 10 of them are developed and it is pretty infeasible to restore them and she thinks that there are a number of undeveloped parcels that are located right between these developed parcels that are also infeasible for restoration. But the staff report, she thinks, should look at each of those parcels individually. There should be analysis of each parcel about whether it is feasible to restore it or not and how close is that parcel to the area that the City just restored. She is not prepared to approve the motion today but she thinks the staff report can be improved in time for the Governing Board meeting and she would like there to be a specific analysis on each parcel. She thinks that everyone is aware that a lot of parcels that are man-modified have been restored and the Conservancy has done that out at Tahoe Keys and other places. She thinks that there is value in looking at each of these individual parcels for their own individual merit as to whether they might be helpful in restoring SEZ function. There might only be one parcel that is even questionable but she thinks it is more about precedent and principle that this needs to be articulated in the staff report because she does not feel comfortable as a Commission member to make those findings. Another suggestion would be to improve the map on page 25 to indicate which of the parcels are developed and which are undeveloped. That way people could see their connection to some of the other SEZ area with land capability or something like that for the industrial tract.

Staff will address this if they can.

Ms. Kemper asked that the motion be modified.

Mimi Moss did not believe the motion needed to be modified per discussion that staff will address what can be addressed.

MOTION CARRIES
Lauri Kemper opposed for reasons presented.
No Abstentions

V. PUBLIC HEARINGS

C. Amendment of Chapter 20 Land Coverage, Chapter 31 Environmental Improvement Program and Related Chapters to Allow the Use of Noncontiguous Parcels With Linked Projects in Preferred Industrial Areas

Peter Eichar, Long Range Planning, presented this staff summary.

Discussion ensued regarding:

- Linked project status can happen in three special areas with the preferred industrial area designation. This could also work with any community plan that gets this designation in the future.

Public Comment:

Lisa O'Daly, the City of South Lake Tahoe, stated the city feels that this is an excellent first step but the overwhelming comment that they heard through the industrial tract community plan process is land coverage is an issue. What is trying to be accomplished is trying to take an existing viable, often grandfathered, functioning business and entice them with a carrot to tear down everything they have and rebuild new. That costs big bucks for those people and they will likely be treading a fine economic line as do their cost/benefit analysis on this. Saying, "But we will hold their hand and we are going to work with and try to be so nice that they will want to help out," only goes so far. She hopes that this issue is revisited when the 208 plan is being revised. She thinks that something more could really help success and entice people to redo their businesses. When you take the old Sierra Tahoe Ready Mix and get them to rebuild something in the industrial tract, the benefits are going to exceed Water Quality and Scenic Restoration benefits. The industry will get new technology and there will be Air Quality benefits. Lets try to make projects viable.

Larry Lohman asked about the traffic weight limit on D Street being enforced. Ms. O'Daly answered right now in the community plan, general plan and the City code that street is recognized as a collector. There are plans to widen the road. The south Y will be functioning better very soon. She is hoping that if she were the trucker it would make more sense to go through the Y then the neighborhood.

MOVED Bob Jebsen.
SECOND Gary Marchio
The motion was modified to include a requirement to revisit the issues of merge project status and consider for land coverage above 70% during the 208 Plan revision.
MOTION CARRIES
No Nays
No Abstentions

V. PUBLIC HEARINGS

D. Amendment of PAS 114, Bonanza, to add Preferred Affordable Housing Area and Multi-residential Incentive Program

Peter Eichar, Long Range Planning, presented this staff summary.

Discussion ensued regarding:

- The recommended action was modified to include special area 2 so that would apply to areas 1,2 and 3.

- Special area number 2 being partly trailer park and apartment buildings. It is built out but this proposal can spur redevelopment.

- Bonanza Street separates the general area from special area number 1. Mr. Tolhurst expressed a desire to see that both sides of the street are the same designation. That is not how this item was agendized but it can be looked at in the future.

Public Comments:
None

Discussion ensued regarding:

- The City of SLT will be hearing this item next week at their council meeting. City Planning Commission recommended approval of the other two issues. This item was suggested as an additional step to offset the 40 additional jobs created.

MOVED Gary Marchio moved to approve staff summary as modified.
SECOND Mimi Moss
MOTION CARRIES
No Nays
No Abstentions

V. PUBLIC HEARINGS

G. Amendment of Plan Area Statement 056, Marlette Lake, to add Local Public Health and Safety Facilities to Public Service Permissible Uses, to Add Special Policy #7, and Add Minor Editorial Corrections to PAS

Shane Romsos, Long Range Planning, presented this staff summary and items added by the Nevada Division of Wildlife. These are attached to the record. Patrick McGinnis from the state of Nevada was available for questions

Discussion ensued regarding:

- The language that is being proposed to be modified is under the existing uses description, existing environment description and adding X-country skiing as a recognized use.

- Patrick McGinnis, State of Nevada, stated that currently they are in the process of developing funding sources to have year round and environmentally sound way of getting water. In process in legislature to modify the NRS to allow revenue generated improvements be funded through lease purchase or bonding which would allow Nevada to make improvements to the diesel pump without capital purchase funds. They are hopeful that the time frame will be 6 years from now to have it all done.

Public Hearing:
None

MOVED Lauri Kemper moved to approve staff recommendation
SECOND Lee Plemel
MOTION CARRIES
NO Nays
No Abstentions

VII. Reports **(Taken Out of Order due to Time Constraints)**

A. Executive Director

1. Report on Governing Board Actions Relative to APC Recommendations

Juan Palma reported on office move and the April 5th open house. He reiterated what many had heard, that he would be leaving in April.

Alan Tolhurst commented on an approval of a project he had with the TRPA that was processed within 4 weeks. Mr. Palma reported that Jerry Wells is the deputy overseeing Project Review and he has already been putting new systems into place. He stated that in the future, they are going to want to increase service with increased fees. He reported that 6 people have been put on contract to help deal with the

project review workload. In addition, they now have the ability to deal with emergency projects by offering employee overtime paid for by the applicant. There is still a backlog and he is confident that leadership will continue to change and grow the ability to deal with it. The last year has been a record year in permits.

VII. Reports

B. Legal Counsel

Jordan Kahn, Assistant Agency Counsel, reported on the TRPA's big victory against Tahoe-Sierra Preservation Council in the 9th Circuit and the status of the Glenbrook Preservation Association matter.

V. PUBLIC HEARINGS

I. Sierra Nevada College Draft Environmental Impact Statement (60-day circulation period for public comments)

Jordan Kahn, Legal, introduced this item and Diane Severance from the Sierra Nevada College.

Diane Severance, representing Sierra Nevada College, gave an overview of the College, the locations of the campuses and the size of each. She introduced Dr. Marsha Hogue and Dr. Brush Shrader who will comment on campus life. Leah Kauffman is not present but Kristina Hill can respond to questions regarding alternatives, land use and proposed code and plan area amendment, Rex Massey can answer questions regarding housing, population or recreation facilities, Gordon Shaw can answer questions regarding traffic and Dan Reaser and Laura Granier with Lionel Sawyer and Collins can respond to any questions regarding the EIS process and the College Park Mobile Home Park. Ms. Severance gave a brief overview of why the plan related to the EIS is SNC's preferred alternative.

Public Hearing:
None

Discussion ensued regarding:

- Right now a bridge on IVGID property to the recreation center exists in the proposal, however that needs to be tied down.

- Juan Palma commented on how important TRPA thinks this project is and that they clearly support the modifications.

- The College Park Mobile Home Park is addressed in 6.12 of the doc. TRPA took action to authorize closure. The understanding is that the college is in the process of selling College Park. The original closure was subject to a mitigation to provide affordable housing. Since the park will have been sold the mitigation is no longer necessary. The low cost housing permit requirement still exists regardless of who owns the park.

No action was taken.

V. PUBLIC HEARINGS

J. STPUD B-Line Phase III Export Pipeline Replacement Project, Draft Environmental Impact Statement (60-day Circulation period for public comments)

Melissa Joyce, Project Review, and Richard Solbrig and Rob Brueck from South Tahoe Public Utility District (STPUD) presented the staff summary for this item together.

Mr. Solbrig gave an overview of the need for the new pipeline and the method of construction. He asked for comments at the end of the presentation.

Rob Brueck discussed the environmental impacts of the B Line alternative.

Discussion Ensued Regarding:

- The current policy for timber growth is trees over 30 dbh cannot be removed. However, there are exceptions and mitigation is available. In this proposal mitigation has been developed for

- Generally possible pipeline disruption can only be expected in areas where utilities are located. They are not located in this area and therefore there is no mitigation for such an occurrence.

- Currently, a site that is within the urban boundary and has the potential for development is being sought for retirement by deed restriction, easement or purchase.

Public Hearing

Paula Corley, property owner on Grass Lake Road, had a petition from the neighborhood that she read into the record. A copy of that petition is attached to the record. They are adamantly opposed to alternate C and prefer alternate E. Homeowners who have signed the petition in opposition to alternate C are also attached to this record.

Jon Paul Harries, League to Save Lake Tahoe, stated the League has not thoroughly reviewed the document yet but have initial comments and will likely be providing more extensive written comments to the TRPA at a later date. They absolutely support alternative C, as it is the environmental alternative. There are some problems they are concerned about including 1) How would this affect ground water, especially the numerous interceptions of SEZ's channels, seeps and wet spots and how they would be diverted. On page 4.4-31 it says, "site specific soils hydrology investigation has not been completed for the alternative that will be constructed. The impact is considered significant…A soils hyrdro report has not been prepared because it is unknown which alternative will be implemented and equipment access may require construction and new roadways." This is exactly the kind of information that the League needs in order to compare the alternatives. It is not enough to say, "hey it is significant" and then you go and just guess to what degree that impact may be. The League thinks there may be real potential impacts from intercepting SEZ's with channels like this. They are 100% behind sewage export and replacement of this line but consideration must be given to the most environmentally safe project. 2) With regard to the cost of the construction being too much, what about the 70 million dollars STPUD has gotten out of settlement being used with this project to make it a better project? The reasons that are given for not pursuing alternative C are not articulated well enough. The fact that you can get through an EIS of this size and not do the appropriate investigation is inadequate. The League would like to see a real estimate of the fiscal impacts to STPUD.

Mr. Tolhurst asked why alternative D would have more environmental impact then alternative C. Mr. Harries stated it is because alternative D would involve a relocation of a pump adjacent to Hwy 89. That is not attractive and although they are not sure what the scenic impact is but there must be some with an unattractive pump site. In addition, it is their understanding that alternative D would cost $10 million more then alternative C and they are fiscally concerned as well and alternative C is the most economically environmentally sound project.

Bob Baer, General Manger of STPUD, stated that the money from the MTBE settlement is for treating MTBE in the wells not for sewage removal.

No action was taken.

V. PUBLIC HEARINGS

K. Certification of the Lakeside Trail Supplemental Environmental Statement

Kathy Canfield, Project Review, reviewed the final document as it has been updated from the comments. She asked for final comments and recommendation to take forward to GB

Public Hearing
None

Discussion ensued regarding:

- Lauri Kemper's Comments **(Included Verbatim Per Ms. Kemper's Request)**
  She does support this project and she thinks there will be a lot of positive benefits from it. She has asked Kathy Canfield to reconsider the findings that TRPA is making, or what the Governing Board will actually be considering this month, for the river overlooks that are on the downstream side of the damn. On page 100 of the staff summary, TRPA is making the findings for floodplains that says, "These findings are for the Truckee River overlooks" and they are making the finding that the project is necessary for public health and safety. She does not think that is consistent with the plan that the river overlooks are necessary or they are not necessary for public health and safety. Lahontan has worked with TCPUD and they agree that getting bikes off the highway and across the damn is necessary for public health and safety and they may need some SEZ disturbance to put a bike trail around the road configuration but this is just a small piece of the project that are a couple of fill posts in the flood plain that are for the river overlooks. She knows that Jack Beckman who is in the audience has been looking for alternatives to try to move them out of the floodplain altogether. She just wanted folks to know that Lahontan's basin plan is different for the Truckee River. They are going to make the findings for public outdoor recreation for the river overlooks. They don't have to make the findings that by its very nature it has to be located there in the case of their basin plan. TRPA does have to make that finding. She supports making the finding that by its very nature an overlook has to be in proximity to the river even if you can have it out of the floodplain. She would be more comfortable making that finding rather than saying it is necessary for public health and safety because she is concerned about other projects making that case for a deck or something like that.

  Mr. McIntyre stated that because public health and safety includes transportation and this is seen as public transportation it should not be removed from that and made just recreation. Ms. Kemper stated she agrees that most of the facets of the project are the bike path but when you look at that the big plaza area where it looks like the bikes are being routed behind it, this piece is specific just to those overlooks. Mr. McIntyre stated his understanding is that the hosting in the floodplain is to not only hold up that piece but the rest of the bike path as well.

  Ms. Canfield stated that a finding can be made for either one and she can make the findings for the Governing Board to support.

MOVED Bill Combs moved approval of staff recommendation
SECOND Leo Poppoff
Lauri Kemper asked that her comments be reflected.
MOTION CARRIES
No Nays

No Abstentions

VI. PLANNING MATTERS

A. Lakeside Trail – Phase IIA, Assessor's Parcel Number 94-540-16, TRPA File No. 20010774

Kathy Canfield, Project Review, presented this staff summary.

Discussion ensued regarding:

Ms. Kemper stated that her comments on the last item could be inserted here.
Lauri Kemper's Comments **(Included Verbatim Per Ms. Kemper's Request and Nay Vote)**
She does support this project and she thinks there will be a lot of positive benefits from it. She has asked Kathy Canfield to reconsider the findings that TRPA is making, or what the Governing Board will actually be considering this month, for the river overlooks that are on the downstream side of the damn. On page 100 of the staff summary, TRPA is making the findings for floodplains that say, "These findings are for the Truckee River overlooks" and they are making the finding that the project is necessary for public health and safety. She does not think that is consistent with the plan that the river overlooks are necessary or they are not necessary for public health and safety. Lahontan has worked with TCPUD and they agree that getting bikes off the highway and across the damn is necessary for public health and safety and they may need some SEZ disturbance to put a bike trail around the road configuration but this is just a small piece of the project that are a couple of fill posts in the flood plain that are for the river overlooks. She knows that Jack Beckman who is in the audience has been looking for alternatives to try to move them out of the floodplain altogether. She just wanted folks to know that Lahontan's basin plan is different for the Truckee River. They are going to make the findings for public outdoor recreation for the river overlooks. They don't have to make the findings that by its very nature it has to be located there in the case of their basin plan. TRPA does have to make that finding. She supports making the finding that by its very nature an overlook has to be in proximity to the river even if you can have it out of the floodplain. She would be more comfortable making that finding rather than saying it is necessary for public health and safety because she is concerned about other projects making that case for a deck or something like that.

MOVED Bill Combs moved to recommend favorably on this project to GB
SECOND Ron McIntyre
MOTION CARRIES
Lauri Kemper Nay due to earlier comments.
No Abstention

VI. PLANNING MATTERS

B. Lakeside Trail – Phase IB and IIB, Assessor's Parcel Number 94-540-16, TRPA File No. 20020891

Kathy Canfield, Project Review, presented this staff summary.

Discussion ensued regarding:

- Jack Beckman stated that the permitting process with CalTrans has included the need for a crossing signal that is not in the environmental document. This is being reviewed currently. Currently funding for this has been put off to 2005-2006.

- Findings are for public health and safety and there is a need to get bikes off of the Hwy and onto the beach but if there is no connectivity to get around the Hwy all together then the public health

and safety portion may not apply as it does not do what is intended. Currently there is an existing path and the majority of this trail will be on that path that ends at Commons Beach. There has been discussion about indicating in some way that this is not a through trail.

MOVED Bill Combs moved to recommend favorably on this project to GB
SECOND Mr. McIntyre
MOTION CARRIES
No Nays
No Abstentions

VI. PLANNING MATTERS

B. Incline Village General Improvement District Tennis Court Plan Revision Adding a Fourth Court at Tennis Complex

Kathy Canfield, Project Review, presented this staff summary.

Discussion ensued regarding:

- The fourth tennis court was approved in the EIS and because APC previously stated they wanted to review these kinds of changes the question was put whether or not the APC wants this back. The feeling was that they did not.

MOVED Leo Poppoff moved to recommend favorably on this project to GB
SECOND Mimi Moss
MOTION CARRIES
No Nays
No Abstentions

VII. REPORTS

B. APC Members

Joe Oden reported that Mr. McDowell, his predecessor to this committee, will retire at the end of the month. A picnic will be held in June.

Lauri Kemper invited everyone to the Lahontan board meeting starting at 4:00 pm today across the street. They will be talking about revising their MOU with TRPA. They are also going to hear from Forest Service and CalTrans on EIP updates.

Gary Marchio gave kudos to Placer County especially on transportation projects. Mr. Combs thanked TCPUD.

Leo Poppoff requested that maps and drawings be made larger.

VIII. ADJOURNMENT

Adjourned 2:31

TAHOE REGIONAL PLANNING AGENCY

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MEMORANDUM

April 1, 2003

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Code Chapter 20, Land Coverage Standards to Permit the Use of Soft Coverage For Commercial Projects Located in the South Y Industrial Tract Community Plan Within the Upper Truckee Hydrologic Area.

Proposed Action: The City of South Lake Tahoe has requested that TRPA authorize an increase in the supply of land coverage available for the Upper Truckee River Hydrologic Area pursuant to Subparagraph 20.3.C (6) of TRPA Code of Ordinances and staff is proposing that TRPA amend Subparagraph 20.3.C (2) (b) (Types of Land Coverage Eligible for Transfer: Soft Coverage) to read as follows:

20.3.C 2(b) Soft Coverage: Soft land coverage may be transferred in all cases, except for transfers relating to commercial or tourist accommodation uses or facilities. Exceptions listed below are pursuant to making the findings specified in Subparagraph 20.3.C (6)

(i) Soft coverage may be used for transfers for commercial parcels within the South Y Industrial Tract Community Plan within the Upper Truckee River Hydrologic Transfer Area, in accordance with Subsection 20.3.C.

Staff Recommendation: Staff recommends adoption of the proposed Code Amendment to recognize the special circumstances of the land coverage requirements of the Preferred Industrial Area within the South Y Industrial Tract Community Plan and the environmental benefits of making this Community Plan a success.

Background: The City of South Lake Tahoe (CSLT) has requested that TRPA authorize an increase in the supply of land coverage available for the Upper Truckee River Hydrologic Area for commercial projects. Specifically, the CSLT has requested that TRPA allow existing soft coverage to substitute for hard coverage for coverage transfers associated with the development of the South Y Industrial Tract. The City Council is concerned that the proposed Community Plan for the South Y Industrial Tract cannot be effectively implemented without the release of additional land coverage. (Refer to Attachment B, CSLT/Lisa O'Daly Memo to Peter Eichar dated 1/29/03.)

The CSLT estimates that approximately 400,000 square feet (9.2 acres) of hard coverage will be needed in order to develop the 13 vacant parcels within the Industrial Tract to their maximum potential (i.e., 70% coverage). The CSLT staff memo

(Attachment B) contains a table that shows the land coverage needs associated with the development of these parcels given certain assumptions. Transferred coverage from an assumed 25% base coverage up to 50% is at a 1:1 ratio. Transferred coverage from 50% to 70% is at a 2:1 ratio per TRPA Code Subparagraph 20.3.C(1)(b). Anything in between 50% to 70% would be prorated per the table accompanying this Code section. CSLT has obtained information from the California Tahoe Conservancy (the California-side land bank) regarding the availability of land coverage within the Upper Truckee River Hydrologic Area. After reviewing this information, CSLT has determined that the California Tahoe Conservancy (CTC) does not have enough hard coverage to meet the expected demand associated with the development of undeveloped Industrial Tract private parcels within the South Y Industrial Tract.

CTC presently owns 228,314 square feet of land coverage within the Upper Truckee River Hydrologic Area; however, the majority of this land coverage is either soft coverage, hard coverage allocated for specific uses, or hard coverage that has not yet been restored, thus not truly "banked". CTC presently has 14,700 square feet of unallocated hard coverage available for sale at $5.50/sq. ft. within this hydrologic area; and 131,385 square feet of soft coverage available at $5.00/sq. ft. (See Attachment C for more detailed information.)

CSLT has requested that TRPA authorize an increase in the supply of land coverage available for transfer within the Upper Truckee River Hydrologic Area pursuant to Subparagraph 20.3.C(6) (Inadequate Supply of Land Coverage) of TRPA's Code of Ordinances.

In its memo dated 1/29/03, CSLT also passed on an additional concern. The concern expressed at Planning Commission and City Council meetings is that the cost of land coverage, especially the "effective cost" for between 50-70% land coverage, is burdensome for industrial-type uses due to the 2:1 transfer provision. This concern has been addressed with the recently adopted code language related to "Limited Industrial Project Status" for qualifying projects.

Discussion: Subparagraph 20.3.C(2) of the Code (Types of Land Coverage Eligible for Transfer) establishes the types or classes of legally established land coverage eligible for transfer. This subparagraph restricts the transfer of land coverage for commercial and tourist accommodation projects to hard coverage only. Subparagraph 20.3.C(5) (Hydrologically Related Area of Transfer Limitation), requires that for all land coverage transfers, the receiving parcel and the sending parcel shall be in the same hydrologically related area.

Subparagraph 20.3.C(6) (Inadequate Supply of Land Coverage) provides that if, after conducting a review of the cost of land coverage available at the land bank, TRPA finds "there is an inadequate supply of hard land coverage for commercial or tourist accommodation uses at a reasonable cost within a given hydrologically related area", TRPA may authorize an increase in the supply of land coverage for transfer. In determining "reasonable cost" TRPA shall consider "whether there is no market for coverage due to its cost, limited supply or simple absence of transactions actions (sic), and other pertinent factors". Prior to authorizing an increase in the supply of land coverage, TRPA also shall consider "the effect of the increase on the inventory in the land bank and the value of investments made by the bank in hard or soft land coverage".

If TRPA authorizes an increase in the supply of land coverage it shall do so in the following order of priority; (a) existing soft coverage as described in the definition of "land coverage", (b) unused base coverage (referred to in the Goals and Policies as "potential coverage"), and (c) through redefinition of the boundaries of the hydrologically related area to increase the supply of coverage.

Staff has spoken with CTC staff (Gerry Willmet, 2/3/03) and has confirmed and clarified the data on available land coverage within the Upper Truckee River hydrologic area in the CTC Land Bank (see Attachment C). CTC staff expressed concern that making a general finding that there is an inadequate supply of hard land coverage for commercial or tourist accommodation uses at a reasonable cost within the Upper Truckee River Hydrologic Area may set a precedent for allowing soft coverage to substitute for hard coverage in other hydrologic areas in the California portion of the Tahoe Basin since the greatest supply of hard coverage in CTC's Land Bank is within the Upper Truckee Hydrologic Area (pers com. Gerry Willmett, CTC, 2/3/03).

Staff has also spoken with the Real Estate Appraisers (Lynn Barnett, 2/26/03) who prepared the "Updated Analysis of the Market Value of Land Coverage in the Lake Tahoe Basin" (12/23/02) and has confirmed that the market value of land coverage in the California portion of the Lake Tahoe Basin is best reflected by the prices established by the CTC, ranging from $5.00 to $8.00 per square foot, and that the private market is generally slightly less than the CTC rate.

After discussing the current and future availability of hard coverage with the CTC, TRPA staff met to evaluate the CSLT request relative to the need to retire both hard and soft coverage within the Upper Truckee River Hydrologic Area. Staff has concluded that:

1) The CTC land bank is the only readily available means through which industrial properties choosing to locate in the South Y Industrial Tract can purchase land coverage for transfer within the Upper Truckee River Hydrologic Area.

2) The amount of coverage required in order to develop the 13 vacant parcels within the Industrial Tract to their maximum potential (i.e., 70% coverage) may be slightly less than the approximately 400,000 square feet of hard coverage estimated by CSLT staff since the linked projects will not require a transfer of 2:1 between 50 and 70% coverage for qualifying projects.

3) At the present time, there is an inadequate supply of hard land coverage in the CTC land bank to meet the projected needs for land coverage transfer associated with the development of undeveloped private parcels within the South Y Industrial Tract.

4) Staff feels that by limiting the usage of soft coverage to coverage transfers associated with the South Y Industrial Tract Community Plan we can prevent setting a precedent for allowing soft coverage to substitute for hard coverage in other hydrologic areas in the California portion of the Tahoe Basin;

5) It is important to retire soft coverage in addition to retiring hard coverage in the Upper Truckee River Hydrologic Area, since soft coverage, left unprotected, is more likely to erode and contribute sediment to Tahoe Basin streams than hard coverage;

6) There are environmental benefits that will result from relocating certain industrial land uses to the South Y Industrial Tract, especially industrial facilities that are presently

located within SEZs and industrial uses that are presently located on parcels that are difficult to BMP.

Staff is of the opinion that, at this point in time, TRPA's APC and GB should make a finding under Code Subparagraph 20.3.C(6) that there is an inadequate supply of hard land coverage at a reasonable cost for commercial parcels within the South Y Industrial Tract within the Upper Truckee River Hydrologic Area. Therefore, TRPA should allow the transfer of soft land coverage that is verified, pre-1972, and has been restored for commercial parcels with located within the South Y Industrial Tract Community Plan. However, staff is of the opinion that TRPA should not waive the application of the transfer ratios for between 50-70% land coverage for commercial properties within the South Y Industrial Tract.

Effect on TRPA Staff Work Program: Making the recommended code change will have no significant effect on TRPA staffing requirements. The majority of transactions would occur between the project proponents choosing to develop parcels within the South Y Industrial Tract and the CTC, however, if some industrial projects seek to acquire soft coverage from private parties (i.e., outside of the CTC land bank), then TRPA staff would need to verify that land coverage.

Required Findings: The following findings must be made prior to adopting the proposed Code amendment:

Chapter 6 Findings:

1. Finding: 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.

   Rationale: The proposed Code amendment is consistent with and will not adversely affect implementation of the Regional Plan Package since it still requires the retirement of land coverage within the Upper Truckee River Hydrologic Area. Making a finding that there is an inadequate supply of hard land coverage for commercial or tourist accommodation uses at a reasonable cost within the Upper Truckee River Hydrologic Area in accordance with Subparagraph 20.3.C(6) is consistent with TRPA Goals and Policies, the Plan Area Statement, and other TRPA plans and programs including the 208 Plan. The proposed Code amendment is consistent with the rest of Chapter 20.

2. Finding: That the project will not cause the environmental thresholds to be exceeded.

   Rationale: The proposed code amendment will aid in achieving the Impervious Coverage Threshold (SC-1) by reducing the supply of soft coverage in the CTC Land Bank and stimulating the acquisition and restoration of additional areas of soft coverage.

Additionally, the proposed code amendment will help to facilitate the transfer of certain industrial uses from SEZ lands (SC-2) and lands that are not properly BMP'd to the Industrial Tract. The proposed code amendment will aid in achieving the Water Quality Threshold (WQ-5) by reducing the potential for erosion from soft coverage. The proposed code amendment will not cause any other environmental thresholds to be exceeded.

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

   Rationale: Approval of the proposed Code amendment will help to facilitate the consolidation of certain industrial uses into the South Y Industrial Tract. This consolidation of presently dispersed industrial uses into one area provides an opportunity to control and treat stormwater runoff. The implementation of water quality BMPs associated with the design and development of the South Y Industrial Tract will aid in achieving federal, state, and local water quality standards and TRPA's stormwater runoff/surface water (WQ-5) threshold.

4. Finding: The Regional Plan and all of its elements, as implemented through the Code, Rules and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

   Rationale: The proposed Code amendment helps to facilitate the reduction of land coverage by reducing the supply of soft coverage in the CTC Land Bank and stimulating the acquisition and restoration of additional areas of soft coverage. This will in turn result in a reduction of sediment from compacted areas and the re-establishment of native vegetation on these lands.

5. Finding: The Regional Plan, as amended, achieves and maintains the thresholds.

   Rationale: The proposed Code amendment aids in achieving soft coverage removal (SC-1) and supports SEZ restoration (SC-2).

Chapter 20 Finding:

TRPA's should make a finding under Code Subparagraph 20.3.C(6) that there is an inadequate supply of hard land coverage at a reasonable cost for commercial parcels within the South Y Industrial Tract Community Plan within the Upper Truckee River Hydrologic Area. Pursuant to Subparagraph 20.3.C(6) TRPA

should authorize an increase in the supply of land coverage by allowing the use of soft coverage as described in the definition of "land coverage".

Environmental Documentation: Staff has prepared the Initial Environmental Checklist for the proposed code amendment. Staff recommends that a Finding of No Significant Effect (FONSE) be made based on the IEC and Chapter 6 Code findings.

Staff will begin this item with a brief presentation. Please contact John Stanley at (775) 588-4547, or via e-mail at jstanley@trpa.org, if you have any questions regarding this agenda item.

Attachments: A. Adopting Ordinance with Proposed Language Changes
B. Memo from Lisa O'Daly, CSLT, to Peter Eichar, TRPA, dated 1/29/03, regarding Upper Truckee Hydrologic Area Inadequate Supply of Land Coverage
C. Status of Coverage Available in the California Tahoe Conservancy Land Bank for the Upper Truckee Hydrologic Area

TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2003 –

AN ORDINANCE AMENDING ORDINANCE NO. 87-9, AS AMENDED, BY AMENDING THE REGIONAL PLAN OF THE TAHOE REGIONAL PLANNING AGENCY; AMENDING CODE OF ORDINANCE CHAPTER 20, LAND COVERAGE, TO PERMIT THE USE OF SOFT COVERAGE FOR COMMERCIAL PROJECTS WITHIN THE SOUTH Y INDUSTRIAL TRACT COMMUNITY PLAN, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

The Governing Board of the Tahoe Regional Planning Agency does ordain as follows:

Section 1.00 Findings

1.10 It is necessary and desirable to amend TRPA Ordinance 87-9, as amended, which ordinance relates to the Regional Plan of the Tahoe Regional Planning Agency (TRPA) by amending the Code of Ordinances Chapter 20, Land Coverage, in order to further implement the Regional Plan pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact.

1.20 These amendments have been determined not to have a significant effect on the environment, and are therefore exempt from the requirements of an environmental impact statement pursuant to Article VII of the Compact.

1.30 The Advisory Planning Commission (APC) has conducted a public hearing on the amendments and recommended adoption. The Governing Board has also conducted a noticed public hearing on the amendments. At those hearings, oral testimony and documentary evidence were received and considered.

1.40 Prior to the adoption of this ordinance, the Governing Board made the findings required by Chapter 6 of the Code and Article V(g) of the Compact,

1.50 The Governing Board finds that the amendments adopted here will continue to implement the Regional Plan, as amended, in a manner that achieves and maintains the adopted environmental threshold carrying capacities as required by Article V(c) of the Compact.

1.60 Each of the foregoing findings is supported by substantial evidence in the record.

Section 2.00 Amendment of the Code of Ordinances, Chapter 20

Subsection 6.60 of Ordinance No. 87-9, as amended, is hereby further amended by amending Chapter 20, Subparagraph 20.3.C(2)(b) to read as follows:

(b) Soft Coverage: Soft land coverage may be transferred in all cases, except for transfers relating to commercial or tourist accommodation uses or facilities. Exceptions listed below are pursuant to making the findings specified in Subparagraph 20.3.C (6)

(i) Soft coverage may be used for transfers for commercial parcels within the South Y Industrial Tract Community Plan within the Upper Truckee River Hydrologic Transfer Area, in accordance with Subsection 20.3.C.

Section 3.00 Interpretation and Severability

The provisions of this ordinance and the amendments to the Plan Area Statements adopted hereby shall be liberally construed to effect their purposes. If any section, clause, provision or portion thereof is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance and the amendments to the Plan Area Statements shall not be affected thereby. For this purpose, the provisions of this ordinance and the amendments to the Plan Area Statements are hereby declared respectively severable.

Section 4.00 Effective Date

The provisions of this ordinance amending the Code of Ordinances shall be effective immediately after its adoption pursuant to Section 4.5 of the Rules of Procedure.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held April 23, 2003, by the following vote:

Ayes:

Nays:

Abstentions:

Absent

David Solaro, Chairman
Tahoe Regional Planning Agency

January 29, 2003

To: Peter Eichar, Tahoe Regional Planning Agency
Fr: Lisa O'Daly, City of South Lake Tahoe
cc: Bruce Eisner and Gerry Willmett, CTC
Gary Marchio, Teri Jamin, CSLT

RE: UPPER TRUCKEE HYDROLOGIC AREA INADEQUATE SUPPLY OF LAND COVERAGE

The City of South Lake Tahoe requests that TRPA consider authorization of an increase in the supply of land coverage for the Upper Truckee Hydrologic Area. Specifically, that existing soft coverage be allowed to substitute for hard coverage within this geographic area. The proposed *South Y Industrial Tract* and *South Y* Community Plans are both located within this subwatershed. The City Council has expressed concern, in response to constituent comments, that the proposed community plan for the Industrial Tract, proposed for adoption in March, will not be able to be effectively implemented without the release of additional land coverage.

TRPA Review Process: Chapter 20 of the TRPA Code of Ordinances provides the land coverage standards for the Tahoe Region. It requires that any transfers of land coverage occur within the same hydrologically related area and further restricts the transfer of land coverage to commercial projects to hard land coverage only. Transfers of land coverage of more than 50% of the project area, such as for undeveloped commercial parcels located within a community plan boundary, must occur pursuant to the transferred land coverage ratios and result in the retirement of some land coverage.

Subsection 20.3.C (6) of the TRPA Code provides an opportunity for TRPA to authorize an increase in the supply of land coverage available for transfer within a given hydrologically related area. Such an authorization can occur after TRPA conducts a review of the cost of land coverage available at the land bank. The review must find that there is an inadequate supply of hard land coverage for commercial or tourist accommodation uses at a "reasonable cost."

In determining "reasonable cost," TRPA considers:

- Whether there is no market for the coverage due to its cost;
- Limited supply or simple absence of transactions; and
- Other pertinent factors.

Prior to authorizing an increase in the supply of coverage, TRPA shall also consider the effect of the increase on the inventory of the land bank and the value of the investments made by the bank in hard or soft land coverage.

The Code provides an order of priority for authorizing increases in the supply of land coverage:

- Existing soft coverage;
- Unused base coverage ("potential coverage"); and
- Redefinition of the boundaries of the hydrologically related area.

Status of Hard Coverage Available in the Land Bank for the Upper Truckee Hydrologic Area: The California Tahoe Conservancy, the California-side land bank, has **14,700 square feet** of unallocated

hard coverage available for sale at $5.50/foot within this hydrologic area. An additional **34,150 square feet** of hard coverage is currently allocated for public service uses (26,850 sf) and a public access project (7,300 sf). The Conservancy Board could shift its priorities and potentially release some of this hard coverage for sale to the public, but at this point in time, it is not available. Not all of this coverage could be made available for sale in any case, as it is from this "pot" of coverage that the Land Bank uses about 1,600 square feet each year for mitigation projects.

The Conservancy has an additional **48,079 square feet** of hard coverage that either has not been made available for sale to private parties or is not yet "ripe" for sale (e.g., has not been restored). This coverage may in the future be used for commercial projects, restoration credit needs, or other purposes, at the discretion of the Conservancy Board based upon their policies and state of the market at the time it is releasable.

In the last twelve years, three parties have purchased minor amounts of hard coverage from the Conservancy in this hydrologic area. This low volume of sales is not surprising since there are only limited opportunities for the transfer of land coverage in this area pursuant to TRPA's ordinances (e.g., handicap retrofits for existing properties, small residential transfers, etc.). This circumstance is expected to change with the adoption of the *South Y Industrial Community Plan* in March and the simultaneous start up of the *South Y Community Plan* planning process. Ultimately two community plans with land coverage transfer incentives will be located in this hydrologic area.

Status of Other Coverage Available in the Land Bank for the Upper Truckee Hydrologic Area: The Conservancy has **131,385 square feet** of soft coverage and **9,402 square feet** of potential coverage available for $5.00/foot.

Future Land Bank Acquisition Opportunities for Hard Coverage in the Upper Truckee Hydrologic Area: Gerry Willmett of the Conservancy reports that the Land Bank has identified at least eleven additional parcels for possible acquisition in this subwatershed that contain varying amounts of hard coverage. The hard coverage represented by these parcels totals approximately 30,000 square feet. To date, two of these eleven parcels have indicated interest in working with the Conservancy, representing 3,500 square feet of hard coverage.

Justification for City's Concern Regarding Availability of Land Coverage for Commercial Projects within Proposed Community Plans: The *South Y Industrial Tract Community Plan* is proposed for adoption in March 2003. Along with the Community Plan, the TRPA Governing Board is being asked to adopt a package of ordinance amendments to better enable its implementation. The City appreciates that TRPA staff is willing to review the availability of land coverage in the hydrogically-related area as part of this desire to enable the proposed Community Plan to maximize its effectiveness.

Public comment to both the Planning Commission and City Council in response to the proposed Community Plan centered on the concept of land coverage. *One theme heard consistently was that the ability to use transferred land coverage within the Community Plan boundary was helpful, but that the supply could be quickly exhausted and that the cost, especially of between 50-70% land coverage, is burdensome for industrial-type uses such as boat or RV storage.*

In response to these comments, City staff has explored the amount of land coverage that would be required in order to transfer in land coverage to undeveloped Industrial Tract private properties with a portion of high capability land. This assessment includes vacant parcels eligible for a man-modified amendment. It assumes 25% base coverage for all parcels for expediency, recognizing that some parcels have 30% base coverage, and small portions of some parcels only 1% coverage.

APN	Approximate Size (sf)	Base Coverage assuming 25% base coverage (sf)	Transferred Coverage from Base to 50% (sf)	Transferred Coverage from 50% to 70% (sf)
32-312-07	32,500	8,125	8,125	13,000
32-312-10	20,000	5,000	5,000	8,000
32-312-11	20,000	5,000	5,000	8,000
32-312-12	20,000	5,000	5,000	8,000
32-312-13	20,000	5,000	5,000	8,000
32-313-16	20,000	5,000	5,000	8,000
32-313-17	20,000	5,000	5,000	8,000
32-313-23	20,000	5,000	5,000	8,000
32-313-37	43,560	10,890	10,890	17,424
32-313-38	168,150	42,037.5	42,037.5	67,260
32-313-41	210,800	52,700	52,700	84,320
32-313-42	39,000	9,750	9,750	15,600
32-314-31	83,000	20,750	20,750	33,200
			Hard Land Coverage Required for a Commercial Transfer **TOTAL**: **179,252.5**	Hard Land Coverage Required for a Commercial Transfer (incl. retirement) **TOTAL**: **217,804**

Consequently, almost **400,000 square feet** (179,252.5 + 217,804 = 397,056.5) of hard coverage is needed in order to develop to their maximum potential only the vacant parcels within the Industrial Tract. Even one project transferring in 70% land coverage on the smallest lot in the Industrial Tract (20,000 square feet) uses 13,000 square feet of the 14,700 square feet of hard land coverage available from the Land Bank today within the Upper Truckee subwatershed. We know that a project is coming in almost immediately after adoption for APN 32-312-07, which will relocate a nonconforming storage yard from the South Stateline Hydrologic Area. Consequently, this project will have to obtain all of its coverage from Upper Truckee from the Land Bank. If the owner goes to 70% coverage, 21,125 square feet of coverage is needed, exhausting the 14,700 of hard coverage currently available from the Conservancy and leaving the project "short" coverage.

This example does not include any of the potential development opportunities associated with the future *South Y Community Plan*. While there aren't vast amounts of undeveloped lots within this area, I would expect conversion of single family residences around the hospital to medical offices using the community plan's transferred land coverage opportunities. The total amount of hard and soft land coverage owned by the Tahoe Conservancy within this hydrologic area is approximately **228,000 square feet**. As presented previously, not all of the hard coverage is currently available either for sale to private projects or that is even "ripe" for use (e.g., the restoration has not yet occurred). Consequently, there could be a significant shortfall under the scenario presented. However, the *EIP Linked Project Status* amendment being proposed by TRPA will likely be used by some projects located within the same subwatershed. When combined with proposed *Industrial Tract Community Plan* incentives for relocating existing industrial uses within stream environment zones, this amendment will likely result in some projects not needing to use the Land Bank in order to develop with more than base coverage their parcels within the Industrial Tract.

One additional philosophical consideration stems from the TRPA concept of "1 + 2 = 3." TRPA staff has described situations where if the project proponent can get to a specific end in three steps, it

is sometimes possible to let them skip the second step when it's just procedural. In this case, the BMP retrofit program typically encourages hardening legally existing soft coverage as a water quality improvement. If soft coverage can legally and readily become hard coverage in the real world, making the change for a hydrologic area that could exhaust its supply of hard coverage with one project does not feel like a stretch. This same concept applies to the hypothetical nonconforming storage yard that has recognized soft coverage that would like to relocate to the Industrial Tract. Should they have to pave their soft coverage as a BMP, then rip it out to relocate their coverage and commercial business to the Industrial Tract? This feels like a case of 1 + 2 + 3.

"Reasonable Cost:" The concept of "reasonable cost" assesses whether there is no market for coverage due to its cost, whether there is a limited supply or simple absence of transactions, and other pertinent factors. Because hard coverage in the Upper Truckee Hydrologic Area is some of the least expensive land coverage in the Tahoe Region ($5.50/square foot, per Gerry Willmett), some people might suggest that it should go up in price before the supply is deemed "inadequate." The recent Johnson-Perkins and Associates report (December 23, 2002) regarding an analysis of market value of land coverage in the Lake Tahoe Basin notes that the California Tahoe Conservancy's Land Bank best reflects the market value for land coverage in California. It also states that California-side developers rely almost entirely on the Conservancy's Land Bank for obtaining their coverage. It would be unfair to use Nevada's high land coverage cost as a barometer when TRPA's own contractor notes that the Conservancy's pricing scheme is appropriate.

One "pertinent factor" for TRPA to consider stems from comments to the proposed *South Y Industrial Tract Community Plan*. Commentors to the *South Y Industrial Tract Community Plan* noted the cost of land coverage, especially of between 50-70% land coverage, is burdensome for "low rent" industrial-type uses such as boat or RV storage. The "effective cost" of this type of coverage is $11.00/foot when the required coverage retirement is included. The price for transferred land coverage to get the smallest Industrial Tract lot (20,000 square feet) to 70% coverage is $71,500.00.

Conclusion: In order to maximize the effectiveness of the Industrial Tract Community Plan in clustering the south shore's new and relocated industrial uses, developing parcels to the limits of the TRPA Code is beneficial. The *EIP Linked Project Status* amendment is a tool that will help relocate parcels within SEZs; however, relocating storage and corporation yards from residential neighborhoods is also important. The Community Plan provides incentives that may lead to such relocation projects. It is important that property owners be able to move ahead with their community-benefiting projects without being stymied by bureaucratic hurdles, such as an exhausted Land Bank and the need for a future TRPA action to increase the supply of coverage. The TRPA Governing Board is being asked to adopt a package of ordinance amendments in March that will better enable Community Plan implementation. The City requests that with this same momentum, TRPA takes the actions necessary to ensure that an adequate supply of land coverage will be immediately available to project proponents. Any other action will certainly result in our agencies being in this same place at some time in the near future, possibly after the implementation of only one project, or during the implementation of our first project should one of the larger parcels be involved.

(end)

STATUS OF COVERAGE AVAILABLE IN THE CALIFORNIA TAHOE CONSERVANCY LAND BANK FOR THE UPPER TRUCKEE HYDROLOGIC AREA[1]

Hard Coverage:

- CTC has 14,700 sq. ft. of unallocated hard coverage available for sale at $5.50/sq. ft. within this hydrologic area

- CTC has an additional 34,150 sq. ft. of hard coverage which is currently allocated for public service uses (26,850 sf) and a public access project (7,300 sf).

- CTC Land Bank uses about 1,600 sq. ft. each year for mitigation projects.
    - This is the approximate amount of land required for administration of the Excess Coverage Mitigation Fund by CTC each year

- CTC has an additional 48,079 sq. ft. of hard coverage that has not been made available for sale to private parties or in not yet "ripe" for sale (e.g., has not been restored).

- CTC has identified eleven additional parcels containing a total of approximately 30,000 sq. ft. of hard coverage.
    - Two of these eleven parcels have indicated interest in working with the CTC, representing 3,500 sq. ft. of hard coverage.

Soft Coverage:

- The CTC has 131,385 sq. ft. of soft coverage available for $5.00/sq. ft..
    - This soft coverage has been verified, is pre 1972, and has been restored
        - CTC has some TRPA letters of verification and some of the verification was done by CTC staff
        - CTC does not put coverage into its inventory until it has been verified
        - CTC does not put coverage into its inventory until it has been restored
    - CTC generally charges $5.50/sq. ft. for coverage in this area
        - Price of coverage varies from $5.00 to $8.00/sq. ft. in the six hydrologic areas in California
    - Much of this soft coverage in CTC's inventory was from the acquisition and restoration of parcels near the "Y".
        - Much of this soft coverage had been used for unpaved parking and unpaved roads
        - Most of this land containing soft coverage was acquired by CTC in the late 1980's.

- The CTC has 9,402 sq. ft. of potential coverage available for $5.00/sq. ft..

[1] Data were obtained from Gerry Willmett, CTC, by Lisa O'Daly, CSLT, and provided to Peter Eichar, TRPA, in memo dated 1/29/03 unless otherwise indicated. Data were confirmed and clarified by Gerry Willmett, CTC, during phone conversation with John Stanley, TRPA, on 2/3/03.

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MEMORANDUM

March 27, 2003

To: Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Chapter 4, Project Review and Exempt Activities, to Adopt Memorandum of Understanding (MOU) Between TRPA and the California Regional Water Quality Control Board, Lahontan Region

Proposed Action: The Advisory Planning Commission is requested to recommend approval of the proposed MOU to the Governing Board.

Description and Discussion: TRPA has more than 40 MOUs with various public and private utilities, school districts, U.S. Forest Service, California and Nevada State Parks and several local jurisdictions. There are two types of MOUs, exempt and delegation.

Exempt MOUs are agreements with TRPA that allow a public utility or other entity to perform certain activities without having to obtain TRPA permits. In general, these activities involve the ordinary maintenance of the existing facilities operated by a public or private utility or special districts.

The second type of MOU, which is the subject of this item, is a delegation MOU. These MOUs delegate to public entities the authority to issue permits on behalf of TRPA. The delegation MOUs have allowed the public to obtain permits for certain projects, such as new single-family dwellings and additions, at one location and usually in a quicker timeframe.

The attached MOU is proposed to replace an Regional Board (adopted in 1994). The new MOU will allow one agency, rather than two, to permit certain types of projects. For example, projects that propose less than one acre of ground disturbance and not more that 1,000 square feet of new disturbance in a Stream Environment Zone will be reviewed under TRPA's authority. In addition, projects involving buoys, piers, boat ramps, floating docks and shorezone protective structures will be reviewed soley by TRPA. In these situations applicants will no longer have to file a report of waste discharge with the Regional Board. Maintenance dredging activities will now be reviewed and permitted only by the Regional Board however, projects which propose new dredging will continue to require approval from both agencies.

The Regional Board held a public hearing to discuss the proposed MOU on March 12, 2003. At that meeting the Regional Board recommended that the MOU include a requirement that staff of each respective agency meet regularly to review the

implementation of the MOU. Therefore, the draft MOU includes a requirement that staff meet semi-annually to discuss issues, problems, and opportunities encountered during administration and implementation of this MOU and to report to the TRPA Executive Director and the Regional Board Executive Officer within 60 days following such a meeting. At the conclusion of the public hearing the Regional Board authorized the Lahontan Executive Officer to enter into the MOU at the appropriate time. The TRPA liaison to the semi-annual meeting will be the Local Assistance Manager in the Project Review Division.

Environmental Documentation: Staff has completed the Initial Environmental Checklist for the initial determination of environmental impact for the proposed MOU. Based on the checklist, staff recommends a finding of no significant effect on the environment for the proposed MOU.

Chapter 6 Findings

Adoption of an MOU requires an amendment to the TRPA Code of Ordinances. Section 6.5 of the TRPA Code of Ordinances requires the following four findings be made prior to amending the Code.

A. The project (ordinance) 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;

Section 4.5 of the Code allows for the development and implementation of MOUs to exempt certain activities not otherwise considered exempt or qualified exempt under Chapter 4. However, the activities described in the proposed MOU are still subject to all provisions of the Regional Plan. The MOU will allow each agency to use its resources more effectively and to reduce duplicative regulatory requirements for certain projects. The proposed MOU is consistent with, and will not adversely affect implementation of the Regional Plan.

B. The project will not cause the environmental thresholds to be exceeded;

Activities undertaken pursuant to the proposed amended MOU are subject to the provisions of the Regional Plan. The activities described in the MOU are effectively regulated by the Regional Board and adoption of the MOU will not change the type of projects or increase the amount of development allowed by the Regional Plan. Therefore, the activities listed in the new MOU will not cause the environmental thresholds to be exceeded. This finding is also based on the Article V(g) checklists completed for the proposed MOU.

C. Wherever federal, state, and local air and water qualify standards applicable to the region, whichever are stricter, must be attained and maintained pursuant to Article V(d) of the Compact, the project meets or exceeds such standards; and

Activities undertaken pursuant to the MOU are subject to the standards of the Regional Plan and Code. This finding is also based on the Article V(g) checklists completed for the proposed MOU.

D. The Regional Plan and all of its elements as implemented through the Code, rules and other TRPA plans and programs, as amended, achieve and maintains the thresholds.

As explained under findings A, B, and C, above, the Regional Plan will continue to attain and maintain the thresholds.

Article VI(a) Findings

Article VI(a) states,

> The Agency shall prescribe by ordinance these activities which it has determined will not have a substantial effect on the land, water, air, space, or any other natural resources in the region and therefore will be exempt from its review and approval.

Section 4.5 of the Code allows for the implementation of MOUs with public entities to exempt activities from TRPA review. The proposed MOU with the Regional Board exempts activities from TRPA review provided those activities are reviewed by the Regional Board. The Regional Board has demonstrated its ability to ensure that activities undertaken pursuant to the MOU will be in compliance with the Regional Plan. The MOU has no impact on the regulatory structure and does not result in an increase in development potential or increases in service capacity. The nature of the activities, coupled with limitations elsewhere in the Code, assures the MOU will not have a substantial effect on the land, water, air, space, or other natural resources in the Region.

Ordinance 87-8 Findings

Section 2.5 of Ordinance 87-8 provides that findings under Section 2.40 are not needed to add policies of ordinances designed to make existing policies and ordinances more effective. The proposed MOUs will implement Section 4.8 of the Code which allows amendments to exempt certain activities of public and quasi-public entities.

If you have any questions regarding this item, please feel free to contact Paul Nielsen at (707) 588-4547, ext. 249.

APPENDIX BB

MEMORANDUM OF UNDERSTANDING BETWEEN THE
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LAHONTAN REGION, AND
THE TAHOE REGIONAL PLANNING AGENCY

WHEREAS, the California Regional Water Quality Control Board, Lahontan Region (Lahontan RWQCB), through direction to the RWQCB Executive Officer, and the Tahoe Regional Planning Agency (TRPA) Governing Body, through direction to the TRPA Executive Director, have agreed to enter into this Memorandum of Understanding (MOU); and

WHEREAS, Lake Tahoe is a designated Outstanding National Resource Water whose quality and beneficial uses are threatened by sediment, nutrient, and other pollutant loading from a variety of sources. Control of these sources is of major interest to the States of California and Nevada and the federal government; and

WHEREAS, the Lahontan RWQCB is an agency of the State of California, empowered by the federal Clean Water Act, the Porter-Cologne Water Quality Control Act, and other federal and state laws to set water quality standards and to regulate activities in the California portion of the Lake Tahoe Basin which may have an adverse effect on water quality; and

WHEREAS, the Lahontan RWQCB is responsible for implementing the federal Clean Water Act NPDES and 401 Water Quality Certification Programs, and is a responsible agency under the California Environmental Quality Act (CEQA); and

WHEREAS, TRPA is required by the Tahoe Regional Planning Compact (P.L. 96-551, 94 Stat. 3233, Cal. Govt. Code 66801; NRS 277.200) to regulate activities within the Lake Tahoe Basin, which may have a substantial effect on natural resources of the Basin. To protect these resources, the Compact directs TRPA to establish and ensure attainment of environmental standards for water quality, air quality, noise, recreation, soil conservation, wildlife habitat, vegetation preservation, scenic quality, and fisheries. The Compact also directs TRPA to define which activities are exempt from TRPA review and approval. TRPA defines exempt activities in Chapter 4 of its Code of Ordinances; and

WHEREAS, the Lahontan RWQCB and TRPA are both responsible for implementing the bi-state Water Quality Management Plan for the Lake Tahoe Region (“208 Plan”) and TRPA is recognized as one of the implementing agencies for certain California Water Quality Control Plan provisions applicable to the Lake Tahoe Basin. These provisions require compliance with water quality standards and the installation of BMPs for the control of erosion and storm water on all improved properties in the California portion of the Lake Tahoe Basin, and prohibit disturbance of Stream Environment Zones (SEZs), with limited exceptions; and

WHEREAS, the Lahontan RWQCB and TRPA are interested in developing a cooperative approach toward implementation of water quality plan provisions related to prevention of water pollution; control of erosion, sediment, storm water, and wastewater; and cleanup activities for ground water contamination; and

WHEREAS, the Lahontan RWQCB and TRPA recognize that areas of overlapping authority and regulatory effort exist in the operations of the two agencies, and that it will be mutually beneficial

to the RWQCB, TRPA, and the regulated community to avoid unnecessary duplicative regulation.

WHEREAS, the Lahontan RWQCB has found that waiving filing a report of waste discharge and/or waste discharge requirements (WDRs) for discharges associated with Best Management Practices (BMP) retrofit projects and other construction activity defined below, involving less than one acre of total land disturbance and less than 1,000 square feet of new disturbance in lands classified as SEZ, would not be against the public interest when the project or discharge is effectively regulated by TRPA.

NOW THEREFORE, the Lahontan RWQCB and TRPA agree as follows:

1. The Lahontan RWQCB and TRPA will both be responsible for the following categories of projects and activities:

   a. **Projects Over One Acre Total Land Disturbance***: Review, permitting, and enforcement for any project, regardless of the category of use, involving more than one (1) acre of land disturbance.

   b. **Ski Areas and Marinas**: Review, permitting, and enforcement to ensure BMP retrofit of existing ski areas and marinas.

   c. **Public Erosion Control/Runoff Treatment Projects**: Review, permitting, and enforcement to ensure BMP retrofit of public right-of-ways. (Public right-of-ways include the City of South Lake Tahoe, El Dorado County, Placer County, and Caltrans roadways.) These projects may include treatment of storm water generated on private land.

   d. **New Disturbance in an SEZ**: Review, permitting, and enforcement for facilities/projects involving more than 1,000 square feet of new disturbance or 100 cubic yards of fill in an SEZ.

   *** Total Land Disturbance refers to any and all temporary and permanent land disturbance associated with a project, including access roads, staging areas, building foundations, BMPs, and landscaping.**

   e. **Stream Restoration and Wetland Restoration Projects**: Review, permitting, and enforcement for stream restoration and wetland restoration projects.

   f. **New Dredging**: Review, permitting, and enforcement for new dredging.

2. Each agency will assume either primary or secondary responsibility, within the confines of each agency's authority, for the types of projects and activities listed in Paragraphs 3 and 4, below. The agency with primary responsibility will review project proposals, issue permits, conduct inspections, and take enforcement action as necessary to ensure compliance with permits. The other agency will not normally issue a permit, but may consult with staff of the primary agency as provided below in Paragraph 10, and may also use its full regulatory authority when necessary as described below in Paragraph 9.

3. The Lahontan RWQCB will have primary responsibility for the following categories of projects or activities in the California portion of the Lake Tahoe Basin:

   a. **Activities Regulated Under Existing Waste Discharge Requirements (WDRs)/NPDES Permits**: Ensure compliance with requirements contained in existing permits adopted by the Regional Board for BMP retrofit, maintenance activities (Caltrans, utility districts, and municipalities), and industrial operations.

   b. **Marinas - Industrial Activities and Maintenance Dredging**: Ensure compliance with the Lake Tahoe NPDES Storm Water General Permit for Industrial Activities and Maintenance Dredging at Marinas. This applies only to discharges of storm water from the facility or non-storm water discharges associated with the industrial operations of the facilities, including maintenance dredging. Construction of new facilities, facility expansion/modification projects, changes in use, and BMP retrofit projects are subject to review and approval by TRPA.

   d. **401 Water Quality Certification**: Review and certification of projects or activities that may result in a discharge of dredged or fill materials to waters of the U.S, including maintenance dredging projects and wetland restoration projects.

      Section 401 of the Clean Water Act (CWA) requires that any applicant for a CWA Section 404 permit to conduct any activity that may result in discharge of dredged or fill materials to waters of the United States obtain a certification from the state in which the discharge will occur that the discharge will be in compliance with applicable water quality standards of that state. No Section 404 permit may be granted (or valid) until such certification is obtained.

   e. **Contaminated Ground Water Sites**: Site assessment, investigation, and specification of BMPs and ground water cleanup levels, in cooperation with the appropriate County for specification of soil cleanup levels, for leaking underground storage tank (UST) sites, above-ground tank (AGT) sites, and other spill/leak/investigation/cleanup (SLIC) sites. (SLIC sites include spills of sewage, fuel, oil, paints, pesticides, detergents, etc.) The Regional Board shall review and approve any grading associated with cleanup/remediation activities and temporary/permanent BMP plans for the site, and review any proposed temporary remediation equipment housing for conformance with TRPA's Code of Ordinances. All proposals for temporary structures not conforming to TRPA guidelines shall be referred to TRPA for review, permitting, and enforcement.

4. TRPA will have primary responsibility for the following types of projects or activities in the California portion of the Lake Tahoe Basin:

   a. **BMPs**: Review, permitting, and enforcement to ensure BMP retrofit on private properties with existing improvements and for which the Lahontan RWQCB has not adopted WDRs.

   b. **New/Modification/Expansion**: Unless covered in paragraphs 1 or 3 above, review, permitting, and enforcement for the construction of new facilities,

modification and/or expansion of existing facilities, and changes in use, provided the project does not exceed one (1) acre of total land disturbance and involve more than 1,000 square feet of new disturbance or 100 cubic yards of fill in an SEZ. This applies to any category of use as defined by TRPA, including residential.

c. **Shorezone/Lakezone**: Review, permitting, and enforcement for piers, boat ramps, buoys, floating docks and platforms, and shorezone protection provided 401 Water Quality Certification (pursuant to Section 401 of the Clean Water Act) is obtained from the Lahontan RWQCB for those projects requiring an Army Corps of Engineers Section 404 Permit (see Section 3.c, above). This applies to all lakes within the Lake Tahoe Basin.

d. **Land Capability and Land Coverage**: Verification of land capability districts, in accordance with the Bailey Land Capability Classification System, and verification and tracking of existing, banked, transferred, and mitigated land coverage.

e. **Man-modified Determinations**: Review and approval of man-modified determinations to reclassify land capability and shorezone tolerance districts. This includes man-modified determinations for backshore boundary delineations.

5. Private property owners proposing to retrofit their properties with BMPs may elect to obtain approval for their project from the Regional Board instead of TRPA, provided the project does not involve any remodel or expansion of the existing facilities.

6. Only the agency issuing a permit will be responsible for approval of exemptions to prohibitions related to SEZ disturbance. Any exemptions shall be in accordance with the TRPA Code of Ordinances or the Water Quality Control Plan for the Lahontan Region (Basin Plan).

7. The agency issuing a permit will conduct any required pre-grade and final inspections, and will be responsible for granting a variance to the October 15 – May 1 soil disturbance prohibition period.

8. This MOU does not affect projects or activities within the mutual jurisdiction of the Lahontan RWQCB and TRPA in the Truckee River watershed downstream of Lake Tahoe.

9. Nothing in this MOU shall be construed to limit the authority of either the Lahontan RWQCB or TRPA to ensure compliance with its environmental standards and regulations or to take enforcement action.

10. Staff of the Lahontan RWQCB and TRPA shall cooperatively provide training, technical review, and comments to each other, as appropriate, for any activities reviewed under this MOU.

11. A staff person from each agency shall be designated as a liaison and responsible person for the implementation of this MOU.

12. Staff of each agency shall meet and coordinate on implementation of the MOU as follows:

    a. Proposed shorezone projects, including maintenance dredging, shall be discussed at the Shorezone Review Committee.

    b. TRPA staff shall provide training to Regional Board staff for reviewing proposed temporary structures at ground water remediation sites for conformance with the TRPA Code of Ordinances. Regional Board staff shall consult with TRPA staff as needed in reviewing proposals for temporary structures.

    c. TRPA and Lahontan staff shall meet semi-annually to discuss issues, problems, and opportunities encountered during administration and implementation of this MOU. TRPA and Lahontan staff shall report to the TRPA Executive Director and the Regional Board Executive Officer within 60 days following such a meeting.

13. This MOU will continue in effect until written notice of termination is given by either party. Both parties hereby agree to cooperate in good faith to carry out the provisions of this MOU to achieve the objectives set forth herein.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LAHONTAN REGION

Dated: _____ _____
Harold J. Singer, Executive Officer

TAHOE REGIONAL PLANNING AGENCY

Dated: _____ _____
Juan Palma, Executive Director

TAHOE REGIONAL PLANNING AGENCY

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MEMORANDUM

March 31, 2003

To: TRPA Advisory Planning Commission

From: Melissa Joyce, Associate Planner, Project Review Division

Subject: Notice of Preparation, Environmental Impact Statement/Environmental Impact Report, Scoping for Mourelatos/Cedar Grove Apartment Project and Related Community Plan Amendment

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Introduction

TRPA and Placer County have initiated the environmental review process for a proposed affordable housing project in Tahoe Vista. Placer County and TRPA will serve as joint lead agencies for the Environmental Impact Report/Environmental Impact Statement (EIR/EIS). Placer County will serve as the lead agency for the EIR under the California Environmental Quality Act (CEQA), and TRPA will serve as the lead agency for the EIS under Chapter 5 of the TRPA Rules of Procedure. EDAW was selected through a Request for Proposal (RFP) process as an independent consultant to prepare the EIR/EIS.

A Notice of Preparation (NOP) for the EIR/EIS was sent to interested parties on Wednesday, March 19, 2003. The public comment period for scoping the document began on March 19, 2003 and closes April 18, 2003. The purpose of the NOP is to gather input from both public and private entities regarding issues and concerns that should be addressed in the environmental document.

Project Description

The project area, located north of State Route 28 and west of National Avenue, includes a 12.5-acre undeveloped parcel and a 6.2-acre parcel currently part of the Mourelatos resort. The undeveloped parcel is forested with areas of shrubby vegetation. The 6.2-acre Mourelatos resort property is developed with 5 motel buildings, 7 cabins and two accessory storage buildings. Both parcels have verified high land capability (Class 6 and 7).

The project proponents are the Affordable Housing Development Corporation (AHDC) in partnership with the Mourelatos family. AHDC was selected by the Placer County Redevelopment Agency through a RFP to develop affordable housing within the Tahoe Basin.

The proposed project is to develop the vacant parcel as affordable rental housing consistent with the TRPA affordable housing definition. The vacant parcel currently lies outside the Tahoe Vista Community Plan. The project proponents are requesting an amendment to the Plan to include the parcel within Special Area #6. Multi-family housing is an allowed use in this special area.

The initial plan proposed 110 new housing units and consisted of two elements. AHDC proposed the Cedar Grove Apartments, 80 units of affordable housing (45 to 60% of the median income) on 6.2 acres. The Mourelatos family proposed 30 units of affordable housing (80% of the median income) on the remaining 6.3 acres.

A proposed lot line adjustment would include the 30 units by the Mourelatos family as part of the resort parcel to the south. The lot line adjustment would result in a separate parcel for the Cedar Grove Apartments.

Development of Alternatives

After receiving comments on the initial proposal by TRPA staff, Placer County staff and other agencies, the project proponents (AHDC and the Mourelatos family) have agreed to develop alternative project concepts as part of the EIR/EIS process. These concepts will include a range of alternative site designs, density, and mix of unit types (size and income). Once the initial scoping process is completed, alternative concepts will be developed by EDAW in consultation with the project proponents. An open house will be held to gain public comment on the proposed alternatives before the consult begins to prepare the environmental document.

Request

Staff requests that the Advisory Planning Commission assist in scoping the EIR/EIS. In addition, staff is requesting that the Board solicit public comments at the meeting. No action is required at this time.

The NOP, proposed site plan, draft Initial Environmental Checklist (IEC) as well as Placer County's initial study are attached for your review. These documents are also available for review on our website at www.trpa.org. If you have any questions or comments regarding this agenda item please call Melissa Joyce at (775) 588-4547, Extension 244. If you wish to comment in writing, please send all comments to:

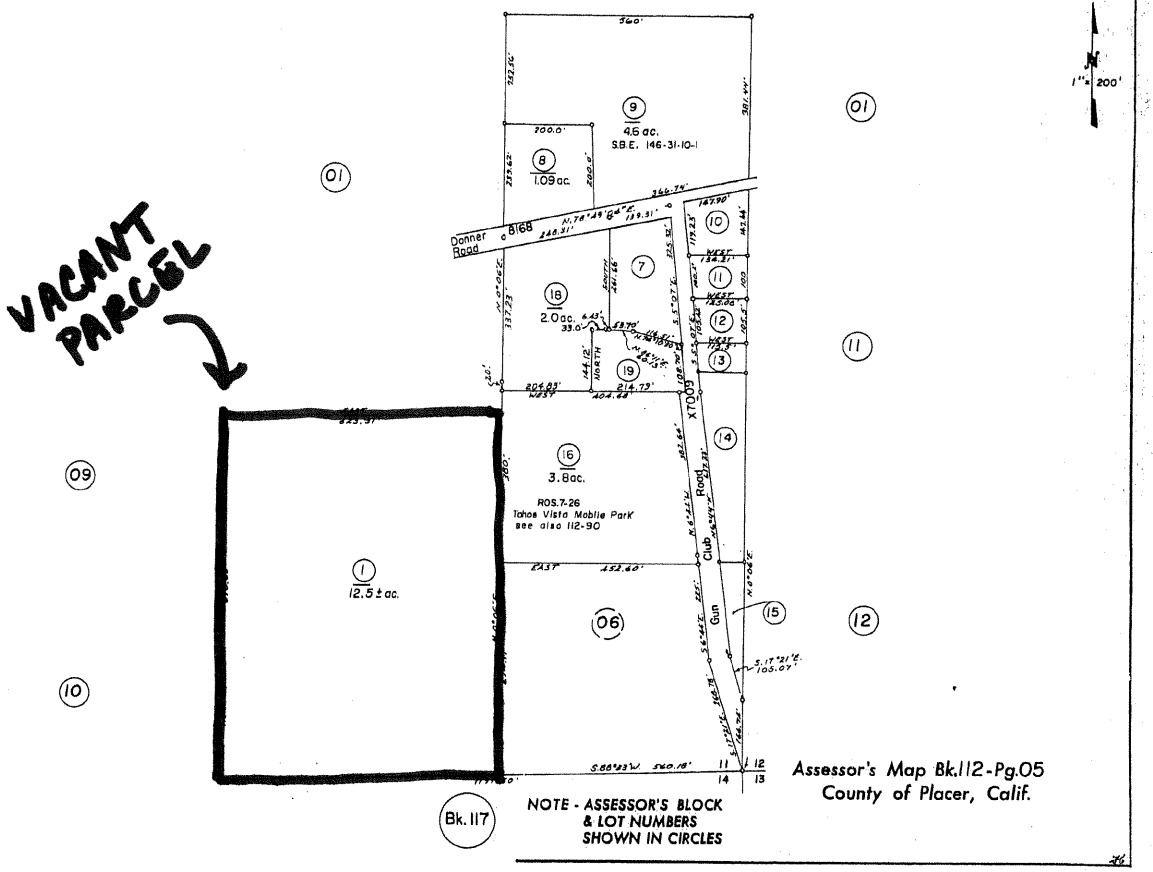
Melissa Joyce, Associate Planner
Project Review Division
Tahoe Regional Planning Agency
P.O. Box 5310
Stateline, NV 89449-5310

/MJ
03/31/03

AGENDA ITEM V.C.

POR. S.E. 1/4 SEC. 11 T. 16 N. R. 17 E. M.D.B.& M.
Survey M.O.R.Bk.7, Pg. 26

112-05



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POR. N.E.1\4 SEC.14, T.16 N., R.17 E., M.D.B.&M.

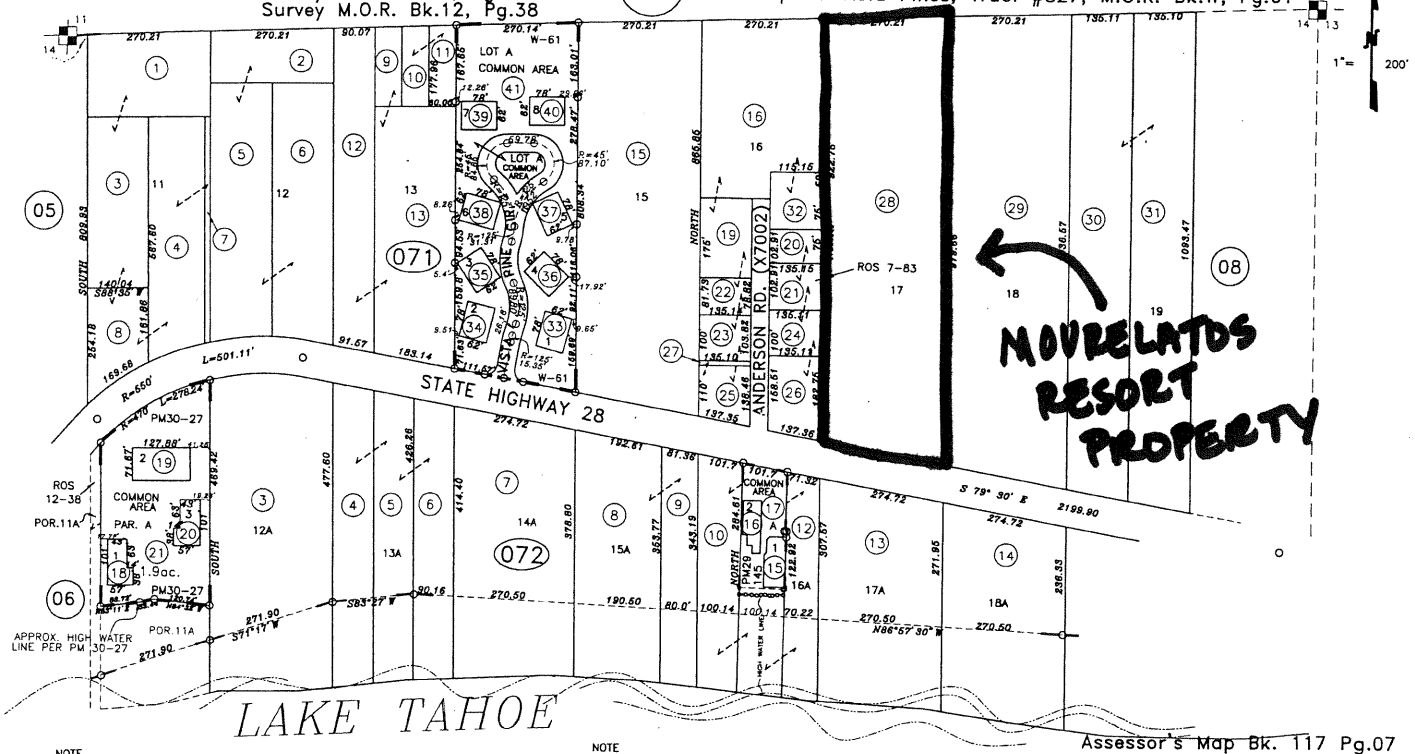
117-07

Agate Bay Sub. M.O.R. Bk.D, Pg.25
Survey M.O.R. Bk.2, Pg.71
Survey M.O.R. Bk.7, Pg.83
Survey M.O.R. Bk.12, Pg.38

Bk.112

Parcel M.O.R. Bk.29, Pg.145, P-75685
Parcel M.O.R. Bk.30, Pg.27, P-75763(COTTONWOOD EST.)
Final Map Of Vista Pines, Tract #827, M.O.R. Bk.W, Pg.61

1"= 200'



NOTE
All distances on curved lines are chord measurements.

11-15-2000
03-03-2000 BMJ
PAGE REDRAWN FROM BASEMAP INFORMATION
FORMERLY POR. 089-100

NOTE
This map was prepared for assessment purposes only, and is not intended to illustrate legal building sites or establish precedence over local ordinances. Official information concerning size or use of any parcel should be obtained from recorded documents and local governing agencies.

Assessor's Map Bk. 117 Pg.07
County of Placer, Calif.

NOTE
Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

JUL 17 2001

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NOTICE OF PREPARATION
for the
CEDAR GROVE APARTMENTS/MOURELATOS FAMILY PARTNERSHIP AFFORDABLE HOUSING PROJECT ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT (EIR/EIS)

PROJECT NAME AND DESCRIPTION

The Affordable Housing Development Corporation, Inc. (AHDC), in partnership with the Mourelatos family, proposes to develop approximately 12.5 acres in Tahoe Vista for an affordable housing complex. The project site is located on the Kings Beach 7.5-minute U.S.G.S topographic quadrangle map, north of State Route 28 and west of National Avenue in Tahoe Vista, California. The site is currently undeveloped, forested land with dense stands of pine, fir and cedar. The area is generally level with approximately 5% slope. Adjacent properties to the east and west have been developed for residential housing. The North Tahoe Regional Park is directly north of the project site. The project area includes the Mourelatos resort property to the south.

The project would require an amendment to the Tahoe Vista Community Plan for the annexation of the land to the Tahoe Vista Community Plan, Special Area 6. In addition, a boundary line adjustment would be required to delineate a 6-acre parcel on the northeastern portion of the site for the transfer of ownership from the Mourelatos family to AHDC. The resulting 12.5 acre parcel to remain under Mourelatos ownership would include the southern 6-acre resort property that is not currently proposed for additional development. This area is included in the project site for the purposes of the boundary line adjustment.

The proposed development would consist of approximately 110 rental housing units. Most, if not all, of the units would be affordable housing units. If residential units are proposed that do not meet affordable housing criteria, development rights and building allocations would be required for those units. The project could be phased, if needed, to accommodate the availability of development rights and building allocations within the Tahoe Basin. An internal looped roadway system with separate points for both entry and exit is proposed as part of the project. The main access from State Route 28 would be provided by National Avenue. Points of access to the complex from National Avenue that are being considered include: Grey Lane, Toyon Road, Donner Road, and Wildwood Road via Estates Drive. A Class 1 bike trail and onsite parking, in compliance with Placer County parking standards, are also proposed for the site.

ALTERNATIVES

Alternatives to be considered would involve several combinations of clustered homes, single-family homes, and multiple-family homes such as apartments, duplexes, and fourplexes. Structures would likely be one- or two-stories high and consist of two-, three- or four-bedroom units. Alternatives will also consider various circulation systems with different options for entrance and exit to the site as well as internal circulation and bike trail routes.

PROBABLE ENVIRONMENTAL EFFECTS

The following subject areas will be analyzed in the EIR/EIS:

Water Quality. The proposed project would involve development and introduction of urban surfaces (e.g. streets, roofs, driveways) on a natural site, resulting in soil erosion, urban pollutants such as grease, solvents and oil, and other potential water quality impacts. Best Management Practices (BMPs) and mitigation measures will be developed to address impacts to water quality that are identified in the EIR/EIS.

Soils and Geology. The proposed project would involve the clearing and grading of an undeveloped forested site. The EIR/EIS will describe potential environmental effects related to land capability and coverage, soils and geology, topographic alteration, slope stability, and erosion potential.

Air Quality. The proposed project would involve construction emissions and generation of fugitive dust, as well as generate more traffic in the area, contributing pollutants to the air basin. The EIR/EIS will include an assessment of short-term (i.e., construction) air quality impacts and long-term (i.e., operational) regional air pollutant emissions, including mobile, stationary, and area source emissions.

Noise. The EIR/EIS will assess potential short-term (i.e., construction) noise impacts, relative to sensitive receptors and their potential exposure. Noise levels of specific construction equipment will be determined and resultant noise levels at nearby receptors (at given distances from the source) will be calculated. Long-term (i.e., operational) noise impacts, including increased noise from mobile, stationary, and area sources, will be assessed.

Transportation. The proposed project would generate more use on existing roads and intersections as well as develop new private roads for the housing complex. The transportation analysis will evaluate traffic impacts at local intersections and roadway segments in terms of anticipated a.m. and p.m. traffic generation, and roadway and intersection capacity. New road circulation, pedestrian circulation and bicycle access effects will also be assessed.

Vegetation. The proposed project would remove approximately 50 percent of the existing forest habitat on the site. Impacts to the forested habitat and native vegetation (including tree removal) will be analyzed further in the EIR/EIS.

Wildlife. Removal of site vegetation has the potential to affect wildlife habitat. The wildlife assessment will include the potential project impacts on existing habitat, special-status wildlife species, and sensitive biological communities.

Scenic Resources. The proposed project would remove several acres of trees and replace an undeveloped forested area with a 110-unit housing complex. Visibility from State Route 28, a scenic highway corridor, will be determined. Potential impacts from construction and operation of the proposed project will be evaluated through the use of ground-level site photographs from sensitive viewpoints on or near the project site. Scenic effects will be evaluated in terms of visibility of the project, alteration of the visual setting, and sensitivity of viewpoints.

Cultural and Historic Resources. The proposed project is located on an undeveloped site in and the north Tahoe region, which is known to contain prehistoric and historic cultural resources. The EIR/EIS will analyze the potential for cultural resources to be located on or near the site. The analysis will focus on the areas of the site to be altered by structures and surface disturbance.

Land Use. The proposed project would involve an amendment to the Tahoe Vista to Community Plan and TRPA Plan Area Statement 021. Land use impacts to be addressed in the EIR/EIS include changes to onsite uses, land use compatibility, and community character. Community character will be addressed in terms of the nature and type of proposed uses and integration of proposed uses with existing and planned surrounding lands.

Growth-Inducement. The proposed project would provide approximately 110 additional affordable housing units in the Tahoe Vista area. The project could induce or result in the growth of population in the region, thereby causing an increased demand for employment opportunities and other public needs such as recreation in the region. The impacts related to growth inducement will be analyzed further in the EIR/EIS.

Public Services and Utilities. The public services and utilities section of the EIR/EIS will evaluate the need for expanded infrastructure including wastewater collection, solid waste collection and disposal, police services, fire protection services, schools and daycare. The demand will be analyzed in terms of current and post-project service levels, adequacy of infrastructure, and plans for future expansion and/or improvements.

LEAD AGENCIES

The County of Placer and Tahoe Regional Planning Agency (TRPA) will serve as joint lead agencies for the EIR/EIS.

YOUR VIEWS ARE REQUESTED

TRPA and Placer County need to know the views of public agencies and general public as to the scope and content of the environmental information that should be addressed in the EIR/EIS in connection with the proposed project. If you are an agency with jurisdiction by law over natural or other public resources affected by the project, TRPA and Placer County need to know what

environmental information germane to your statutory responsibilities should be included in the EIR/EIS.

Public scoping meetings have been scheduled for the following dates:

- March 26, 2003 at the TRPA Governing Board (GB) meeting at 9:30 a.m. at the North Tahoe Conference Center in Kings Beach, California.
- April 9, 2003 at the TRPA Advisory Planning Commission (APC) meeting held at 9:30 a.m. at the North Tahoe Conference Center in Kings Beach, California.
- A public open house will be scheduled at a later date to provide a forum for additional input regarding the scope and content of the environmental document and the proposed alternatives to be analyzed. A public notice will be circulated to announce the meeting.

REVIEW PERIOD

Due to the time limits mandated by law, your response is requested at the earliest possible date but no later than April 19, 2003. Please send your written response to:

Melissa Joyce
Tahoe Regional Planning Agency
P.O. Box 5310, Stateline, NV 89449-5310
Telephone: (702) 588-4547
Fax: (702) 588-4527
E-mail: mjoyce@trpa.org

Michael Wells
Placer County Planning Department
11414 B Avenue, Auburn, CA 95603
Telephone: (530) 886-3000
Fax: (530) 886-3080
E-mail: mwells@placer.ca.gov

FOR FURTHER INFORMATION

If you have further questions or require additional information regarding this matter, please contact Melissa Joyce using the contact information provided above. This Notice of Preparation was circulated beginning: March 19, 2003.

PLACER COUNTY PLANNING DEPARTMENT

11414 B Avenue, Auburn, CA 95603 (530) 889-7470/FAX (530) 889-7499

INITIAL STUDY

In accordance with the policies of the Placer County Board of Supervisors regarding implementation of the California Environmental Quality Act, this document constitutes the Initial Study on the proposed project. This Initial Study provides the basis for the determination whether the project may have a significant effect on the environment. If it is determined that the project may have a significant effect on the environment, an Environmental Impact Report will be prepared which focuses on the areas of concern identified by this Initial Study.

I. BACKGROUND

TITLE OF PROJECT: **Cedar Grove Apartments/Mourelatos Affordable Housing/Tahoe Vista Community Plan Amendment (EIAQ-3728)**

Environmental Setting: Located north of SR 28 and west of National Avenue in Tahoe Vista, the project site is 12.5 acres in size and is currently undeveloped. Site vegetation consists of moderate to dense stands of pine/fir/cedar with scattered shrubby undergrowth. The site is generally level with a south-trending slope of about 5 percent; there are no significant drainages on the property. Adjoining lands to the east and west of the property have been developed for residential uses. The North Tahoe Regional Park is north of the property and the Mourelatos Resort is on the south. Several informal pedestrian/bicycle trails cross the property.

Project Description: The Mourelatos family, in partnership with AHDC, Inc., propose developing the12.5 acre property into 110 units of affordable housing. This development will consist of the Cedar Grove Apartments, an 80 unit affordable housing complex (45-60% of median income) on 6.2 acres of the site, and the Mourelatos Partnership, a 30 unit affordable housing complex (80% of median income) on 6.3 acres of the site. The Cedar Grove Apartments consists of 20 two-bedroom units, 48 three- bedroom units and 12 four-bedroom units; all but one of the apartment units will be single-story. Parking for the apartments consists of 162 uncovered stalls. The Mourelatos Partnership consists of 4 single-family units, 3 duplex units, 3 fourplex units and a single 8-units building; all structure will be two stories. The 4 single-family units will each have two-car garages; parking for the remaining units consists of 52 uncovered spaces.

The project proposes constructing private roadways to access the development site. These roadways include: 1) a 24-foot main roadway from Grey Lane in the east that will travel west and then north through the Cedar Grove Apartments site, intersecting Donner Road at the North Tahoe Regional Park; 2) a 24-foot roadway from Toyon Road in the east (south of Grey Lane) that will travel west into the Mourelatos Partnership site; and 3) an 18-foot roadway that will travel through the Mourelatos Partnership site north from that 24-foot roadway to intersect site the 24-foot main roadway in the Cedar Grove Apartments site. A Class 1 bike trail will enter the property from the south, intersect at Toyon Road and travel north along the main 24-foot roadway through North Tahoe PDU property to Donner Road. The North Tahoe PUD may be interested in granting an easement through their property for this trail. A fence and gate will separate the Cedar Grove Apartments and Mourelatos Partnership. The gates will be located at either end of the 18-roadway; the fence will be installed along the western side of the Class 1 bike trail.

The project requests the following entitlements: a Community Plan Amendment to annex the 12.5 acre parcel into the Tahoe Vista Community Plan; a rezoning and Plan amendment from PAS 021 Tahoe Estates to Special Area 6 in the Tahoe Vista Community Plan; a Minor Boundary Line Adjustment between the project parcel and an adjacent parcel to the south (owned by the Mourelatos family) to create a separate 6.2 acre parcel for the Cedar Grove Apartments; and a Variance to reduce the North Tahoe Area General Plan parking requirements from 310 spaces to 222 spaces.

Environmental Issues *(See attachments for information sources)*	No Impact	Less Than Significant Impact	Potentially Significant Unless Mitigation Incorporated	Potentially Significant Impact

II. EVALUATION OF ENVIRONMENTAL IMPACTS:

A. A brief explanation is required for all answers except "No Impact" answers.

B. "Less than Significant Impact" applies where the project's impacts are negligible and do not require any mitigation to reduce impacts.

C. "Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The County, as lead agency, must describe the mitigation measures, and briefly explain how they reduce the effect to a less-than-significant level (mitigation measures from Section IV, EARLIER ANALYSES, may be cross-referenced).

D. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

E. All answers must take account of the entire action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts [CEQA, Section 15063 (a) (1)].

F. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or Negative Declaration [Section 15063(c)(3)(D)]. Earlier analyses are discussed in Section IV at the end of the checklist.

G. References to information sources for potential impacts (e.g., general plans/community plans, zoning ordinances) should be incorporated into the checklist. Reference to a previously prepared or outside document should include a reference to the pages or chapters where the statement is substantiated. A source list should be attached, and other sources used, or individuals contacted, should be cited in the discussion.

1. LAND USE PLANNING. Would the proposal:				
a. Conflict with general plan/community plan/specific plan designation(s) or zoning, or policies contained within such plans?	☐	☐	☐	☒
b. Conflict with applicable environmental plans or policies adopted by responsible agencies with jurisdiction over the project?	☐	☐	☒	☐
c. Be incompatible with existing land uses in the vicinity?	☐	☐	☒	☐
d. Affect agricultural and timber resources or operations (e.g., impacts to soils or farmlands and timber harvest plans, or impacts from incompatible land uses)?	☒	☐	☐	☐
e. Disrupt or divide the physical arrangement of an established community (including a low-income or minority	☒	☐	☐	☐

Environmental Issues *(See attachments for information sources)*	No Impact	Less Than Significant Impact	Potentially Significant Unless Mitigation Incorporated	Potentially Significant Impact

community)?

f. Result in a substantial alteration of the present or planned land use of an area? ☐ ☒ ☐ ☐

Probable Environmental Effects: The project site is in PAS 021 Tahoe Estates in the North Tahoe Area General Plan; the lands adjacent to the east and south of the site are within the Tahoe Vista Community Plan. Surrounding land uses include single family residential to the west, single-family residential and a mobile home park to the east, North Tahoe Regional Park to the north and the Mourelatos resort property to the south. Single-family residential is an allowed use within PAS 012 Tahoe Estates; no other residential uses (i.e., multiple family dwelling, multi-person dwelling, etc.) are permitted in this Plan Area. The maximum residential density permitted in the Plan Area is one unit per parcel. The project proposes developing 110 units of affordable housing (a mix of apartment units and market-rate units) on the 12.5 acre site. This proposed land use is not consistent with the provisions of PAS 012 Tahoe Estates.

In order to allow for the use and density proposed, the project will require an annexation into the Tahoe Vista Community Plan and a Plan amendment and rezoning from PAS 012 Tahoe Estates to Special Area #6 (Residential Area). Special Area #6 allows for multiple-family dwellings at a maximum density of 15 units per acre. The project will also require the approval of an increase in the allowable land coverage for the provision of affordable housing, in the TRPA Code of Ordinances, to allow for 50 percent coverage.

2.	**POPULATION AND HOUSING.** Would the proposal:				
a.	Cumulatively exceed official regional or local population projections?	☐	☐	☒	☐
b.	Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	☐	☐	☒	☐
c.	Displace existing housing, especially affordable housing?	☒	☐	☐	☐

Probable Environmental Effects: The maximum density permitted in PAS 021 is one single-family residence per parcel. The proposed development of 110 residential units represents a significant increase over the density allowed. This increase in residential density, which exceeds the population projections in the North Tahoe General Plan and introduces substantial growth (in terms of the number of units and the infrastructure to serve these units) into the area, represents a potentially significant impact.

3.	**GEOLOGIC PROBLEMS.** Would the proposal result in or expose people to potential impacts involving:				
a.	Unstable earth conditions or changes in geologic substructures?	☐	☐	☐	☒
b.	Significant disruptions, displacements, compaction or overcrowding of the soil?	☐	☐	☐	☒
c.	Substantial change in topography or ground surface relief features?	☐	☐	☐	☒
d.	The destruction, covering or modification of any unique	☐	☐	☐	☒

Environmental Issues *(See attachments for information sources)*	No Impact	Less Than Significant Impact	Potentially Significant Unless Mitigation Incorporated	Potentially Significant Impact
geologic or physical features?				
e. Any significant increase in wind or water erosion of soils, either on or off the site?	☐	☐	☐	☒
f. Changes in deposition or erosion or changes in siltation which may modify the channel of a river, stream, or lake?	☐	☐	☒	☐
g. Exposure of people or property to geologic and geomorphological (i.e. avalanches) hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?	☐	☐	☐	☒

Probable Environmental Effects: The proposed project will have probable environmental impacts that are considered to be potentially significant due to the proposed grading and alteration of the existing ground surface required for the proposed paving and roadway improvements. Appropriate mitigations should be proposed that will reduce the impacts as a result of this grading. With the initial submittal by the applicant, proposals to incorporate both pre and post construction BMP's have been made. A specific description of the proposed BMP's should be made to determine if proper mitigation for erosion will be incorporated into the project's design.

4. **WATER**. Would the proposal result in:				
a. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?	☐	☐	☐	☒
b. Exposure of people or property to water related hazards such as flooding?	☐	☐	☐	☒
c. Discharge into surface waters or other alterations of surface water quality (e.g., temperature, dissolved oxygen, or turbidity)?	☐	☐	☐	☒
d. Changes in the amount of surface water in any water body?	☒	☐	☐	☐
e. Changes in currents, or the course of direction of water movements?	☐	☐	☐	☒
f. Change in the quantity of groundwater, either through direct additions of withdrawals, or through interception of an aquifer by cuts or excavations, or through substantial loss of groundwater recharge capability?	☒	☐	☐	☐
g. Altered direction or rate of flow of groundwater?	☒	☐	☐	☐
h. Impacts to groundwater quality?	☒	☐	☐	☐
i. Substantial reduction in the amount of groundwater otherwise available for public water supplies?	☒	☐	☐	☐
j. Impacts to the watershed of important surface water resources, including but not limited to, Lake Tahoe, Folsom Lake, Hell Hole Reservoir, Rock Creek Reservoir, Sugar Pine Reservoir, French	☐	☐	☐	☒

Environmental Issues *(See attachments for information sources)*	No Impact	Less Than Significant Impact	Potentially Significant Unless Mitigation Incorporated	Potentially Significant Impact

Meadows Reservoir, Combie Lake, and Rollins Lake?

Probable Environmental Effects: The probable environmental impacts to the surface water quality issues are considered to be potentially significant. The current proposal has the potential to increase the amount of stormwater runoff from pre-development levels and cause downstream drainage impacts if not properly mitigated. The significant increase in impervious surface has the potential to degrade water quality by introducing oils, greases, and sediments into the stormwater runoff. With the initial submittal by the applicant, a proposal has been made to incorporate both pre and post development BMP's into the projects design. Additional discussion is required to demonstrate that specific types of BMP's will provide adequate mitigation for the project's impacts to water quality.

5. **AIR QUALITY.** Would the proposal:				
a. Violate any air quality standard or contribute to an existing or projected air quality violation?	☒	☐	☐	☐
b. Expose sensitive receptors to pollutants?	☐	☐	☒	☐
c. Have the potential to increase localized carbon monoxide levels at nearby intersections in exceedance of adopted standards?	☐	☐	☒	☐
d. Create objectionable odors?	☒	☐	☐	☐

Probable Environmental Effect: This project is located in the Lake Tahoe air basin. This area is designated as non-attainment for the state particulate matter standard. While the proposed project's operational emissions are expected to be below the District's Significance Thresholds, the project will contribute to significant cumulative impacts occurring within the Lake Tahoe Air Basin. Additionally, construction emissions could result in significant air quality impacts. The Draft Environmental Impact Report should evaluate the following potential air quality impacts.

1. In the background and setting sections of the air quality section, please discuss the existing air quality in the Tahoe Basin and the attainment designation for all criteria pollutants; discuss the regulatory implications of the impending new federal ozone and particulate matter standards; and discuss the health effects associated with all criteria pollutants.
2. Using the Urban Emission Estimate Model (URBEMIS7G), estimate short term construction and long-term operational emissions associated with this project. Provide a comparison of the emissions that would be expected with buildout of this property under the existing general plan and zoning designations and the proposed project. Compare these estimates to the District's Significance Thresholds of 82 pounds per day for reactive organic gas, particulate matter and nitrogen oxide emissions and 550 pounds per day for carbon monoxide emissions.
3. Perform a Caline computer model analysis for any intersection that is or will be operating at a level of service D or below with this project.
4. Discuss cumulative air quality impacts occurring within the Tahoe Air Basin, and how this project contributes to those impacts identified. This analysis should also discuss impacts to Lake Tahoe from the project's nitrogen and particulate matter emissions.
5. Identify if there are any sensitive receptors within one half mile of the project site and any potential impacts on these land uses.
6. Identify mitigation measures / project design alternatives that can be implemented to offset this project's air quality impacts.

6. **TRANSPORTATION/CIRCULATION.** Would the proposal result in:				
a. Increased vehicle trips or traffic congestion?	☐	☐	☐	☒

Environmental Issues *(See attachments for information sources)*	No Impact	Less Than Significant Impact	Potentially Significant Unless Mitigation Incorporated	Potentially Significant Impact
b. Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
c. Inadequate emergency access or access to nearby uses?	☐	☐	☐	☒
d. Insufficient parking capacity on-site or off-site?	☐	☐	☐	☒
e. Hazards or barriers for pedestrians or bicyclists?	☐	☐	☐	☒
f. Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☒
g. Rail, waterborne, or air traffic impacts?	☐	☐	☐	☒

Probable Environmental Effects: The probable environmental impacts are considered to be potentially significant unless mitigation is incorporated because of the increase in vehicle, bicycle and pedestrian traffic created by the proposed housing project. Appropriate mitigations should be based on a traffic analysis that evaluates: on-site circulation, multiple alternatives for off-site access such as connection to Wildwood Drive to Estates Drive to SR 28, impacts to local roads (Grey Lane, Toyon Road, Donner Road and Wildwood Road), impacts to local intersections (Estates Drive/SR 28, National Avenue/SR 28) and special needs created by the project entrance to County or State public roads. Additional analysis should include a review of the following: on-site bike lanes and the interconnection with local or regional bikeways, right-of-way required for access both public and on-site and compliance with standards as required by the Tahoe Vista Community Plan. The number of parking spaces provided by the project is not consistent with the requirements of the Standards & Guidelines for Signage, Parking & Design for the North Tahoe Area General Plan. Based upon the residential uses proposed (multiple-family and single-family), 310 parking spaces are required. The project proposes installing 222 spaces (over 2 spaces/unit). A Variance to these standards will be required to permit the number of spaces proposed.

7. **BIOLOGICAL RESOURCES.** Would the proposal result in impacts to:				
a. Endangered, threatened or rare species or their habitats (including, but no limited to plants, fish, insects, animals, and birds)?	☐	☐	☒	☐
b. Locally occurring natural communities (e.g., oak woodlands, mixed conifer, annual grasslands, etc.)?	☐	☐	☐	☒
c. Significant ecological resources including: 1) Wetland areas including vernal pools; 2) Stream environment zones; 3) Critical deer winter ranges (winter and summer), migratory routes and fawning habitat; 4) Large areas of non-fragmented natural habitat, including but not limited to Blue Oak Woodlands, Valley Foothill Riparian, vernal pool habitat; 5) Identifiable wildlife movement zones, including but not limited to, non-fragmented stream environment zones, avian and mammalian routes, and known concentration	☐	☐	☐	☒

Environmental Issues *(See attachments for information sources)*	No Impact	Less Than Significant Impact	Potentially Significant Unless Mitigation Incorporated	Potentially Significant Impact

areas of waterfowl within the Pacific Flyway;

6) Important spawning areas for anadromous fish?

Probable Environmental Effects: The project site is an undeveloped area of pine, fir and cedar forest with a native shrub understory. The development of the project will require extensive grading and the removal of large areas of site vegetation for the construction of roadways, utilities and homesites. It is estimated that approximately 716 trees of diameters greater than 6 inches dbh (47 percent of the tree total) will be removed in order to allow for the development of the property. The loss of vegetation, and the potential wildlife habitat that such vegetation provides, is significant. A biological site survey that describes the biological resources on the property will be submitted. This report will provide an assessment of project impacts to site vegetation and wildlife, describe the forested environment and evaluate the potential for wetlands and the potential habitat for special status species on the site. Specific tree loss mitigation may include replanting, an in-lieu fee to the County's Tree Preservation Fund or the submissions of a Vegetation Management Plan (prepared by a registered forester).

8. ENERGY AND MINERAL RESOURCES. Would the proposal:				
a. Conflict with adopted energy conservation plans?	☒	☐	☐	☐
b. Use non-renewable resources in a wasteful and inefficient manner?	☒	☐	☐	☐
c. Result in the loss of availability of a known mineral resource that would be of future value to the region and state residents?	☒	☐	☐	☐

9. HAZARDS. Would the proposal involve:				
a. A risk of accidental explosion or release of hazardous substances (including, but not limited to, oil, pesticides, chemicals, or radiation)?	☒	☐	☐	☐
b. Possible interference with an emergency response plan or emergency evacuation plan?	☒	☐	☐	☐
c. The creation of any health hazard or potential health hazard?	☒	☐	☐	☐
d. Exposure of people to existing sources of potential health hazards?	☒	☐	☐	☐
e. Increased fire hazard in areas with flammable brush, grass, or trees?	☐	☒	☐	☐

Probable Environmental Effects: The development of the site will introduce human and mechanical activities in an area of high wildland fire potential. The project applicant/developer will be responsible for contacting the fire serving agencies regarding the agencies' ability to provide fire protection services to the site.

10. NOISE. Would the proposal result in:				
a. Increases in existing noise levels?	☒	☐	☐	☐

Environmental Issues *(See attachments for information sources)*	No Impact	Less Than Significant Impact	Potentially Significant Unless Mitigation Incorporated	Potentially Significant Impact
b. Exposure of people to noise levels in excess of County standards?	☒	☐	☐	☐

11. PUBLIC SERVICES. Would the proposal have an effect upon, or result in need for new or altered government services, in any of the following areas:				
a. Fire Protection?	☐	☐	☒	☐
b. Sheriff Protection?	☐	☐	☒	☐
c. Schools?	☐	☐	☒	☐
d. Maintenance of public facilities, including roads?	☐	☐	☐	☒
e. Other governmental services?	☐	☐	☒	☐

Probable Environmental Effects: North Tahoe Fire provides fire protection services, Placer County Sheriff's Department provides police protection services and the Tahoe Truckee Unified School District operates both elementary and secondary schools in the area. Placer County provides government services (e.g., libraries, etc.) and the County's Department of Public Works is responsible for road maintenance on County roadways. Project development will result in an additional demand on the need for these public services. The probable environmental impacts are considered to be potentially significant with the introduction of new structures, occupants and vehicles as a result of the proposed project. The applicant will be required to obtain "will serve" letters from the various public service providers indicating that these providers have that facilities/capacities to provide services to the project.

12. UTILITIES AND SERVICE SYSTEMS. Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities:				
a. Power or natural gas?	☐	☐	☒	☐
b. Communication systems?	☒	☐	☐	☐
c. Local or regional water treatment or distribution facilities?	☐	☐	☒	☐
d. Sewer, septic systems, or wastewater treatment and disposal facilities?	☐	☐	☒	☐
e. Storm water drainage?	☐	☐	☒	☐
f. Solid waste materials recovery or disposal?	☐	☐	☒	☐
g. Local or regional water supplies?	☐	☐	☒	☐

Environmental Issues *(See attachments for information sources)*	No Impact	Less Than Significant Impact	Potentially Significant Unless Mitigation Incorporated	Potentially Significant Impact

Probable Environmental Effects: The Tahoe Truckee Disposal Company provides solid waste pickup and removal services; Sierra Pacific Power provides electricity; Pacific Bell provides phone service to the area; and the North Tahoe PUD provides water and sewer services. The construction of 110 residential units represents an incremental increase in demand for utilities and service systems. The probable environmental impacts are considered to be potentially significant with the introduction of new structures, paved surfaces, occupants and vehicles as a result of the proposed project. The applicant will be required to obtain "will serve" letters from the utilities and service systems indicating that the utilities and service providers have that facilities/capacities to provide services to the project. The DEIR needs to quantify the project water supply and sewage disposal demands and verify that adequate capacity is available in the respective utility systems.

13. AESTHETICS. Would the proposal:				
a. Affect a scenic vista or scenic highway?	☐	☒	☐	☐
b. Have a demonstrable negative aesthetic effect?	☐	☐	☒	☐
c. Create adverse light or glare effects?	☐	☐	☒	☐

Probable Environmental Effects: The conversion of a vacant, undeveloped parcel into a residential development could create a negative aesthetic effect when viewed from surrounding properties and the construction of 110 residential units could create adverse light and glare effects. These represent potentially significant aesthetic impacts. The design of the project will be consistent with the policies of the Design Guidelines for North Tahoe and the project will be required to submit design plans to the North Tahoe Design Review Committee for their review and approval of architectural style and building materials and colors. The applicant/developer will submit lighting plans to the Development Review Committee for review and approval. Only shielded lighting will be permitted on the site.

14. CULTURAL RESOURCES. Would the proposal:				
a. Disturb paleontological resources?	☒	☐	☐	☐
b. Disturb archaeological resources?	☐	☐	☒	☐
c. Affect historical resources?	☐	☐	☒	☐
d. Have the potential to cause a physical change, which would affect unique ethnic cultural values?	☒	☐	☐	☐
e. Restrict existing religious or sacred uses within the potential impact area?	☒	☐	☐	☐

Probable Environmental Effects: Site grading and development activities could disturb or otherwise adversely affect historic and prehistoric resources on the property. The project will submit a site-specific cultural resources study that addresses potential historic and prehistoric resources on the property and provides an evaluation of these resources and mitigation to offset development impacts.

15. RECREATION. Would the proposal:

Environmental Issues *(See attachments for information sources)*	No Impact	Less Than Significant Impact	Potentially Significant Unless Mitigation Incorporated	Potentially Significant Impact
a. Increase the demand for neighborhood or regional parks or other recreational facilities?	☐	☐	☒	☐
b. Affect existing recreational opportunities?	☐	☒	☐	☐

Probable Environmental Effects: The development of new residential units represents an incremental increase in demand for recreational facilities in this are of North Tahoe. The project will be required to pay park dedication fees to the North Tahoe PUD to offset the demand for increased recreational facilities. The construction and dedication of a Class 1 bike path will serve to offset the increased demand on these facilities.

III. MANDATORY FINDINGS OF SIGNIFICANCE

A. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of rare or endangered plants or animals, or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒
B. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☐	☐	☒
C. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	☒	☐	☐	☐

Environmental Issues *(See attachments for information sources)*	No Impact	Less Than Significant Impact	Potentially Significant Unless Mitigation Incorporated	Potentially Significant Impact

Probable Environmental Effects:

A. Potential to degrade the environment.

The project site is a 12.5 acre area of moderate to dense conifer forest with an understory of shrubby vegetation. The site preparation and development activities that will occur on this parcel will result in the loss or alteration of a significant portion of this vegetation and the habitat this vegetation provides. This reduction in habitat is a potentially significant impact.

The applicant/developer will conduct a biological site assessment to identify the biological resources and the effects of project development on these resources. This assessment will include a survey of potential special status plant and animal species as well as an identification and quantification of potential wetland areas. Tree loss will be mitigated through on-site plantings, in lieu fees to the Placer County Tree Preservation Fund or the preparation of a Vegetation Management Plan; potential wetland loss will be mitigated through in-kind reconstruction/replacement. The applicant/developer will also conduct a cultural resources survey of the site to determine the presence of prehistoric/historic activity or occupation. Should such resources be identified, the applicant/developer will implement those mitigations identified in the resource survey.

B. Cumulative impacts.

In the cumulative context, the project is consistent with the Tahoe Vista Community Plan (presuming the approval of an annexation into this Plan area) for future multi-family residential development. The project could, however, have a significant adverse effect on public and environmental resources in the Tahoe Vista area. The incremental increase in demand on the road system and the public service infrastructure in combination with a reduction in natural habitat is a potentially significant cumulative impact. The increased grading, erosion, impervious surface, traffic and impact on public services has the potential of creating long-term, cumulative and substantial environmental impacts without mitigation.

IV. EARLIER ANALYSIS

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effect has been adequately analyzed in an earlier EIR or Negative Declaration [State CEQA guidelines Section 15063(c)(3)(D)]. In this case a discussion should identify the following on attached sheets.

A. **Earlier analyses used.** Identify earlier analyses and state where they are available for review.

B. **Impacts adequately addressed.** Identify which effects from the above checklist were within the scope of, and adequately analyzed in, an earlier document pursuant to applicable legal standards. Also, state whether such effects were addressed by mitigation measures based on the earlier analysis.

C. **Mitigation measures.** For effects that are checked as "Potentially Significant Unless Mitigation Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

Authority: Public Resources Code Sections 21083 and 21087.

Reference: Public Resources Code Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 31083.3, 21093, 21094, 21151; *Sundstrom v. County of Mendocino,* 202 Cal. App. 3d 296 (1988); *Leonoff v. Monterey Board of Supervisors,* 222 Cal. App. 3d 1337 (1990).

V. OTHER RESPONSIBLE AND TRUSTEE AGENCIES WHOSE APPROVAL IS REQUIRED

☐ California Department of Fish and Game	☐ Local Agency Formation Commission (LAFCo)
☒ California Department of Transportation (e.g. Caltrans)	☐ California Department of Health Services
☒ California Regional Water Quality Control Board	☐ California Integrated Waste Management Board
☒ California Department of Forestry	☒ Tahoe Regional Planning Agency
☐ U.S. Army Corp of Engineers	☐ California Department of Toxic Substances
☐ U.S. Fish and Wildlife Service	☐
☐ National Marine Fisheries Service	

VI. DETERMINATION (to be completed by the Lead Agency)

A. I find that the proposed project is categorically exempt (Class ____) from the provisions of CEQA. ☐

B. I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared. ☐

C. I find that although the proposed project **COULD** have a significant effect on the environment, there **WILL NOT** be a significant effect in this case because the mitigation measures described herein have been added to the project. A **MITIGATED NEGATIVE DECLARATION** will be prepared. ☐

D. I find that the proposed project is within the scope of impacts addressed in an previously adopted Negative Declaration, and that only minor technical changes and/or additions are necessary to ensure its adequacy for the project. An **ADDENDUM TO THE PREVIOUSLY-ADOPTED NEGATIVE DECLARATION** will be prepared. ☐

E. I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required (i.e. Project, Program, or Master EIR). ☒

F. I find that the proposed project **MAY** have a significant effect(s) on the environment, and at least one effect has not been adequately analyzed in an earlier document pursuant to applicable legal standards. Potentially significant impacts and mitigation measures that have been adequately addressed in an earlier document are described on attached sheets (see Section IV above). An **ENVIRONMENTAL IMPACT REPORT** will be prepared to address those effect(s) that remain outstanding (i.e. focused, subsequent, or supplemental EIR). ☐

G. I find that the proposed project is within the scope of impacts addressed in a previously certified EIR, and that some changes and/or additions are necessary, but none of the conditions requiring a Subsequent or Supplemental EIR exist. An **ADDENDUM TO THE PREVIOUSLY-CERTIFIED EIR** will be prepared. ☐

H. I find that the proposed project is within the scope of impacts addressed in a previously-certified Program EIR, and that no new effects will occur nor new mitigation measures are required. Potentially significant impacts and mitigation measures that have been adequately addressed in an earlier document are described on attached sheets, including applicable mitigation measures that are imposed upon the proposed project (see Section IV above). **NO FURTHER ENVIRONMENTAL DOCUMENT** will be prepared [see CEQA Guidelines, Section 15168(c)(2)], 15180, 15181, 15182, 15183. ☐

VII. ENVIRONMENTAL REVIEW COMMITTEE (Persons/Departments Consulted):

Michael Wells, Planning Department

Robert Vrooman, Department of Public Works

Roger Davies, Environmental Health Services

David Vintze, Air Pollution Control District

Signature: _____ _____

ENVIRONMENTAL REVIEW COMMITTEE CHAIRPERSON Date

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TRPA INITIAL ENVIRONMENTAL CHECKLIST

for

The Initial Determination of Environmental Impact

Assessor Parcel Numbers/Property Owners:

Project Site: 112-050-001 and 117-071-028 Mourelatos
Idlewood Road, Tahoe Vista, CA

I Project Name and Description:

Cedar Grove Apartments /Mourelatos Family Partnership Affordable Housing Project: The Mourelatos family, in partnership with the Affordable Housing Development Corporation, Inc. (AHDC), proposes to develop approximately 12.5 acres in Tahoe Vista for an affordable housing complex. The project site is located on the Kings Beach 7.5-minute U.S.G.S topographic quadrangle map, north of State Route 28 and west of National Avenue in Tahoe Vista, California. The site is currently undeveloped land with dense stands of pine, fir and cedar. The area is generally level with approximately 5% slope. Adjacent properties to the east and west have been developed for residential housing. The North Tahoe Regional Park is directly north of the project site, and the Mourelatos resort is to the south.

The project would require an amendment to the Tahoe Vista Community Plan for the annexation of the land to the Tahoe Vista Community Plan and a TRPA Plan Area Statement (PAS) amendment for annexation to the Tahoe Estates PAS 021 Special Area 6. The project also includes a boundary line adjustment. The Mourelatos Family Partnership owns the 12.5-acre development area, and a +6-acre parcel between the development area and State Route 28 that is not currently proposed for development. AHDC proposes to purchase the northeastern 6 acres of the 12.5-acre development area, and the Mourelatos family proposes to develop the remaining 6 acres in the south and west portion of the development area. The current boundary line between the 12.5-acre development area and the 6-acre parcel to the south would be adjusted to create the 6-acre AHDC parcel in the northeastern portion of the development area and a 12-acre parcel encompassing the remaining 6 acres of the development area and the 6-acre parcel to the south.

The proposed development would consist of approximately 110 rental housing units. Most, if not all, of the units would be affordable housing units. If residential units are proposed that do not meet affordable housing criteria, development rights and building allocations would be required for those units. The project could be phased, if needed, to accommodate the availability of development rights and building allocations within the Tahoe Basin.

An internal looped roadway system with separate points for both entry and exit is proposed as part of the project. National Avenue would provide the main access from State Route 28. Points of access to the complex from National Avenue that are being considered include: Grey Lane, Toyon Road, Donner Road, and Wildwood Road via Estates Drive. A Class 1 bike trail and onsite parking, in compliance with Placer County parking standards, are also proposed for the site.

II Environmental Impacts:

The following questionnaire will be completed by the applicant based on evidence submitted with the application. **All "yes" and "no, with mitigation" answers will require further written comments.**

1 Land

Will the proposal result in:

a. *Compaction or covering of the soil beyond the limits allowed in the land capability or Individual Parcel Evaluation System (IPES)?*

Yes	No	No, with Mitigation	Data Insufficient
			X

The proposed project will involve ground and soil disturbance for grading and site preparation. Project compliance with land capability and IPES standards will be assessed in the EIS/EIR.

b. *A change in the topography or ground surface relief features of site inconsistent with the natural surrounding conditions?*

Yes	No	No, with Mitigation	Data Insufficient
		X	

The proposed project is surrounded by resort uses to the south, residential development on the east and west, and open space to the north. Project construction would involve grading and site preparation, however. TRPA standards require site disturbance be limited to building footprints and paved areas and that disturbed areas be revegetated after construction. Grading and site disturbance will be analyzed further in the EIS/EIR.

c. *Unstable soil conditions during or after completion of the proposal?*

Yes	No	No, with Mitigation	Data Insufficient
		X	

Grading and site preparation result in some degree of soil instability in that disturbed soils are susceptible to wind and water erosion. However, the project would be required to implement temporary and permanent best management practices to avoid unstable soil conditions during and after completion. Impacts to soil stability will be analyzed further in the EIS/EIR.

d. Changes in the undisturbed soil or native geologic substructures or grading in excess of 5 feet?

Yes	No	No, with Mitigation	Data Insufficient
X			

The proposed project would involve changes in undisturbed soil and excavation that could exceed a depth of 5 feet for site grading and installation of foundations for project features, roads, and utilities. Impacts to soil and geology will be analyzed further in the EIS/EIR.

e. The continuation of or increase in wind or water erosion of soils, either on or off the site?

Yes	No	No, with Mitigation	Data Insufficient
X			

Ground clearing during construction would increase the likelihood of wind or water erosion of onsite soils. Wind and water erosion impacts will be assessed in the EIS/EIR.

f. Changes in deposition or erosion of beach sand, or changes in siltation, deposition or erosion, including natural littoral processes, which may modify the channel of a river or stream or the bed of a lake?

Yes	No	No, with Mitigation	Data Insufficient
	X		

The proposed project is located more than a ¼-mile north of Lake Tahoe and no rivers, creeks, or streams traverse the site. Therefore, the project would not result in modifications to surface waters.

g. Exposure of people or property to geologic hazards such as earthquakes, landslides, backshore erosion, avalanches, mud slides, ground failure, or similar hazards?

Yes	No	No, with Mitigation	Data Insufficient
			X

The project site is not located in an area prone to avalanches or mudslides, and the project would not affect the backshore. The proposed project could potentially expose people or property to geologic hazards such as earthquakes, landslides or ground failure. Geologic hazard impacts will be assessed in the EIS/EIR.

2 Air Quality

Will the proposal result in:

a. Substantial air pollutant emissions?

Yes	No	No, with Mitigation	Data Insufficient
			X

The proposed project would involve construction emissions and generation of fugitive dust, and would generate more traffic in the area, contributing pollutants to the air basin. The EIS/EIR will include an assessment of short-term (i.e., construction) air quality impacts and long-term (i.e., operational) regional air pollutant emissions, including mobile, stationary, and area source emissions.

b. Deterioration of ambient (existing) air quality?

Yes	No	No, with Mitigation	Data Insufficient
			X

See discussion provided for a. above.

c. The creation of objectionable odors?

Yes	No	No, with Mitigation	Data Insufficient
			X

The proposed project would involve the use of diesel equipment for construction and could have other components that may create objectionable odors. The EIS/EIR will assess objectionable odor impacts.

d. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?

Yes	No	No, with Mitigation	Data Insufficient
	X		

The proposed project would not involve construction of any structures or features that would substantially alter air movements and no element of the proposed project would affect air moisture or temperature, or result in a change in climate.

e. Increased use of diesel fuel?

Yes	No	No, with Mitigation	Data Insufficient
X			

The proposed project would result in increased use of diesel fuel for construction equipment and possibly for back-up generators on site. Impacts related to increased use of diesel fuel will be analyzed further in the EIS/EIR.

3 Water Quality

Will the proposal result in:

a. Changes in currents, or the course or direction of water movements?

Yes	No	No, with Mitigation	Data Insufficient
	X		

The proposed project site is not located near any watercourses such as lakes, rivers, streams, or drainages. Therefore, the project would not result in any changes to currents or courses of water movements.

b. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff so that a 20 yr. 1 hr. storm runoff (approximately 1 inch per hour) cannot be contained on the site?

Yes	No	No, with Mitigation	Data Insufficient
			X

Excavation and grading would occur as part of site preparation for the proposed project, which could result in changes to drainage patterns or surface water runoff. The project would also increase the amount of impermeable surfaces, increasing the rate and amount of surface runoff. The project would be required to include permanent best management practices to capture runoff up to a 20-year, 1-hour storm event. Impacts related to drainage patterns and surface water runoff will be analyzed further in the EIS/EIR.

c. Alterations to the course or flow of 100-year flood waters?

Yes	No	No, with Mitigation	Data Insufficient
			X

The project would not directly affect any streams and is not expected to alter the course or flow of 100-year flood waters. The EIS/EIR will verify that the proposed project lies outside the 100-year flood plain mapped by FEMA or the U.S. Army Corps of Engineers.

d. *Change in the amount of surface water in any water body?*

Yes	No	No, with Mitigation	Data Insufficient
	X		

The closest water body, Lake Tahoe, is located more than ¼-mile from the project site. The proposed project would not change the amount of surface water in Lake Tahoe.

e. *Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?*

Yes	No	No, with Mitigation	Data Insufficient
X			

No creeks, streams, or other surface waters traverse the site. However, the project could generate runoff from construction activities and from changes in land use or sheetflow that could ultimately reach surface waters. The EIS/EIR will analyze impacts to surface water quality.

f. *Alteration of the direction or rate of flow of groundwater?*

Yes	No	No, with Mitigation	Data Insufficient
			X

The depth to groundwater is not known. TRPA ordinances require a soils/hydrologic investigation for proposed excavation greater than 5 feet below ground surface. The project may include excavation greater than 5 feet in depth; excavations are not expected to exceed 10 feet in depth. These relatively shallow excavations would not be expected to alter the rate or direction of flow of groundwater. However, the EIS/EIR will analyze and investigate potential impacts to groundwater.

g. *Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?*

Yes	No	No, with Mitigation	Data Insufficient
			X

See response to Item f, above.

h. Substantial reduction in the amount of water otherwise available for public water supplies?

Yes	No	No, with Mitigation	Data Insufficient
			X

The addition of 110 housing units would require public water service. Although the volume of water is not expected to be substantial, impacts to public water supplies will be analyzed in the EIS/EIR.

i. Exposure of people or property to water related hazards such as flooding and/or wave action from 100-year storm occurrence or seiches?

Yes	No	No, with Mitigation	Data Insufficient
			X

The project site is not close enough to Lake Tahoe or other water bodies to expose residents to seiches. See Item c above for discussion of 100-year flood plain.

j. The potential discharge of contaminants to the groundwater or any alteration of groundwater quality?

Yes	No	No, with Mitigation	Data Insufficient
X			

The proposed project activities would involve onsite earthwork that may result in temporary changes in groundwater quality at the site or the accidental release of contaminants to groundwater exposed during excavation. Urban runoff from the proposed housing project could also potentially discharge contaminants to the groundwater. Impacts to groundwater quality will be analyzed further in the EIS/EIR.

4 Vegetation

Will the proposal result in:

a. Removal of native vegetation in excess of the area utilized for the actual development permitted by the land capability/IPES system?

Yes	No	No, with Mitigation	Data Insufficient
			X

The proposed project will result in the removal of vegetation for site preparation and construction. Project compliance with land capability and IPES standards will be assessed in the EIS/EIR.

b. *Removal of riparian vegetation or other vegetation associated with critical wildlife habitat, either through direct removal or indirect lowering of the groundwater table?*

Yes	No	No, with Mitigation	Data Insufficient
			X

Removal of vegetation has the potential to affect wildlife habitat. The EIS/EIR will include an assessment of the potential project impacts on biological resources, including wildlife habitat.

c. *Introduction of new vegetation that will require excessive fertilizer or water, or will provide a barrier to the normal replenishment of existing species?*

Yes	No	No, with Mitigation	Data Insufficient
			X

Landscaping may be proposed as part of the project, which would require fertilizer and irrigation. Impacts related to fertilizer use and irrigation and impacts to existing native plant species will be analyzed further in the EIS/EIR.

d. *Change in the diversity or distribution of species, or number of any species of plants (including trees, shrubs, grass, crops, micro flora and aquatic plants)?*

Yes	No	No, with Mitigation	Data Insufficient
X			

Removal of forested habitat on the project site would change the diversity and distribution of native plant species. Impacts to plant diversity and distribution will be analyzed further in the EIS/EIR.

e. *Reduction of the numbers of any unique, rare or endangered species of plants?*

Yes	No	No, with Mitigation	Data Insufficient
			X

A biological assessment was conducted for the project site in November of 2002. Several special status plants were identified as having the potential to occur on the site. Impacts to special status plants will be analyzed further in the EIS/EIR.

f. Removal of streambank and/or backshore vegetation, including woody vegetation such as willows?

Yes	No	No, with Mitigation	Data Insufficient
	X		

Upland forest vegetation would be removed for site preparation, however no riparian, streambank or backshore vegetation occupies the site. Therefore, no impacts to streambank or backshore vegetation would result from the proposed project.

g. Removal of any native live, dead or dying trees 30 inches or greater in diameter at breast height (dbh) within TRPA's Conservation or Recreation land use classifications?

Yes	No	No, with Mitigation	Data Insufficient
	X		

The project site is located in TRPA Plan Area Statement 021 Tahoe Estates, which is classified as a residential land use. An amendment to the Tahoe Vista Community Plan is proposed to include the project site within the community plan boundaries. Therefore, the project would not impact a Conservation or Recreation land use classification.

h. A change in the natural functioning of an old growth ecosystem?

Yes	No	No, with Mitigation	Data Insufficient
	X		

A biological resources assessment for the project site was conducted in November 2002. The assessment indicated the existing forest habitat does not display characteristics of an old-growth eco-system.

5 Wildlife

Will the proposal result in:

a. *Change in the diversity or distribution of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects, mammals, amphibians or microfauna)?*

Yes	No	No, with Mitigation	Data Insufficient
X			

Removal of site vegetation and other proposed changes in land use have the potential to affect wildlife diversity and distribution. The EIS/EIR will analyze the potential project impacts on the diversity and distribution of animal species on the site.

b. *Reduction of the number of any unique, rare or endangered species of animals?*

Yes	No	No, with Mitigation	Data Insufficient
			X

A biological resource inventory indicated that habitat for sensitive wildlife species may be present at the site and could be affected by the removal of site vegetation. The EIS/EIR will include the potential project impacts on the reduction of rare or endangered species.

c. *Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?*

Yes	No	No, with Mitigation	Data Insufficient
			X

Construction of homes in an existing forested habitat that is adjacent to the NTPUD Regional Park could impede animal migration or movement. New forest openings could promote the introduction or expansion of undesirable species that impact native species, such as the brown-headed cowbird. The EIS/EIR will further analyze this issue.

d. *Deterioration of existing fish or wildlife habitat quantity or quality?*

Yes	No	No, with Mitigation	Data Insufficient
X			

The proposed project would remove existing forest habitat on site, which could result in the deterioration of wildlife habitat quantity and quality. Impacts to wildlife habitat will be analyzed further in the EIS/EIR.

6 Noise

Will the proposal result in:

a. Increases in existing Community Noise Equivalency Levels (CNEL) beyond those permitted in the applicable Plan Area Statement, Community Plan or Master Plan?

Yes	No	No, with Mitigation	Data Insufficient
			X

The proposed project would result in intermittent short-term noise effects primarily associated with the operation of onsite construction equipment and offsite construction vehicles. The noise produced during construction would vary daily depending on the type of construction activity. Increased human activity and vehicular traffic generated by the project would also increase ambient noise levels. Noise impacts will be analyzed further in the EIS/EIR.

b. Exposure of people to severe noise levels?

Yes	No	No, with Mitigation	Data Insufficient
			X

Please see discussion a. above.

c. Single event noise levels greater than those set forth in the TRPA Noise Environmental Threshold?

Yes	No	No, with Mitigation	Data Insufficient
			X

Please see discussion a. above.

7. Light and Glare

Will the proposal:

a. Include new or modified sources of exterior lighting?

Yes	No	No, with Mitigation	Data Insufficient
X			

Exterior lighting is proposed for the housing complex, which could result in impacts to surrounding land uses. Impacts to surrounding land uses from lighting will be analyzed in the EIS/EIR.

b. Create new illumination which is more substantial than other lighting, if any, within the surrounding area?

Yes	No	No, with Mitigation	Data Insufficient
			X

Implementation of the proposed project would involve the installation of various sources of light, including street lights. Project lighting could create illumination greater than the existing surrounding area. Impacts to surrounding land uses related to proposed lighting will be analyzed in the EIS/EIR.

c. Cause light from exterior sources to be cast off-site or onto public lands?

Yes	No	No, with Mitigation	Data Insufficient
			X

The North Tahoe Regional Park is located north of the project site. Proposed project lighting could cast light onto park lands. The EIS/EIR will analyze the proposed project's light impacts to offsite lands.

d. Create new sources of glare through the siting of the improvements or through the use of reflective materials?

Yes	No	No, with Mitigation	Data Insufficient
			X

Proposed project components could create new sources of glare through siting or use of materials. Impacts related to the creation of glare to surrounding land uses will be assessed in the EIS/EIR.

8. Land Use

Will the proposal:

a. Include uses which are not listed as permissible uses in the applicable Plan Area Statement, adopted Community Plan, or Master Plan?

Yes	No	No, with Mitigation	Data Insufficient
X			

The project site is not currently designated for multi-family residential development at the proposed density. In addition, the proposed project would involve a land annexation and amendment to the Tahoe Vista Community Plan and TRPA Plan Area Statement 021 Tahoe Estates. The EIS/EIR will analyze the project's consistency with permissible land uses in the area.

b. Expand or intensify an existing non-conforming use?

Yes	No	No, with Mitigation	Data Insufficient
	X		

The project site is currently undeveloped. Existing non-conforming uses do not exist on the site and therefore would not be intensified by the proposed project.

9. Natural Resources

Will the proposal result in:

a. A substantial increase in the rate of use of any natural resources?

Yes	No	No, with Mitigation	Data Insufficient
			X

The construction and operation of a housing complex could result in the increase in rate of use of natural resources (e.g. land, soil, water). Energy in the form of diesel fuel, gasoline, oil, electricity, and natural gas would be consumed during proposed project construction to operate heavy equipment and machinery and by residents after project completion. Impacts to natural resources will be assessed in the EIS/EIR.

b. Substantial depletion of any non-renewable natural resource?

Yes	No	No, with Mitigation	Data Insufficient
	X		

The proposed project would not involve the use of non-renewable natural resources, with the exception of fuel and building materials for construction. It would not be considered a substantial depletion of non-renewable resources to construct a 110-unit complex. Therefore, this topic will not be analyzed further in the EIS/EIR.

10 Risk of Upset

Will the proposal:

a. Involve a risk of an explosion or the release of hazardous substances including, but not limited to, oil, pesticides, chemicals, or radiation in the event of an accident or upset conditions?

Yes	No	No, with Mitigation	Data Insufficient
	X		

The proposed project site is undisturbed with no known historic uses involving hazardous materials (e.g., underground storage tanks, pump stations, railroad tracks). No evidence exists of hazardous materials on the site that could be accidentally released or exposed during project activities. In addition, the project would not involve any routine transport, use, or disposal of hazardous materials. Although hazardous materials such as fuel and other materials would be present on the site during construction, this would be temporary and all materials would be used in accordance with applicable federal, state, and local laws including Cal-OSHA requirements and manufacturer's instructions. Therefore, the project does not pose a risk of accident or upset conditions involving the release of hazardous materials.

b. Involve possible interference with an emergency evacuation plan?

Yes	No	No, with Mitigation	Data Insufficient
X			

Construction activities within roadways could temporarily obstruct or slow vehicles attempting to evacuate or access the project area in the event of an emergency. Construction would occur in phases so that a limited area of roadway would be disturbed at any one time. In addition, the developer would notify all emergency service providers prior to the start of construction activities, to advise them of roadway construction activities. This issue will be evaluated further in the EIS/EIR

11 Population

Will the proposal:

a. Alter the location, distribution, density, or growth rate of the human population planned for the Region?

Yes	No	No, with Mitigation	Data Insufficient
X			

The population of Tahoe Vista would likely increase as a result of the 110-unit affordable housing complex. The EIS/EIR will analyze the project's impacts to population distribution and the rate of growth planned for the region.

b. Include or result in the temporary or permanent displacement of residents?

Yes	No	No, with Mitigation	Data Insufficient
	X		

Construction and implementation of the proposed project would not result in the temporary or permanent displacement of residents in the project area. The purpose of the project is to provide additional housing in Tahoe Vista. Displacement of residents will not be analyzed further in the EIS/EIR.

12 Housing

Will the proposal:

a. Affect existing housing, or create a demand for additional housing?

Yes	No	No, with Mitigation	Data Insufficient
	X		

The purpose of the proposed project is to supply additional housing in Tahoe Vista. No houses exist at the project site, so none would be removed by the project. The project is not expected to increase demand for housing.

b. Result in the loss of affordable housing?

Yes	No	No, with Mitigation	Data Insufficient
	X		

The project would supply additional affordable housing units in Tahoe Vista. Therefore, the proposed project would not result in the loss of affordable housing in the area.

13 Transportation/Circulation

Will the proposal result in:

a. Generation of 100 or more new daily vehicle trip ends (DVTE)?

Yes	No	No, with Mitigation	Data Insufficient
X			

A new housing complex of 110 units would generate an increase in daily vehicle trips by more than 100. A preliminary traffic study, conducted in November 2002, estimated 690 additional vehicle trips would be generated by the project. This report, along with any needed additional studies, will be used to address impacts related to increased traffic generation in the EIS/EIR.

b. Changes to existing parking facilities, or demand for new parking?

Yes	No	No, with Mitigation	Data Insufficient
X			

Parking is proposed as part of the project at approximately 2 spaces per unit, for a total of approximately 214 spaces. A parking study was performed in November 2002 to analyze the parking supply and demand for the proposed project. This report and additional studies will be used in the EIS/EIR to analyze impacts to parking generated by the project.

c. Substantial impact upon existing transportation systems, including highway, transit, bicycle or pedestrian facilities?

Yes	No	No, with Mitigation	Data Insufficient
			X

The increase in housing and population generated by the proposed project could have impacts to the transportation systems in the Tahoe Vista and north Tahoe region. Impacts to transportation, bicycle and pedestrian systems will be analyzed further in the EIS/EIR.

d. Alterations to present patterns of circulation or movement of people and/or goods?

Yes	No	No, with Mitigation	Data Insufficient
			X

Proposed access from State Route 28 at National Avenue and the addition of new private roads could alter the existing patterns of circulation in Tahoe Vista. Impacts to traffic and pedestrian circulation will be analyzed further in the EIS/EIR.

e. Alterations to waterborne, rail or air traffic?

Yes	No	No, with Mitigation	Data Insufficient
	X		

The proposed project does not involve waterborne, rail, or air transportation. Therefore, no impacts or alterations would occur related to waterborne, rail, or air transportation as a result of the project.

f. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?

Yes	No	No, with Mitigation	Data Insufficient
			X

The additional trip generation and installation of new roads proposed as part of the project could result in increased traffic hazards to motor vehicles, bicyclists and pedestrians. This topic will be analyzed further in the EIS/EIR.

14 Public Services

Will the proposal have an unplanned effect upon, or result in a need for new or altered governmental services in any of the following areas?

a. Fire protection?

Yes	No	No, with Mitigation	Data Insufficient
			X

The expansion of housing and public utility infrastructure in Tahoe Vista may result in the need for additional or altered fire protection services. Existing services provided by the North Tahoe Fire Protection District and the potential need for additional fire protection services will be addressed in the EIS/EIR.

b. Police protection?

Yes	No	No, with Mitigation	Data Insufficient
			X

Police protection for the Tahoe Vista area may be affected by the project due to the expansion of available housing and increase in population. The EIS/EIR will address the existing police protection services and the potential need for additional services as a result of the project.

c. Schools?

Yes	No	No, with Mitigation	Data Insufficient
			X

The proposed project would increase the population of Tahoe Vista, and therefore could put additional demands on existing schools or require new schools or daycare centers. The effects of the proposed project on schools and day care in the Tahoe Vista area will be analyzed further in the EIS/EIR.

d. Parks or other recreational facilities?

Yes	No	No, with Mitigation	Data Insufficient
			X

The proposed project site currently provides access via an informal trail to the North Tahoe Regional Park. Impacts to the trail, park and other recreation facilities in the project vicinity as well as the potential need for additional parks will be analyzed in the EIS/EIR.

e. Maintenance of public facilities, including roads?

Yes	No	No, with Mitigation	Data Insufficient
			X

The proposed project would result in an increased use of existing roads, public facilities, and government services. The EIS/EIR will analyze project impacts related to existing and proposed public facilities and government services.

f. Other governmental services?

Yes	No	No, with Mitigation	Data Insufficient
			X

See discussion e. above.

15 Energy

Will the proposal result in:

a. Use of substantial amounts of fuel or energy?

Yes	No	No, with Mitigation	Data Insufficient
			X

The long-term operation of a housing complex could use substantial amounts of fuel or energy or result in an increase in demand upon existing energy sources. Energy in the form of diesel fuel, gasoline, oil, electricity, and natural gas would be consumed during proposed project construction to operate heavy equipment and machinery. The relationship between short-term uses and long-term productivity and any significant irreversible and irretrievable commitment of resources related to use of fuel or energy will be identified and documented in the EIS/EIR.

b. *Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?*

Yes	No	No, with Mitigation	Data Insufficient
			X

See discussion a. above.

16 Utilities

Except for planned improvements, will the proposal result in a need for new systems, or substantial alterations to the following utilities:

a. *Power or natural gas?*

Yes	No	No, with Mitigation	Data Insufficient
			X

The proposed 110-unit housing complex located on an existing undeveloped site would result in the need for expanded utilities including electricity, natural gas, communication systems, water, sewage, water drainage, and solid waste disposal. The EIS/EIR will address impacts related to demand and installation of utility systems for the proposed project.

b. *Communication systems?*

Yes	No	No, with Mitigation	Data Insufficient
			X

See discussion a. above.

c. *Utilize additional water which amount will exceed the maximum permitted capacity of the service provider?*

Yes	No	No, with Mitigation	Data Insufficient
			X

See discussion a. above.

d. Utilize additional sewage treatment capacity which amount will exceed the maximum permitted capacity of the sewage treatment provider?

Yes	No	No, with Mitigation	Data Insufficient
			X

See discussion a. above.

e. Storm water drainage?

Yes	No	No, with Mitigation	Data Insufficient
			X

See discussion a. above.

f. Solid waste and disposal?

Yes	No	No, with Mitigation	Data Insufficient
			X

See discussion a. above.

17 Human Health

Will the proposal result in:

a. Creation of any health hazard or potential health hazard (excluding mental health)?

Yes	No	No, with Mitigation	Data Insufficient
	X		

The proposed project site is undisturbed with no known historic uses involving hazardous materials (e.g. underground storage tanks, pump stations, train tracks). No evidence exists of hazardous materials on the site. In addition, the proposed housing project would not involve any routine transport, use or disposal of hazardous materials. Although hazardous materials such as fuel and other materials would be present on the site during construction, this would be temporary and all materials would be used in accordance with applicable federal, state, and local laws including Cal-OSHA requirements and manufacturer's instructions. The project does not pose a risk of accident or upset conditions or create any potential health hazards.

b. Exposure of people to potential health hazards?

Yes	No	No, with Mitigation	Data Insufficient
	X		

See discussion a. above.

18 Scenic Resources/Community Design

Will the proposal:

a. Be visible from any state or federal highway, Pioneer Trail or from Lake Tahoe?

Yes	No	No, with Mitigation	Data Insufficient
			X

The proposed project would replace a forested area with a 110-unit housing complex. Visibility from State Route 28, a scenic roadway travel unit, and Lake Tahoe will be determined. Potential scenic impacts from construction and operation of the proposed project will be evaluated in the EIS/EIR.

b. Be visible from any public recreation area or TRPA designated bicycle trail?

Yes	No	No, with Mitigation	Data Insufficient
X			

The North Tahoe Regional Park is located directly north of the project site, and a bike trail currently runs through the forested site. The EIS/EIR will analyze the project impacts to views from public recreation areas and bike trail facilities.

c. Block or modify an existing view of Lake Tahoe or other scenic vista seen from a public road or other public area?

Yes	No	No, with Mitigation	Data Insufficient
			X

See discussion b. above.

d. Be inconsistent with the height and design standards required by the applicable ordinance or Community Plan?

Yes	No	No, with Mitigation	Data Insufficient
			X

The proposed housing complex height and design features will be analyzed in the EIS/EIR for consistency with the Placer County and TRPA standards.

e. Be inconsistent with the TRPA Scenic Quality Improvement Program (SQIP) or Design Review Guidelines?

Yes	No	No, with Mitigation	Data Insufficient
			X

The proposed project components will be analyzed in the EIS/EIR for consistency with the Scenic Quality Improvement Program and Design Review Guidelines.

19 Recreation — Will the proposal:

a. Create additional demand for recreation facilities?

Yes	No	No, with Mitigation	Data Insufficient
			X

The project would provide housing for new residents in Tahoe Vista. Impacts to recreation facilities in the project vicinity as well as the potential need for additional parks will be analyzed in the EIS/EIR.

b. Create additional recreation capacity?

Yes	No	No, with Mitigation	Data Insufficient
	X		

The proposed project is expected to include onsite recreation facilities for residents but does not include additional recreation opportunities for the public.

c. Have the potential to create conflicts between recreation uses, either existing or proposed?

Yes	No	No, with Mitigation	Data Insufficient
			X

The project is not expected to create conflicts between recreation uses but this issue will be examined in the EIS/EIR as it relates to increased demand discussed in a. above.

d. Result in a decrease or loss of public access to any lake, waterway, or public lands?

Yes	No	No, with Mitigation	Data Insufficient
	X		

A new public bike trail would be constructed through the site for access to the North Tahoe Regional Park. The site does not currently provide any formal, dedicated public access to the park but is used for informal access. The site does not provide public access to the lake or any waterway. The project will not result in a decrease or loss of public access.

20 Archaeological/Historical

a. Will the proposal result in an alteration of a significant archaeological or historical site, structure, object or building?

Yes	No	No, with Mitigation	Data Insufficient
			X

A heritage resource inventory was conducted for the project site in December 2002. No archaeological or historic sites were determined to be significant resources under CEQA or the TRPA Code. The project is not anticipated to have impacts to cultural resources. However, there is the potential for unknown resources to be discovered during construction. Impacts to cultural resources will be analyzed in the EIS/EIR.

b. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object?

Yes	No	No, with Mitigation	Data Insufficient
			X

Please see discussion a. above.

c. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?

Yes	No	No, with Mitigation	Data Insufficient
			X

Please see discussion a. above.

d. Will the proposal restrict historic or pre-historic religious or sacred uses within the potential impact area?

Yes	No	No, with Mitigation	Data Insufficient
			X

Please see discussion a. above.

21 Findings of Significance

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California or Nevada history or prehistory?

Yes	No	No, with Mitigation	Data Insufficient
X			

Removal of site vegetation and site development has the potential to degrade water quality and air quality; and affect plant and wildlife diversity and distribution, sensitive plant wildlife species, wildlife habitat and plant communities on the site, and cultural resources. The EIS/EIR will include an assessment of the potential project impacts on these issues.

b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time, while long-term impacts will endure well into the future.)

Yes	No	No, with Mitigation	Data Insufficient
X			

Short-term use is characterized by the development of a residential community and other facilities as proposed. Long-term productivity involves sustaining relationships of the natural resource base in a condition sufficient to support social and economic health (TRPA 1999). The proposed project would remove existing vegetation to build an affordable housing complex. This proposed use could result in a short-term use of the site to the disadvantage of long-term goals. The EIS/EIR will assess the proposed project's potential to achieve short-term goals to the disadvantage of long-term, environmental goals.

c. *Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant).*

Yes	No	No, with Mitigation	Data Insufficient
			X

The proposed project may have impacts to numerous resources that could be significant when considered on a cumulative basis. The EIS/EIR will address cumulative impacts resulting from the proposed project.

d. *Does the project have environmental impacts which will cause substantial adverse effects on human beings, either directly or indirectly?*

Yes	No	No, with Mitigation	Data Insufficient
			X

The project could adversely affect human beings through increased noise, air emissions, and traffic. The EIS/EIR will address these issues.

III Certification

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

_____ _____

Date

Written Comments: (use additional sheets as necessary)

IV Determination (To Be Completed By TRPA)

On the basis of this evaluation:

a. *The proposed project could not have a significant effect on the environment and a finding of no significant effect shall be prepared in accordance with TRPA's Rules of Procedure.*

Yes	No

b. *The proposed project could have a significant effect on the environment, but due to the listed mitigation measures which have been added to the project, could have no significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with TRPA's Rules and Procedures.*

Yes	No

c. *The proposed project may have a significant effect on the environment and an environmental impact statement shall be prepared in accordance with this chapter and TRPA's Rules of Procedure.*

Yes	No
X	

Signature of Evaluator *Date*

Title of Evaluator

CEDAR GROVE APARTMENTS/MOURELATOS PARTNERSHIP
AFFORDABLE HOUSING PROJECT
TRPA INITIAL ENVIRONMENTAL CHECKLIST
SUPPLEMENTAL INFORMATION
APN 112-050-001

Project Description

The subject parcel is approximately 12.5 acres and is currently owned by the Mourelatos family in Tahoe Vista. The Mourelatos family also owns an approximate 5.9 acre parcel to the south. AHDC, Inc. and the Mourelatos family have an agreement to develop the 12.5 acre parcel into an 80 unit affordable housing complex (45% to 60% of medium income) by the name of Cedar Grove Apartments, and a 30 unit affordable housing complex (80% of medium income), to be referred to as the Mourelatos Partnership, for a total of 110 units. Landscaping and walkways are proposed throughout the entire site. The property is primarily Class 6 land with a small portion that is Class 4.

The 80 unit Cedar Grove Apartments will be comprised of 20 two-bedroom units, 48 three-bedroom units and 12 four-bedroom units. A small community building is also proposed. Parking will be comprised of 162 uncovered parking stalls which equals over 2 parking spaces per unit. The 80 unit component of this development will be situated on approximately 6.2 acres. All of the apartment buildings except for one are proposed to be two stories, the one building will be one story. A variance from the North Tahoe Community Plans Standards and Guidelines for Parking will be requested from both TRPA and Placer County.

The 30 unit Mourelatos Partnership development is comprised of 4 single family units, 3 duplex units, 3 fourplex units and 1 eight unit building for a total of 30 units. This portion of the development will on a 6.3 acre parcel. The four single family units will have garages for two parking spaces each. An additional 52 uncovered parking spaces are also proposed for the 30 unit development for a total of 60 parking spaces or 2 spaces per unit. All of the buildings are proposed to be two stories. A variance from the North Tahoe Community Plans Standards and Guidelines for Parking will be requested from both TRPA and Placer County.

A 24 foot private road will enter the Cedar Grove Apartments from Grey Lane traveling west to the main north-south 24 foot through road traveling north to the North Tahoe PUD Regional Park and eventually intersecting with existing Donner Road. Another 24 foot private road is proposed to enter the Mourelatos Partnership development via existing Toyon Road and travel west through the property to an 18' wide private drive that will travel north-south connecting to the main 24 foot wide north-south through road to Cedar Grove Apartments. The Class 1 bike trail will enter the property from the south where it will join Toyon Road, then travel along the main north/south road to the NTPUD property through to Donner Road. The North Tahoe PUD owns the parcel directly north and may be interested in granting an easement through their property for the main north-south road and Class 1 bike trail to connect to Donner Road. The Class 1 bike trail will connect to the proposed North Tahoe PUD bike trail traveling north along National Avenue from Highway 28 to the North Tahoe Regional Park.

A fence and gate will separate the two developments. One gate will be located at each end of the private 18' wide drive traveling through the Mourelatos Partnership development. A fence will be constructed along the western side of the proposed Class 1 bike trail traveling through the Cedar Grove Apartments development.

A Community Plan Amendment is also being requested to annex the entire 12.5 acre parcel into the Tahoe Vista Community Plan. The purpose of the annexation is to allow for 50% coverage as approvable by TRPA for Affordable Housing Projects in Community Plan areas. The current Plan Area Statement for this parcel is PAS 021 – Tahoe Estates. The parcel is directly adjacent to the Community Plan boundaries.

A Minor Boundary Line Adjustment is also proposed between APNs 112-050-001 and 117-071-028. The purpose of the Minor Boundary Line Adjustment is to allow the Cedar Grove Apartments project to be on its own 6.2 acre parcel to eventually be sold separately to the entity who will ultimately manage the complex. After the Boundary Line Adjustment, the 30 unit portion of the project will remain with the Mourelatos Family as a 12 acre parcel to be managed by them. The remaining 12 acre Mourelatos Family parcel will be a mixed use project including the Resort and the 30 unit Affordable Housing project. The Mourelatos Resort expansion is submitted as a separate project with a completely different design team.

Initial Environmental Checklist Explanation

1. Land

1a. Compaction or covering of the soil beyond the limits allowed in the land capability or Individual Parcel Evaluation System (IPES)?

No, with mitigation. Prior to project approval, the project proponent will be required to gain approval for a Community Plan Amendment to annex the subject property into the Tahoe Vista Community Plan Special Area 6. Once the Community Plan Amendment is approved, the project area will be allowed a maximum allowable coverage of up to 50% of the project area. The project already has allowable coverage of 30% for 12.6 acres and 20% for .23 acres. Combined, the existing allowable coverage is 167,998 s.f. Annexation of this property into the Tahoe Vista Community Plan will enable the project proponent to transfer an additional 112,832 s.f. of coverage to the property to bring the total allowable coverage on the property to 280,830 s.f. A coverage transfer application will need to be approved by TRPA prior to project approval.

1c. Will the proposal result in unstable soil conditions during or after completion of the proposal?

No, with mitigation. Water quality improvement measures will be constructed to prevent unstable soil conditions after completion of the project. Temporary Best Management Practices (BMPs) will be in place during construction to prevent unstable soil conditions during construction.

1d. Will the proposal result in changes in the undisturbed soil or native geologic substructures or grading in excess of 5 feet?

Yes. Construction of roadways will require excavation below 5 feet. A Soils and Hydrology study will be completed in order to gain approval from TRPA to excavate below 5 feet.

1e. Will the proposal result in the continuation of or increase in wind or water erosion of soils, either on or off the site?

No, with mitigation. The project will implement water quality improvements and drainage improvements to prevent an increase or the continuation of wind and water erosion of soils. A drainage system will capture and treat the 20-year 1-hour storm onsite to meet TRPA and Lahontan standards. Erosion control measures will include construction of BMPs, paving, sidewalks, infiltration devices, stormwater detention facilities and landscaping to prevent erosion.

1g. Will the proposal result in exposure of people or property to geologic hazards such as earthquakes, landslides, backshore erosion, avalanches, mud slides, ground failure or similar hazards?

No, with mitigation. It is not likely that the project will expose people to landslides, backshore erosion, avalanches, mud slides or ground failure. However, a geologic and soils study has not been completed. The project may have the potential of exposure of people or property to earthquakes since all of California is subject to earthquakes. All buildings will be required to comply with California and Federal seismic standards according to the Uniform Building Code to received a Placer County Building permit. Placer County Building Department will issue a permit for all structures if they comply with the Uniform Building Code.

2. Air Quality

2a. Will the proposal result in substantial air pollutant emissions?

An Air Quality analysis has not been conducted, however, it is unlikely that the project will result in substantial air pollutant emissions.

2b. Will the proposal result in deterioration of ambient (existing) air quality?

An Air Quality analysis has not been conducted, however, it is unlikely that the project will result in substantial deterioration of ambient air quality.

3. Water Quality

3b. Will the proposal result in changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff so that a 20 yr. 1 hr. storm runoff (approximately 1 inch per hour) cannot be contained on the site?

Best Management Practices (BMPs) are included as part of the overall project design. These improvements include curb and gutter, stormwater detention facilities, storm drains and drip line infiltration trenches. Storm water run-off will be routed to onsite detention ponds and infiltration trenches for infiltration of water into the soil. All facilities will be designed to handle the 20-year 1-hour storm to prevent sediment from being transported offsite. Areas will be stabilized

with paving or revegetation to prevent erosion. Temporary BMPs will be installed during construction and will include sediment fencing and pine needle mulch.

3e. Will the proposal result in discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?

No, with mitigation. Construction of permanent BMPs, discharge into surface waters or any alteration of surface water quality will be prevented. See 3a.

4. Vegetation

4d. Will the proposal result in change in the diversity or distribution of species, or number of any species of plants (including trees, shrubs, grass, crops, microflora and aquatic plants)?

The proposal will result in a reduction of 716 trees and some shrubs on the site due to development of the project. New landscaping will be developed throughout the site that will include trees and shrubs. Native and adaptive plants will be planted throughout the site. Parking areas and buildings will be separated by landscaped areas. Areas, not to be disturbed by construction will remain natural.

There area approximately 1,520 existing trees within the project area. Approximately 716 trees will be removed during construction. This results in 47% of the existing trees being removed. The trees to be removed include 19 cedars less than 30" in diameter; 114 pines less than 30" in diameter; 559 firs less than 30" in diameter; 2 cedars greater than 30" in diameter; 14 pines greater than 30" in diameter and 8 firs greater than 30" in diameter.

5. Wildlife

5d. Will the proposal result in deterioration of existing fish or wildlife habitat quantity or quality?

No, with mitigation. The proposal will result in development of a vacant area that may serve as habitat to some non-sensitive native species. However, the project area is surrounded by existing development. Single family residential homes exist to the west; tourist accommodation properties and a public campground exist to the south and a combination of multi-family and single-family residential developments exists directly to the east. Industrial properties exist to the east and north of the property with a developed public road to the north. This site is within designated urban boundaries of the Tahoe Basin. This site is probably not suitable habitat for most species in its vacant state given the existing surrounding development. To mitigate any loss of habitat to this questionable habitat area, the project will provide landscaping preserve areas in their nature state where not disturbance is proposed.

7. Light and Glare

7a. Will the proposal include new or modified sources of exterior lighting?

Yes. Exterior lighting will be placed on the buildings to light doorways, walkways and parking areas. These lights will be for the public health and safety of residents of visitors to the property. A lighting plan will be developed to be approved by both Placer County Design Review Committee and the TRPA. Lighting will be directed downward and shielded to avoid causing a nuisance to neighboring properties. All lighting will comply with the Tahoe Vista Community Plan Design Guidelines.

7b. Will the proposal create new illumination which is more substantial than other lighting, if any, within the surrounding area.

No, with mitigation. A lighting plan will be developed to be approved by both Placer County Design Review Committee and the TRPA. Lighting will be directed downward and shielded to avoid causing a nuisance to neighboring properties. All lighting will comply with the Tahoe Vista Community Plan Design Guidelines.

8. Land Use

8a. Will the proposal include uses which are not listed as permissible uses in the applicable Plan Area Statement, adopted Community Plan or Master Plan?

No, with mitigation. An application is in process to annex the site into the Tahoe Vista Community Plan – Special Area 6. If successful the proposed use will be permissible in the Community Plan. Multi-family housing is not a permissible use in the existing Tahoe Estates Plan Area.

11. Population

11a. Will the proposal alter the location, distribution, density, or growth rate of the human population planned for the Region?

No, with mitigation. The project will be required to get approval to annex the subject the parcel into the Tahoe Vista Community Plan Special Area 6. If the annexation is successful, then the proposal will not alter the density or growth rate planned for the region.

13. Transportation

13a. Will the proposal result in generation of 100 or more new daily vehicle trip ends (DVTE)?

Yes. TRPA utilizes a multiplier of 6.47 vehicle trips per unit per day for multi-family residential projects. The proposed project is 110 apartment units. This project is lower than the maximum allowed density proposed. The estimated number of vehicle trips associated with the project is 711 vehicle trips per day.

13b. Will the proposal result in changes to existing parking facilities, or demand for new parking?

Yes. The proposal will result in the demand for new parking. The project as proposed will require the construction of approximately 310 parking spaces according to the Parking Demand Table for the Community Plan. As designed the project now proposes approximately 222 parking spaces throughout the site. TRPA may allow a reduction in the number of required spaces for affordable housing projects.

13c. Will the proposal result in substantial impact upon existing transportation systems, including highway, transit, bicycle or pedestrian facilities?

Data Insufficient. A traffic study has not been completed, however, it is planned to have a traffic study prepared.

13f. Will the proposal result in increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?

Data Insufficient. A traffic study has not been completed, however, it is planned to have a traffic study prepared.

18. Scenic Resources/Community Design

18b. Will the proposal be visible from any public recreation area or TRPA designated bicycle trail?

Yes. The project will not be visible from any TRPA designated bicycle trail, however, it may be visible from the North Tahoe Regional Park. The architecture is a mountain style architecture utilizing natural materials and natural colors. Colors will blend with the surrounding wooded environment. The project is compatible with TRPA height requirements.

19. Recreation

19b. Does the proposal create additional recreation capacity?

Yes. The project design includes construction of a 81 feet wide class 1 bike trail to connect to the proposed North Tahoe PUD Bike Trail from Highway 28 to the North Tahoe Regional Park. The property owner will grant an easement to the public for use of the bike path.

20. Archaeological/Historical

20d. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?

No, with mitigation. The North Central Information Center has no archaeological studies within the proposed project area. State and federal inventories list no historic properties within the project area. There is a moderate possibility of identifying archaeological sites in the project area and further archival and field study is recommended to identify and record any resources which may be present on the property and to assess possible project impact to those

resources. If archaeological resources are encountered during the project or related projects, avoid altering the materials and their contact until a cultural resource consultant has evaluated the situation. Project personnel should not collect cultural resources.

21. Findings of Significance

21c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant?)

Data Insufficient. Traffic impacts from the project may be cumulatively considerable. This will be determined once the traffic study is completed.