

**TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION**

TRPA
Stateline, NV

January 13, 2010
9:30 a.m.

REGULAR MEETING MINUTES

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Meeting called to order at 9:35 a.m.

Members present: Mr. Angelocci, Mr. Thompson, Mr. Plemel, Ms. Merchant, Mr. Maurer, Mr. LeFevre, Mr. Loftis, Mr. Jepsen, Mr. Kuchnicki, Ms. McMahon, Mr. Tolhurst, Mr. Donohue, Ms. Krause, Mr. McIntyre, Mr. Riley, Mr. Greene

Mr. Goldberg arrived at 10:23 a.m.

Members Absent: Ms. Kemper, Mr. Upton, Mr. Walker

II. APPROVAL OF AGENDA

Mr. Tolhurst moved approval.
Motion carried unanimously.

III. PUBLIC INTEREST COMMENTS

No public comment.

IV. DISPOSITION OF MINUTES

Mr. Greene moved approval with amendments.
Motion carried unanimously.

V. PUBLIC HEARINGS

- A. Amendments to the Kings Beach Community Plan to incorporate Parcel #090-126-026 into the Community Plan, create two special areas, and other related amendments; and to the TRPA Code of Ordinances Chapter 21, Density, Chapter 22, Height, and other related amendments. TRPA File PLAN2008-0007, APN 090-064-012.

Ms. Marchetta provided an overview of the project.

Mr. McIntyre stated he was concerned about the loss of CEP projects.

Ms. Marchetta stated the concept of CEP has not been lost because there were still a number of projects to be presented that do not define conclusions on larger policy issues.

Mr. Tolhurst requested the presentation address why this project is no longer a CEP project.

Brenda Hunt presented amendments to the Kings Beach Community Plan.

Commission Comments & Questions

Mr. Maurer asked about the process for tourist/residential to meet height requirements.

Ms. Hunt stated a tourist accommodation could be constructed on the site with required findings to meet the 48-foot height requirement.

Mr. Maurer asked if it would be simple to build a tourist accommodation unit at the same height being proposed.

Ms. Hunt stated it could be simple if they chose to make the findings.

Gabby Barrett explained the current ordinance allows for additional height if coverage is reduced or easements were provided.

Mr. Maurer clarified he wanted to know if it was possible for tourist/residential to meet height requirements.

Mr. Barrett replied it was possible.

Mr. Kuchinicki asked why an environmental assessment was found not to be necessary for this project.

Ms. Hunt stated an environmental assessment was found not to be necessary because an initial environmental checklist was completed along with a scenic evaluation.

Ms. Rinke stated an environmental assessment was triggered if there was potential for significant impact, but it was concluded that there was no significant impact with this project.

Mr. Angelocci asked if the expanded environmental checklist was just for the amendments and not for the project.

Ms. Hunt replied that was correct.

Mr. Tolhurst clarified the Board would be voting on the amendments and not the project itself.

Mr. Thompson asked if the current project being proposed meet findings.

Ms. Hunt replied yes.
Jim LeBeau, Placer County Redevelopment Agency, presented the project.

Mr. Donohue asked about the rationale as to why the new facilities would not be deed-restricted in perpetuity for fifty or fifty-five years.

Ms. Marchetta stated the TRPA would require in perpetuity.

Mr. LeBeau stated other funding sources require a minimum of fifty-five years, but the TRPA requires perpetuity.

Mr. Kuchinicki asked if BMPs were currently on the property and if the project proposes to contain water on-site or would contain off-site water flows.

Mr. LeBeau stated there were off-site water flows that would come through the site and they were proposing to capture seven tons of sediment per year primarily from the off-site water flows.

Mia Kong, Domus Development, presented an overview of the proposed Domus projects in Kings Beach.

Mr. Angelocci suggested changing "indoor laundry facilities" to on-site laundry facilities.

Public Comment:

Jerry Dinzes commented that he would prefer to see this project and concept be approved, but requested that all projects are taken into consideration when voting on one project.

Dave Ferrari commented that he was in favor of the project because of the multi-family, residential units it would add to the area plus the management of the facilities it would provide.

Mara Besser commented that she was concerned that the project would not provide housing for illegal immigrants who need the housing. She also expressed concern about parking, the increase in density, and the change in height requirements. She commented that the project had the potential to become a future "slum" and that funding would be better used to provide first-time home buyer incentives and to help individuals purchase and improve homes currently in the area.

Carol Savory commented the project would provide rental, affordable, safe, "green" housing to accommodate the already overcrowded population in the area. She reiterated management of the facilities is an important aspect of the project and that the project seems compatible with other structure heights in the area.

Theresa May Dugan commented that she owns an affordable housing project in the area and has experienced no problems renting units. She recommended the proposed code amendments be supported to facilitate the project's construction.

Ms. Kong stated for the record that their financing does not require residents be U.S. citizens. Income and household size requirements

need to be met. She also stated many residents surveyed in Kings Beach are unrelated households and households of convenience. Steve Teshara, North Lake Tahoe Chamber of Commerce, stated he would recommend approval of the project because the proposed amendments would provide the first affordable housing units to the area.

Mr. LeFevre asked if changes would be in place for future projects or were solely for this project.

Ms. Hunt stated changes would only be for this project. She noted the TRPA has limited the hearing of any future amendments until the Regional Plan has been updated.

Ms. Krause asked if these types of amendments would be put into the Regional plan.

Ms. Hunt replied yes.

Mr. Tolhurst pointed out these projects may be providing the mixed use that is needed in the Regional plan.

Mr. Angelocci moved approval of the required findings in attachment A. The motion was seconded. Motion carried unanimously.

Mr. Angelocci moved to recommend approval of the proposed draft ordinance amendments with direction to staff to review reduced parking and to add language equivalent to LEED Certification. The motion was seconded. Motion carried unanimously.

B. Recommendation to the Governing Board on Certification of the Kings Beach Commercial Core Improvement Project Final Supplemental Environmental Assessment (EIS).

Ms. Marchetta provided procedural history on the project.

J.P. Harries presented the Final Supplemental Environmental Assessment (EIS) for the Kings Beach Commercial Core Improvement Project.

APC Questions & Comments:

Mr. Tolhurst asked about the use of low-noise asphalt.

Mr. Harries stated it has been used in areas of Tahoe and has been effective therefore there was interest in its effects in the project.

Mr. Thompson asked if the installation of low-noise asphalt will reduce the level of significance to less than significant. He also requested to know the timing of when the low-noise asphalt would be installed.

Mr. Harries stated the low-noise asphalt would reduce the level of significance to less than significant and that the asphalt would be installed right from the beginning of the project and will be maintained.

Mr. Thompson asked who would be responsible for installation of the asphalt.

Mr. Harries stated Placer County. They would also be responsible for the maintenance.

Public Comment:

Dave McClure, Kings Beach Business and Citizens Alliance, stated they were in favor of the project, but there was concern that the lane reduction would cause major issues which have not been adequately addressed by Placer County. He gave a five-minute presentation regarding the negative impact of the use of roundabouts.

Ms. Rinke commented that Mr. McClure's comments will be considered when the project is reviewed by the TRPA. She stated Mr. McClure's comments go to the analysis in the FEIS that was already certified and not the analysis in the SEIS, which is before the Commission today.

Mr. McClure respectfully disagreed with Ms. Rinke's comments. He stated the analysis being considered today is a supplemental analysis that was intended to analyze air quality, noise, and carbon emission impacts in residential neighborhoods which are recipients of all cut-through traffic.

Jim Galloway expressed his opposition to the recommendation of the certification of the SEIS because of the lack of emergency response and the increase in vehicle emissions in the SEIS.

Jerry Dinzes, Lake Tahoe Citizens Media Group, expressed concern with the proposal due to the increase in vehicle emissions and the cut-through traffic through residential areas.

Dan Daniels commented on the changing numbers in the traffic report. He stated his primary concern was the traffic impact on Dolly Vardon and Speckle near the school, the safety of students in the area with the increased traffic, and making sure emergency vehicles can get through the area with the increased traffic.

Mara Besser commented that, in her opinion, the original EIS was flawed therefore the update is flawed and that science proves the area would be turned into a traffic "nightmare".

Sue Daniels distributed information regarding the cumulative impact from the EIS. She requested the Board consider water

issues with back streets before approving an increase in traffic to the back streets.

Steve Teshara, North Lake Tahoe Chamber of Commerce, noted the roundabout presentation was not submitted during public comment on the project. He commented that the SEIS serves its intended purpose therefore the Commission should recommend that the TRPA certify the document.

Nicole Gergans, League to Save Lake Tahoe, stated the League was in support of the document and the APC recommendation to the TRPA to certify the document. The League urged potential impacts be monitored and addressed as the project is constructed and beyond.

Dave Ferrari echoed Mr. Teshara's comments. He noted the area had the first four-lane highway and that it would be local residents who would utilize the back streets.

Theresa May Dugan expressed her support of the recommendation because the project exhibits collective goals for the community and for the project.

Carol Savory encouraged the Commission to recommend certification of the SEIS because the neighborhood traffic management plan improves the project by expanding the scope into back streets.

Mr. Harries reminded the APC of some of the assumptions that went into the EIS and used for the noise analysis.

Mr. Tolhurst stated he asked for a presentation of the SEIS because there was discussion regarding technical reports being presented at the last minute.

Mr. Greene commented that the report, which came out in November 2009, should have been presented earlier for review by the Commission and the public.

Mr. Plemel stated what was being questioned was the adequacy of the original EIS.

Ms. Rinke commented that construction of the SEIS was not to imply that the original EIS was inadequate. The SEIS was designed to provide more detail to information already contained in the original EIS. She commented that there is a distinction between the findings that need to be made for certification of the EIS and findings of the project.

Mr. Goldberg moved to recommend the Governing Board certify the final supplemental EIS for Kings Beach Commercial Core Improvement Project and to recommend the Governing Board make the required findings for the final Supplemental EIS on the Project.

The motion was seconded.

Mr. Donohue requested a Placer County representative comment as to whether the traffic circles in the neighborhood have existing right-of-way real estate for emergency vehicles. He also requested more information regarding neighborhood gateway “chokers”.

Ken Graham, Placer County Public Works, commented that the program was developed by the community. He explained traffic circles were intended to slow down traffic within intersections and would stay within the existing right-of-way. Traffic circles would accommodate trucks, but not tractor-trailer rigs because the area is residential. There will be fine tuning of how tight “chokers” should be, but the full width of the pavement is open and for a long distance.

Mr. Plemel pointed out there were some valid concerns brought forth and that the Commission’s support of the SEIS does not mean a decision at the project level.

Motion carried unanimously.

VI. REPORTS

A. Executive Director

Ms. Marchetta gave the Executive Director’s Report.

B. General Counsel

Ms. Rinke gave the General Counsel’s Report.

C. APC Members

Mr. Donohue asked if a set time could be scheduled for the combined APC/TRPA meeting.

Ms. Marchetta stated they would take a second look at that issue.

VII. ADJOURNMENT

Chair Mr. Tolhurst adjourned the meeting at 12:35 p.m.

ATTACHMENT C

CODE SECTION 4.9

02/03/2010

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TRPA COMPACT ARTICLE VI (p)

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ATTACHMENT D

02/03/2010

