

TAHOE REGIONAL PLANNING AGENCY (TRPA)  
TAHOE METROPOLITAN PLANNING AGENCY  
(TMPO) AND TRPA COMMITTEE MEETINGS

NOTICE IS HEREBY GIVEN that on **Wednesday, May 22, 2024**, commencing **no earlier than 9:45 a.m.**, on both **Zoom** and at the **Tahoe Regional Planning Agency, 128 Market Street, Stateline, NV** the **Governing Board** of the Tahoe Regional Planning Agency will conduct its **regular business meeting**.

NOTICE IS HEREBY GIVEN that on **Thursday, May 23, 2024**, commencing at **9:00 a.m.**, the **Annual Governing Board retreat will be held** at the **Stanford Sierra Conference Center (SSCC), 130 Fallen Leaf Road, South Lake Tahoe, CA**. Members of the public may observe the meeting at SSCC or listen via Zoom. Details will be posted on the day of the meeting with a link to Zoom. Presentation and discussion topics include strategic priorities and regional plan implementation. No action will be taken. General public comment will be heard after the open session on the agenda and at the end of the retreat day.

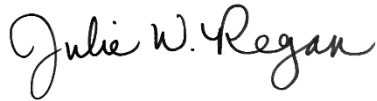
Pursuant to TRPA Rules of Procedure, 2.16 Teleconference/Video Conference Meetings and Participation, Board members may appear in person or on Zoom. Members of the public may observe the meeting and submit comments in person at the above location or on Zoom. Details will be posted on the day of the meeting with a link to Zoom.

To participate in any TRPA Governing Board or Committee meetings please go to the Calendar on the <https://www.trpa.gov/> homepage and select the link for the current meeting. Members of the public may also choose to listen to the meeting by dialing the phone number and access code posted on our website. For information on how to participate by phone, please see page 4 of this Agenda.

NOTICE IS FURTHER GIVEN that on **Wednesday, May 22, 2024**, commencing at **8:30 a.m.**, at the **Tahoe Regional Planning Agency**, and on **Zoom**, the **TRPA Operations & Governance Committee** will meet. The agenda will be as follows: **1)** Approval of Agenda (action); **2)** Approval of Minutes (action) (**Pages 9**); **3)** Discussion and possible recommendation for approval of April Financials (action) (**Page 67**) (*Staff: Chad Cox*); **4)** Discussion and possible recommendation for Release of El Dorado County Air Quality Interest Mitigation Funds (\$2,509.00) towards the South Tahoe Greenway Shared Use Trail Phases 1b & 2 (action) (**Page 87**) (*Staff: Tracy Campbell*); **5)** Briefing on Fiscal Year 2024/2025 Annual Budget (*Staff: Chad Cox*); **6)** Upcoming Topics (*Staff: Chad Cox*); **7)** Committee Member Comments; Chair – Laine, Vice Chair – Diss, Aguilar, Bass, Gustafson, Hill; **8)** Public Interest Comments.

NOTICE IS FURTHER GIVEN that on **Wednesday, May 22, 2024**, commencing at **8:30 a.m.**, at the **Tahoe Regional Planning Agency**, and on **Zoom**, the **TRPA Legal Committee** will meet. The agenda will be as follows: **1)** Approval of Agenda (action); **2)** Approval of Minutes (action); (**Page 15**) **3)** Appeal of Figone Garage/Accessory Dwelling Unit Permit, 32 Moana Circle, Placer County, California, Assessor's Parcel Number (APN) 098-191-018, TRPA File No. ERSP2023-0701, Appeal File No. ADMIN2024-0005 (action) (**Page 109**) (*Staff: Graham St. Michel*); **4)** Discussion of compliance procedures for violations of income- or employment-related deed-restrictions (**Page 281**) (*Staff: Karen Fink*); **5)** Closed Session with Counsel to Discuss Existing and Potential Litigation; **6)** Potential Direction Regarding Agenda Item No. 5 (action); **7)** Committee Member Comments; Chair – Williamson, Vice Chair – Aldean, Faustinos, Leumer, Rice; **8)** Public Interest Comments.

NOTICE IS FURTHER GIVEN that on **Wednesday, May 22, 2024**, commencing **no earlier than 3:00 p.m., (at the conclusion of the Governing Board meeting)** at the **Tahoe Regional Planning Agency**, and on **Zoom**, the **TRPA Regional Planning Committee** will meet. The agenda will be as follows: **1)** Approval of Agenda (action); **2)** Approval of Minutes (action) (**Page 53**); **3)** Discussion and possible recommendation for approval of the proposed amendments to the Tourist Core Area Plan Mixed-Use District regarding Parcel 029-441-024, City of South Lake Tahoe (action) (**Page 289**) (*Staff: Alyssa Bettinger*); **4)** Upcoming Topics (*Staff: John Hester*); **5)** Committee Member Comments; Chair – Hoenigman, Vice Chair – Settelmeyer, Aldean, Diss, Gustafson, Leumer; **6)** Public Interest Comments.



Julie W. Regan,  
Executive Director

This agenda has been posted at the TRPA office and at the following locations and/or websites: Post Office, Stateline, NV, North Tahoe Event Center, Kings Beach, CA, IVGID Office, Incline Village, NV, North Lake Tahoe Chamber/Resort Association, Tahoe City, CA, and Lake Tahoe South Shore Chamber of Commerce, Stateline, NV.

<b>TAHOE REGIONAL PLANNING AGENCY</b>	
GOVERNING BOARD	
Tahoe Regional Planning Agency	May 22, 2024
128 Market Street, Stateline, NV	No earlier than 9:45 a.m.
Stanford Sierra Conference Center	May 23, 2024
130 Fallen Leaf Road, South Lake Tahoe, CA	9:00 a.m.

All items on this agenda are action items unless otherwise noted. Items on the agenda, unless designated for a specific time, may not necessarily be considered in the order in which they appear and may, for good cause, be continued until a later date.

**Written Public Comment:** Members of the public may email written public comments to ‘publiccomment@trpa.gov’. We encourage you to submit written comments (email, mail, or fax) in advance of the meeting date to give our staff adequate time to organize, post, and distribute your input to the appropriate staff and representatives. Written comments received by 4 p.m. the day before a scheduled public meeting will be distributed and posted to the TRPA website before the meeting begins. TRPA does not guarantee written comments received after 4 p.m. the day before a meeting will be distributed and posted in time for the meeting. Late comments may be distributed and posted after the meeting. Please include the meeting information and agenda item in the subject line. For general comments to representatives, include “General Comment” in the subject line.

**Verbal Public Comment:** Public comments at the meeting should be as brief and concise as possible so that all who wish to participate may do so; testimony should not be repeated. The Chair of the Board shall have the discretion to set appropriate time allotments for individual speakers (usually 3 minutes for individuals and group representatives as well as for the total time allotted to oral public comment for a specific agenda item). No extra time for participants will be permitted by the ceding of time to others. In the interest of efficient meeting management, the Chairperson reserves the right to limit the duration of each public comment period to a total of 1 hour. Public comment will be taken for each appropriate action item at the time the agenda item is heard and a general public comment period will be provided at the end of the meeting for all other comments including agendized informational items.

**Accommodation:** TRPA will make reasonable efforts to assist and accommodate physically handicapped persons that wish to participate in the meeting. Please contact Marja Ambler at (775) 589-5287 if you would like to participate in the meeting and are in need of assistance. The meeting agenda and staff reports will be posted at <https://www.trpa.gov/meeting-materials> no later than 7 days prior to the meeting date. For questions please contact TRPA admin staff at [virtualmeetinghelp@trpa.gov](mailto:virtualmeetinghelp@trpa.gov) or call (775) 588-4547.

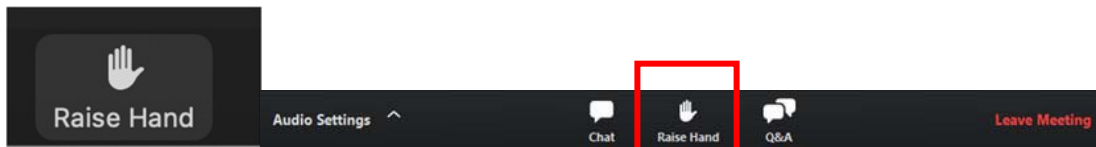
## Zoom Webinar - Public Participation

### To Participate Online:

1. Download the Zoom app on your computer, tablet, or smartphone.
  - The computer app can be downloaded here:  
<https://us02web.zoom.us/client/latest/ZoomInstaller.exe>
  - The tablet or smartphone app can be found in the app store on your device.
2. On the day of the meeting, join from the link or phone numbers posted under the appropriate meeting date and time on the TRPA website ([www.trpa.gov](http://www.trpa.gov)).
3. Ensure that you are **connected to audio** either through your computer (provided it has a microphone) or using your phone as a microphone/speaker. You can manage your audio settings in the tool bar at the bottom of the Zoom screen.



4. At the appropriate time for public comments, you will be able to “raise your hand” by clicking on the Hand icon located on the bottom of your Zoom screen **OR by dialing \*9 if you are on your phone**. With your hand raised, a TRPA staff member will unmute you and indicate that you can make your comment.



### To Participate on the phone:

1. Dial the call-in number posted at the calendar event for the appropriate meeting ([www.trpa.gov](http://www.trpa.gov)).
2. At the appropriate time for public comments, you will be able to “raise your hand” **by dialing \*9 if you are on your phone**. With your hand raised, a TRPA staff member will unmute you and indicate that you can make your comment.

If you do not have the ability or access to register for the webinar, please contact TRPA admin staff at [virtualmeetinghelp@trpa.org](mailto:virtualmeetinghelp@trpa.org) or (775) 588-4547.

### Additional Resources from Zoom:

- [Joining and Participating in a Zoom Webinar](#)
- [Joining a Zoom Webinar by Phone](#)
- [Raising Your Hand in a Webinar](#)

## AGENDA

- I. CALL TO ORDER AND DETERMINATION OF QUORUM
- II. PLEDGE OF ALLEGIANCE
- III. APPROVAL OF AGENDA
- IV. APPROVAL OF MINUTES **Page 21**
- V. TRPA CONSENT CALENDAR (see Consent Calendar agenda below for specific items)  
  
Adjourn as the TRPA and convene as the TMPO
- VI. TAHOE METROPOLITAN PLANNING ORGANIZATION CONSENT CALENDAR (see Consent Calendar agenda below for specific items)  
  
Adjourn as the TMPO and reconvene as the TRPA
- VII. PLANNING MATTERS
  - A. Resolution in support of the Lake Tahoe Wildfire Awareness Campaign, May – October 2024  
*(Staff: Jeff Cowen)* **Action** **Page 99**
  - B. Tahoe Science Advisory Council Briefing on Microplastics  
*(Staff: Dan Segan)* **Informational Only** **Page 101**
  - C. Demonstration of the new Online Climate Resilience Dashboard for the Tahoe Region  
*(Staff: Devin Middlebrook)* **Informational Only** **Page 103**
  - D. 2050 Regional Transportation Plan Briefing  
*(Staff: Kira Richardson)* **Informational Only** **Page 107**
- VIII. APPEAL
  - A. Appeal of Figone Garage/Accessory Dwelling Unit Permit, 32 Moana Circle, Placer County, California, Assessor’s Parcel Number (APN) 098-191-018, TRPA File No. ERSP2023-0701, Appeal File No. ADMIN2024-0005  
*(Staff: Graham St. Michel)* **Action** **Page 109**
- IX. PUBLIC HEARINGS
  - A. Proposed revisions to environmental threshold carrying capacities (threshold standards):
    - 1) Restoration of stream environment zones, SC11-SC13

2) Tahoe Yellow Cress threshold standard, VP21

3) Aquatic Invasive Species threshold standards, WQ9-WQ14  
(Staff: Dan Segan)

X. REPORTS

A. Executive Director Status Report **Informational Only**

B. General Counsel Status Report **Informational Only**

XI. GOVERNING BOARD MEMBER REPORTS

XII. COMMITTEE REPORTS

A. Local Government Committee **Report**

B. Legal Committee **Report**

C. Operations & Governance Committee **Report**

D. Environmental Improvement Program Committee **Report**

E. Transportation Committee **Report**

F. Regional Planning Committee **Report**

XIII. PUBLIC INTEREST COMMENTS

Any member of the public wishing to address the Governing Board on any item listed or not listed on the agenda including items on the Consent Calendar may do so at this time. TRPA encourages public comment on items on the agenda to be presented at the time those agenda items are heard. Individuals or groups commenting on items listed on the agenda will be permitted to comment either at this time or when the matter is heard, but not both. The Governing Board is prohibited by law from taking immediate action on or discussing issues raised by the public that are not listed on this agenda.

XIV. ADJOURNMENT

**TRPA CONSENT CALENDAR**

<b>Item</b>	<b>Action Requested</b>
1. April Financials (Staff: Chad Cox)	<b>Action/Approval</b> <u><b>Page 67</b></u>
2. Release of El Dorado County Air Quality Interest Mitigation Funds (\$2,509.00) towards the South Tahoe Greenway Shared Use Trail Phases 1b & 2 (Staff: Tracy Campbell)	<b>Action/Approval</b> <u><b>Page 87</b></u>

## TMPO CONSENT CALENDAR

<u>Item</u>	<u>Action Requested</u>
1. Amendment No. 2 of the FY 2023/24 Lake Tahoe Transportation Overall Work Program <i>(Staff: Michelle Glickert)</i>	<b>Action/Approval</b> <u>Page 93</u>

The consent calendar items are expected to be routine and non-controversial. They will be acted upon by the Board at one time without discussion. The special use determinations will be removed from the calendar at the request of any member of the public and taken up separately. If any Board member or noticed affected property owner requests that an item be removed from the calendar, it will be taken up separately in the appropriate agenda category. Four of the members of the governing body from each State constitute a quorum for the transaction of the business of the agency. The voting procedure shall be as follows: (1) For adopting, amending or repealing environmental threshold carrying capacities, the regional plan, and ordinances, rules and regulations, and for granting variances from the ordinances, rules and regulations, the vote of at least four of the members of each State agreeing with the vote of at least four members of the other State shall be required to take action. If there is no vote of at least four of the members from one State agreeing with the vote of at least four of the members of the other State on the actions specified in this paragraph, an action of rejection shall be deemed to have been taken. (2) For approving a project, the affirmative vote of at least five members from the State in which the project is located and the affirmative vote of at least nine members of the governing body are required. If at least five members of the governing body from the State in which the project is located and at least nine members of the entire governing body do not vote in favor of the project, upon a motion for approval, an action of rejection shall be deemed to have been taken. A decision by the agency to approve a project shall be supported by a statement of findings, adopted by the agency, which indicates that the project complies with the regional plan and with applicable ordinances, rules and regulations of the agency. (3) For routine business and for directing the agency's staff on litigation and enforcement actions, at least eight members of the governing body must agree to take action. If at least eight votes in favor of such action are not cast, an action of rejection shall be deemed to have been taken.

Article III (g) Public Law 96-551 Tahoe Regional Planning Agency Governing Board Members: Chair, Cindy Gustafson, Placer County Supervisor Representative; Vice Chair, Hayley Williamson, Nevada At-Large Member; Francisco Aguilar, Nevada Secretary of State; Shelly Aldean, Carson City Supervisor Representative; Ashley Conrad-Saydah, California Governor's Appointee; Jessica Diss, Nevada Governor's Appointee; Belinda Faustinos, California Assembly Speaker's Appointee; Cody Bass, City of South Lake Tahoe Councilmember; Meghan Hays, Presidential Appointee; Alexis Hill, Washoe County Commissioner; Vince Hoenigman, California Governor's Appointee; Brooke Laine, El Dorado County Supervisor; Wesley Rice, Douglas County Commissioner; James Settelmeyer, Nevada Dept. of Conservation & Natural Resources Representative; Alexandra Leumer, California Senate Rules Committee Appointee.





TAHOE REGIONAL PLANNING AGENCY  
OPERATIONS AND GOVERNANCE COMMITTEE

TRPA/Zoom Webinar

April 24, 2024

**Meeting Minutes**

CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Ferry (for Ms. Laine) called the meeting to order at 8:39 a.m.

Members present: Ms. Bowman (for Mr. Aguilar), Mr. Bass, Ms. Hill, Ms. Laine

I. APPROVAL OF AGENDA

**Agenda approved.**

II. APPROVAL OF MINUTES

March 27, 2024 Operations and Governance Committee Minutes

**Minutes approved.**

III. [Agenda Item No. 3 Recommend Approval of March Financial Statements](#)

Ms. Kathy Salisbury, TRPA Finance Director, introduced the item. Beginning with a budget update, Ms. Salisbury said there are still significant budget concerns in California. In April, the legislature voted to cut the budget deficit by 17 billion dollars, which included drawing from the rainy-day fund, and 1 billion dollars in cuts to the transit and inner-city rail capital program. Budget discussions are ongoing, and we will hear more in the May revise and the final budget deal in June. The annual report and audited financial statements for TRPA were submitted to the Assembly and Senate in April and did not require any discussion; they were approved.

In Nevada, a similar report was presented to the Interim Finance Committee in April. TRPA staff attended the meeting, and the reports were approved and dismissed without further discussion. Nevada operates on a 2-year budget cycle. Therefore, the next budget we prepare for them will cover the period from July 2025 through June 2027.

TRPA staff will attend the May 14th Board of Examiners meeting to discuss the staff salary increase request, submitted to Nevada in March. Approval of these funds at this stage is largely a formality.

Moving to highlights, we are three-quarters of the way through the fiscal year, reaching the 75% benchmark. There are no major financial surprises to report. The revenues are showing at 59% of the budget.

The planning fee revenues are measuring at 68% of the budget, which is slightly higher compared to this time last year. That can be explained by the fee increase that kicked in at the end of January. We're slightly lagging from the 3-year average, but that comparison includes the above-average year

## OPERATIONS AND GOVERNANCE COMMITTEE

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of 2022. So, with that unusually high revenue year, we are expected to see a slight lag in the 3-year average. The shoreline fees and AIS fee revenue are seasonal and are tracking normally at 63% year-to-date. As we get closer to the boating season, the gap should close.

Most of the revenue lag is due to the grant funds. We have three grants in particular that have had some delays. We have a Forest Service grant that is for forest health and stormwater, where we had a delay, but the paperwork is now in place, and we'll work hard to get caught up over this multi-year lifecycle grant.

The housing grants in California, known as REAP (Regional Early Action Planning) and HIT (High Intensity Transformative), have been halted because of the budget deficit in California. The housing program cuts, including the TRPA REAP and HIT grants, were not part of the budget cuts discussed in California in early April, but we don't know what will happen in the final budget cuts coming up in June. MPOs have already taken steps to access these funds and staff will continue to monitor the situation.

The expenses are running at 51% of the budget. Compensation is on track at 69% of the budget. This is normal to lag slightly at this time of year. We do have a year-end payroll accrual that bumps that up at the very end of the year, and we have just filled all the open staff positions, including the seasonal positions like boat crew.

The contract expenses are lagging more than normal at 38% of the budget. This is due to the delayed Forest Service REAP and HIT grants discussed earlier, and they affect the expense side as well as the revenue side.

The second debt interest payment of the year is due in June and will also increase expenses. But that doesn't happen until the very end of the fiscal year.

Referring to slide 7, Ms. Salisbury said this chart shows the breakdown of revenue by category. The anomalies on this chart are the lagging grant revenue at 25% for the reasons already discussed. The state revenue and local revenue are mostly collected upfront, so that is normal even though it's showing ahead of the benchmark. The other revenue category shown at the bottom at 518% is primarily investment revenue. Historically, it hasn't been this high, so the budget of a hundred thousand dollars was just an estimate, but it's nice to see year-to-date returns being above average.

So, we're going to take that one. Chad will give you a more thorough view of the investment yields as he covers agenda item number 6, the treasurer's report. Next slide, please.

Slide 8 shows the expenses broken down by category. They're all on track apart from the contract expenses shown at 38% of the budget, and that's the same Forest Service REAP and HIT grants delay.

Cash flow is shown on slide 9, and the graph on the left shows historical years laid over each other. The graph on the right shows a solid line for cash flow including mitigation funds and a dotted line for cash flow without mitigation funds.

TPA has just disbursed 5.1 million dollars through March, and the majority of that is the 3.7 million disbursement to CTC recently for the purchase of the Motel 6 acquisition. It's normal to see these large numbers because the mitigation funds are meant to be accumulated over years and then spent in larger portions to make a big impact.

### Committee Comments

Ms. Laine said it's really great news about the investment money being so strong, because if we don't get that \$60,000 for the HIT grant, it's good to know that we've got that cushion. She added

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that, reading back on the minutes from last month, Mr. Keillor, who was still with us at that point, was very concerned about the planning fees. Ms. Laine asked if that had changed.

Ms. Salisbury said it's running as expected. She thinks we're all concerned about the things we can't control. So, with the fee increase at the end of January and the building season coming up, the numbers are looking pretty normal. The primary concern is that when we look a few years back, just like with investment revenue, the farther you look back, the better indication you're going to have. With that spike in 2022, I think it was just unusually high. It will definitely be more telling as we come into May when we'll see April financials where the building season will pick up, so we'll know more in the next two months.

Public Comment

None.

Motion

Mr. Bass made a motion to recommend the Governing Board approve the March 2024 Financials

Ayes: Ms. Bowman, Mr. Bass, Ms. Hill, Ms. Laine.

**Motion passed.**

VI. [Agenda Item No. 4 Release of City of South Lake Tahoe Mitigation Funds towards the Bijou Park Class 1 Bicycle Trail – Greenway Connector](#)

Ms. Tracy Campbell, TRPA Environmental Improvement Program, presented this request from the City of South Lake Tahoe for \$216,481,000 in mobility mitigation funds and \$183,581.00 in air quality mitigation funds for the Greenway Connector Trail. These funds will go towards the construction of just over half a mile of bike and pedestrian trail linking the AI Tahoe Mobility Project with Phase 1B of the California Tahoe Conservancy's Greenway Trail.

This is an EIP priority project to advance transportation thresholds, which will further the goal of providing alternative modes of transport, and importantly, reducing carbon emissions and VMT. Ms. Campbell noted that this is the first request for mobility mitigation funds, following an update to the air quality funds to focus those monies on VMT reducing projects.

Committee Comments

Ms. Laine said this project is a perfect fit for the reduction of VMT. Mr. Bass said the City are extremely excited about this project, which will link a lot of trails to the Greenway.

Public Comment

None.

Motion

Mr. Bass made a motion to recommend the Governing Board approve the release subject to the conditions in the staff report.

Ayes: Mr. Bass, Ms. Bowman, Ms. Hill, Ms. Laine

**Motion passed.**

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V. [Agenda Item No. 5 Release of City of South Lake Tahoe Mitigation Funds to cover the cost of CARB compliance upgrade for Two XBroom Street Sweepers](#)

Ms. Tracy Campbell, TRPA Environmental Improvement Program, presented this request which is an add-on to a request approved last month for the purchase of two new street sweepers to replace failing units. Since then, City staff ascertained that the original quote was for non-CARB-compliant units, which is required by California regulations, so these funds will cover that additional upgrade.

Street sweepers reduce sediment and help prevent fine particulates from making their way to the lake. Street sweeping is a critical tool in meeting TMDL pollutant load reductions. As with the previous request last month, the City will be providing matching funds using their Measure S general funds.

Committee Comments

None.

Public Comment

None.

Motion

Mr. Bass made a motion to recommend the Governing Board approve the release subject to the conditions in the staff report.

Ayes: Mr. Bass, Ms. Bowman, Ms. Hill, Ms. Laine

**Motion passed.**

VI. [Quarterly Treasurer's Report](#)

Mr. Cox, TRPA Chief Financial and Administrative Officer, presented the item. Mr. Cox said we are in that part of the year where we use the state funds to fund operating activity. We had to move two million dollars from our LAIF account to cover this net cash usage from our operating activities in the month of March. We'll continue to use cash for the rest of the fiscal year, as we spend down the remainder of both states' funds.

Mr. Cox said they continue to manage the investment pool very conservatively, and there are no major changes to security ratings so far through the quarter. Referring to slide 26, Mr. Cox said there are two charts on this page; one shows the asset allocation, and shows that we are heavily invested in the two states' investment pools and treasuries, with only 8% in commercial securities.

The second pie chart in the middle shows the maturities. 75% of our maturities will mature within less than a year, so we are quite liquid. In the month of March, we did have one treasury note mature, which was yielding 2.2%. Mr. Cox said that as these securities are starting to mature, we're adding them in at a higher interest rate. So, we will start to see an increase in yields, which will be great. Mr. Cox added that there are three more treasuries maturing in April, May, and June. Slide 27 shows a comparative view of how we are doing versus T-bills, money markets, and the

## OPERATIONS AND GOVERNANCE COMMITTEE

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overall market. We have seen the treasuries less than one year flatten out over the last quarter, and then yields for greater than one year are up roughly 30 to 40 basis points since December.

Mr. Cox said the bottom line is that we continue to follow our policy. We should see a continued increase in interest being paid through the Principal Group, LAIF, and LGIP over the coming months as those catch up to the market and as the lower-yielding securities mature and we put in new securities at higher interest rates."

### Committee Member Comments

Regarding the \$2 million transfer from the LAIF account, Ms. Laine asked if the intention is to have that paid back by the end of the year, or is that money that we're just going to fold in and not replace. Mr. Cox said that as he understand it, as those state funds come in at the beginning of the fiscal year, we put them into LAIF, and then we'll spend down those funds as we work through the year. As it sits today, we have \$29.4 million in total cash. If you were to look at this at the beginning of the year, it would have been higher, so we spend it down over time. So, theoretically, yes, we'll put it back when we get the state funding in July at the beginning of fiscal year 2025, and then we'll spend throughout the year.

Ms. Laine said that from what she has observed of TRPA over time, this system seems to work well. It is very well managed, and we're enjoying higher interest rates right now when we need them.

Ms. Julie Regan, TRPA Executive Director, congratulated Mr. Cox on his first presentation as the official Chief Financial and Administrative Officer of TRPA.

Ms. Regan also made a notation for the benefit of the public to clarify the overall numbers and the net position of the agency. She said that TRPA hold in trust securities and mitigation funds, and sometimes there's a misunderstanding that those funds are available for TRPA's operations, and they're not. When a project happens, we collect a security, and those are held in trust until that project is complete and deemed successful. They are then returned to the project applicant or the property owner, whoever is appropriate.

The same goes for mitigation funds; the release that the Operations Committee members are recommending to the board for disbursement to the City or local jurisdictions comes from project applicants and property owners, and they go back into their jurisdictions to support environmental projects. TRPA is not using those funds for their general operating needs, and she wanted to clarify that because we've had some questions about that in previous meetings.

### VII. Upcoming Topics

Mr. Cox advised that the May meeting will include a financial update as usual, and an informational item on the 2025 Fiscal Year Budget to set the stage for the retreat. In June, we plan to approve the budget, and in July there will be a Treasurer's Report.

### VIII. Committee Member Comments

None.

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IX. Public Comments

None.

X. Adjournment

Ms. Hill made a motion to adjourn.

Ayes: [All]

Chair Laine adjourned the meeting at 9:10 a.m.

Respectfully Submitted,

*Tracy Campbell*

Tracy Campbell  
Executive Assistant

*The above meeting was recorded in its entirety. Anyone wishing to listen to the recording of the above mentioned meeting may find it at <https://www.trpa.gov/meeting-materials/>. In addition, written documents submitted at the meeting are available for review. If you require assistance locating this information, please contact the TRPA at (775) 588-4547 or [virtualmeetinghelp@trpa.gov](mailto:virtualmeetinghelp@trpa.gov).*

TAHOE REGIONAL PLANNING AGENCY  
LEGAL COMMITTEE

Tahoe Regional Planning Agency  
Zoom

April 24, 2024

**Meeting Minutes**

CALL TO ORDER AND DETERMINATION OF QUORUM

Vice Chair Aldean called the meeting to order at 8:32 a.m. on April 24, 2024.

Members present: Ms. Aldean, Ms. Faustinos, and Ms. Leumer.

Members absent: Mr. Rice and Ms. Williamson.

I. APPROVAL OF AGENDA

Mr. Marshall stated there were no changes proposed to the agenda.

Vice Chair Aldean deemed the agenda approved as posted.

II. APPROVAL OF MINUTES

Ms. Leumer made a motion to approve the March 27, 2024 Legal Committee meeting minutes as presented.

**Motion carried** by voice vote.

III. [RESOLUTION OF ENFORCEMENT ACTION: JONATHAN GALLEGOS, AND KINGDOM TREE SERVICES; UNAUTHORIZED TREE REMOVAL, 2675 ELWOOD AVE., SOUTH LAKE TAHOE, CA, ASSESSOR'S PARCEL NUMBER \(APN\) 031-132-013, TRPA FILE NO. CODE2024-0004](#)

Steve Sweet, TRPA Code Compliance Program Manager, presented on behalf of the agency on the resolution of an enforcement action involving Jonathan Gallegos and Kingdom Tree Service. The violation pertained to the unauthorized removal of four trees larger than 14 inches DBH (Diameter Breast Height) on the RJ Reality property at 2675 Elwood Avenue, South Lake Tahoe.

The presentation highlighted that TRP (Tahoe Regional Planning Agency) staff discovered the unauthorized tree cutting during an inspection in February 2024. Further investigation revealed that the trees, ranging from 19 to 28 inches DBH, were removed without approval from TRPA or the city of South Lake Tahoe. Kingdom Tree Service, a Sacramento-based company hired by Gallegos, conducted the removal.

While Mr. Gallegos claimed the trees posed safety concerns to the structure, TRP staff determined the trees weren't an immediate threat and should have undergone review before removal. The removal violated TRP Code Section 61.1.5, requiring permits for cutting trees over 14 inches.

Both Mr. Gallegos and Kingdom Tree Service accepted responsibility and agreed to a settlement,

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including a \$20,000 penalty to TRPA and attendance at a future tree removal seminar. TRPA staff deemed the settlement appropriate and recommended approval by the Governing Board.

Committee Member Comments and Questions

Ms. Faustinos asked why there isn't a requirement to replace the trees included in the Settlement Agreement.

Mr. Sweet responded that the TRPA Forester determined that the area where the unauthorized tree removal occurred is a denser neighborhood of trees. While acknowledging that some of the removed trees may not have been permitted, he noted that it's not currently a location where new trees would be required to be planted. Additionally, there is a forthcoming project for the area, and it's uncertain what will be built on the property. Therefore, planting trees at this time was deemed unnecessary by the forester.

Vice Chair Aldean raised a question regarding the potential redevelopment of the property, considering its history as an old church. She inquired about the agency's ability to require the property owner to replant trees as part of any redevelopment project in the future.

Mr. Sweet responded by explaining that the agency's forester did not see the need for replanting trees in the neighborhood where the unauthorized removal occurred. He mentioned that replanting trees is typically prioritized in areas with bigger open spaces or for view enhancement purposes, and not necessarily in denser, heavily forested neighborhoods like the one in question. Steve clarified that while the exact trees removed may not have been permitted, replanting them was deemed unnecessary for the overall health of the area. He also specified that the removed trees were Jeffrey Pines.

Public Comments

None.

Ms. Leumer moved to recommend Governing Board approval the Settlement Agreement, as presented in Attachment A.

Ayes: Ms. Aldean, Ms. Faustinos, and Ms. Leumer

Nays: None

**Motion carried.**

- IV. [RESOLUTION OF ENFORCEMENT ACTION: NADER AND BRIGITTE PANAH-IZADI; UNAUTHORIZED TREE REMOVAL, FAILURE TO IMPLEMENT AND MAINTAIN TEMPORARY BMPS RESULTING IN DIRECT DISCHARGE TO THE WATERS OF LAKE TAHOE, AND UNAUTHORIZED CONSTRUCTION IN THE SHOREZONE, 255 DRUM ROAD, EL DORADO COUNTY, CA, ASSESSOR'S PARCEL NUMBER \(APN\) 016-300-062, TRPA PROJECT FILE NO. ERSP2021-0568-01 AND TRPA ENFORCEMENT FILE NO. CODE2023-0090](#)

Steve Sweet, TRPA Code Compliance Program Manager, presented on behalf of the agency on



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the Resolution of an Enforcement Action involving Nader and Brigitte Panah-Izadi. The violations included unauthorized tree removal, failure to implement and maintain temporary Best Management Practices (BMPs) resulting in direct discharge to Lake Tahoe waters, and unauthorized construction in the shore zone. These violations occurred on the Panama property located at 255 Drum Road, El Dorado County.

During a routine inspection in December 2023, TRPA staff discovered multiple violations, including the removal of large trees without approval, discharges from different areas of the property, unauthorized construction of new stairs in the shore zone, and material damage to trees. Further investigations revealed over 14 violations of permits and ordinances, including the removal of trees over 30 inches in the conservation area.

Mr. Sweet provided visual evidence of the violations, including photos showing the graded and disturbed conservation area, material damage to trees, erosion leading to discharge into the lake, and unauthorized construction of stairs in the shore zone. He also showed a site plan illustrating the approved and unauthorized construction.

Mr. Panah-Izadi claimed the trees were removed for safety reasons due to their proximity to the house overlooking the lake, although their danger wasn't imminent and their health wasn't assessed.

Despite disputes over responsibility for the violations, TRPA staff maintained that the settling parties, as owner and general contractor, were ultimately responsible. The parties agreed to resolve the violations through a settlement agreement, which includes paying a penalty of over \$55,000 to TRPA, obtaining permits for all revisions, and restoring disturbed areas on the property. Additionally, they will plant native conifers in the conservation and shore zone areas where the tree was removed.

While disagreements may persist between TRPA staff and the settling parties, the settlement agreement remains legally binding. TRPA staff view the agreement as an appropriate response to the violations and recommend approval by the governing board to deter future violations of a similar nature.

### Committee Member Comments and Questions

Vice Chair Aldean inquired as to the health of the 30inch cedar that was topped in the conservation area.

Mr. Sweet confirmed that that tree was dead as a result of being topped, but it will be left as is per the agreement. Additionally, a cedar tree over 30 inches in DBH that was topped will also be left with the remaining trunk not to be further removed.

Mr. Sweet explained the importance of reviewing even dead trees over 30 inches, as they can serve as wildlife trees. Despite being topped, leaving the tree in place can still provide habitat for wildlife. He noted that while it won't be as effective as a standing tree, it can still contribute to wildlife habitat in the conservation area. The decision to leave the tree as is aligns with the forester's recommendation.

Ms. Aldean asked about the timeframe for planting additional trees. She inquired whether there is a deadline for this planting process, specifically whether it needs to be completed before the

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final inspection or finalization of the permit.

Mr. Sweet confirmed that it will be part of the required restoration plan. There will a new scenic analysis and a Scenic Restoration plan, which includes planning for two 15 to 20-foot native conifers to replace the unauthorized removal, need to be prepared and submitted. While there is language regarding survival and replacement, he expressed curiosity about the timeframe for submitting the Restoration form. However, he noted that it doesn't appear there's a specific timeframe mentioned, but ensuring it's included in the plan would be helpful for all parties involved.

Ms. Aldean asked if Mr. Panah was a licensed contractor and, if so, should he also be required to attend the tree removal seminar? Mr. Sweet confirmed that he's the owner/builder of this property only.

Representing the Panah-Izadis, Mr. Muse-Fisher expressed full support and a desire to collaborate with TRPA. He noted that for the three 15-20 foot trees that need to be planted, there is a six-month timeframe after the plan is approved. He believed that this timeframe would be consistent for any other trees that need to be planted. He expressed appreciation for the assistance provided by TRPA's legal department in facilitating the process. He emphasized Nader's commitment to addressing the issues so that the project can move forward in alignment with TRPA policies, reiterating their willingness to work with TRPA.

Public Comments

None.

Ms. Leumer moved to recommend Governing Board approval the Settlement Agreement, as presented in Attachment A.

Ayes: Ms. Aldean, Ms. Faustinos, and Ms. Leumer

Nays: None

**Motion carried.**

V. CLOSED SESSION WITH COUNSEL TO DISCUSS EXISTING AND POTENTIAL LITIGATION

Ms. Leumer made a motion to move to closed session.

**Motion carried** by voice vote.

The Legal Committee was in closed session for approximately 25 minutes.

Ms. Leumer made a motion to move to open session.

**Motion carried** by voice vote.

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VI. POTENTIAL DIRECTION REGARDING AGENDA ITEM NO. 5

No direction.

VII. COMMITTEE MEMBER COMMENTS

None.

VIII. PUBLIC INTEREST COMMENTS

None.

IX. ADJOURNMENT

Ms. Leumer moved to adjourn.

Meeting adjourned at 9:27 a.m.

Respectfully Submitted,



Katherine Huston  
Paralegal

*The above meeting was recorded in its entirety. Anyone wishing to listen to the recording may find it at <https://www.trpa.gov/meeting-materials/>. In addition, written documents submitted at the meeting are available for review. If you require assistance locating this information, please contact the TRPA at (775) 588-4547 or [virtualmeetinghelp@trpa.gov](mailto:virtualmeetinghelp@trpa.gov).*



TAHOE REGIONAL PLANNING AGENCY  
GOVERNING BOARD

TRPA/Zoom

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**Meeting Minutes**

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Ms. Gustafson called the meeting to order at 10:33 a.m.

Members present: Ms. Aldean, Ms. Bowman (for Mr. Aguilar), Mr. Bass, Ms. Conrad-Saydah, Ms. Diss, Ms. Faustinos, Ms. Gustafson, Ms. Hays, Ms. Hill, Mr. Hoenigman, Ms. Leumer, Ms. Hales (for Mr. Rice), Mr. Settelmeyer

Members absent: Ms. Laine, Ms. Williamson

II. PLEDGE OF ALLEGIANCE

Mr. Bass led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

Ms. Regan stated that there are no changes.  
Ms. Gustafson deemed the agenda approved as posted.

IV. APPROVAL OF MINUTES

Ms. Aldean moved approval of the March 27, 2024 minutes as presented.  
**Motion carried unanimously-Voice vote.**

V. TRPA CONSENT CALENDAR

1. March Financials
2. Release of City of South Lake Tahoe Mobility Mitigation Funds (\$216,481.69) and Air Quality Mitigation Funds (\$183,518.31) towards construction of Bijou Park Class 1 Bicycle Trail – Greenway Connector
3. Release of City of South Lake Tahoe Operations & Maintenance (O&M) Mitigation Funds (\$21,092.06) and Air Quality Mitigation Funds (\$54,685.35) to cover the cost of CARB compliance upgrade for Two XBroom Street Sweepers
4. Resolution of Enforcement Action: Jonathan Gallegos, and Kingdom Tree Services; Unauthorized Tree Removal, 2675 Elwood Ave., South Lake Tahoe, CA, Assessor's Parcel Number (APN) 031-132- 013, TRPA File No. CODE2024-0004
5. Resolution of Enforcement Action: Nader and Brigitte Panah-Izadi; Unauthorized Tree

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Removal, Failure to implement and maintain temporary BMPs resulting in direct discharge to the waters of Lake Tahoe, and Unauthorized Construction in the Shorezone, 255 Drum Road, El Dorado County, CA, Assessor's Parcel Number (APN) 016-300-062, TRPA Project File No. ERSP2021-0568-01 and TRPA Enforcement File No. CODE2023-0090

6. California Tahoe Emergency Services Operation Authority, Paramedic Services Building Addition and Change of Use, 3066 Lake Tahoe Boulevard, City of South Lake Tahoe, California, TRPA File Number ERSP2023-1003, Assessor's Parcel Numbers (APN) 026-050-005
7. APC Membership appointment for the Washoe County Lay Member, James McNamara
8. Authorized Personnel for Local Agency Investment Fund (LAIF)

There are eight items on consent, three were reviewed by the Operations and Governance Committee, two were reviewed by the Legal Committee, and three were not reviewed by any committee.

Ms. Hill said the Operations and Governance Committee recommended approval of items one, two, and three. The March financials are in line with what staff expect. The investment income has gone up about \$100,000 which is good in light of potentially some reductions from the state of California.

Ms. Aldean said the Legal Committee recommended approval of the settlement agreements for items four and five as negotiated by staff.

### Board Comments & Questions

Mr. Bass said one enforcement settlement was \$20,000 and the other was \$55,000. It seems like the \$55,000 was pretty erroneous with three trees over 30 inches. How do we calculate these fines?

Mr. Marshall said staff takes into account the number of violations and whether or not the violations produce harm to the environment. We have a matrix of past violations and whether or not they are in the ballpark. Some can be compared straight across. Item number five was more complicated, there were a few different factors in the degree of culpability. They negotiate from a slate of factors and look to see whether or not this is an appropriate penalty for this particular set of combination of factors. A tree violation is \$5,000 per tree which was for item number four. Number five had different kinds of violations as well as a couple of tree cutting violations and that is why the fine was higher. The Legal committee had a discussion about this one as to the different types of violations, particularly the tree violations. The tree violations were not done for scenic purposes and were done for safety reasons because they could have potentially fallen down and one of them was dead.

Mr. Bass said \$5,000 is a lot different these days compared to what it was 20 years ago. When was the last time we looked at that fee?

Mr. Marshall said we are limited to \$5,000 per day per violation. When a tree is cut and if staff doesn't think there is an ongoing violation as opposed to when for example, coverage is put down. But another consequence of tree cutting that they do where it's appropriate is

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some element of restoration such as replanting of trees to try and remove any benefit gained from the illegal tree cutting. A large part of their success, particularly in tree violation comes through the education and outreach that Mr. Sweet and forester Mr. Barr does with the tree cutting companies within the basin. Number four had an out of basin tree cutting company that was involved and as part of the settlement agreement they are required to attend the next seminar on what requires a permit.

Ms. Hill said the Washoe County Board of Commissioners voted for Mr. McNamara's confirmation for their Advisory Planning Commission lay member. She did not vote for his confirmation but will support that today. Ms. Simon was an amazing APC member and she thanked her for her service to the Advisory Planning Commission.

### Public Comments

Ann Nichols, North Tahoe Preservation Alliance said you have \$6 million in contracts and there's no detail. It's a huge part of the budget. It's the second time I've asked for some detail on what does that mean. The other is you've got \$31 million in cash and investments which I guess you started out at a million a year when you first came into being and now you're spending about \$20 million a year. Couldn't you do something about affordable housing with this or something that would be beneficial to the community, microplastics or the lead in the lake.

Ms. Regan made a comment about this at the Operations and Governance Committee this morning. The majority of those funds on our balance sheet are either securities that we accept as part of a project, where a project upon completion inspections is done and if it's deemed in compliance those monies are returned to the project applicant property owner. And there are also mitigation funds that we hold also in trust and at the Operations committee today we released some of those mitigation funds to the city of South Lake Tahoe for efficient sweepers and for trails. Mitigation fees that are part of a project are held in trust by the Agency and then at the right time distributed by this board upon action to improve the environment in local jurisdictions where those fees are collected. As we get into the budget development process, we'll talk more about contracts.

Ms. Hill moved to approve the TRPA Consent Calendar.

Ms. Gustafson recused herself from Consent Calendar Item No. 5 Resolution of Enforcement-Panah.

Ayes: Ms. Aldean, Ms. Bowman (for Mr. Aguilar), Mr. Bass, Ms. Conrad-Saydah, Ms. Diss, Ms. Faustinos, Ms. Gustafson (except CC 5), Ms. Hill, Mr. Hoenigman, Ms. Leumer, Ms. Hales (for Mr. Rice), Mr. Settelmeyer

Absent: Ms. Laine, Ms. Williamson

**Motion carried.**

Ms. Aldean moved to adjourn as the TRPA and convene as the TMPO.

**Motion carried-voice vote.**

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VI. TAHOE METROPOLITAN PLANNING ORGANIZATION CONSENT CALENDAR

1. Draft Fiscal Year 2024/25 Tahoe Metropolitan Planning Organization Transportation Planning Overall Work Program (OWP)
2. 2024 Tahoe Metropolitan Planning Organization Public Participation Plan

Ms. Hill said the Transportation Committee recommended approval of items one and two.

Board Comments & Questions

None.

Public Comments

None.

Mr. Bass moved to approve of the TMPO Consent Calendar.

Ayes: Ms. Aldean, Ms. Bowman (for Mr. Aguilar), Mr. Bass, Ms. Conrad-Saydah, Ms. Diss, Ms. Faustinos, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Ms. Leumer, Ms. Hales (for Mr. Rice), Mr. Settelmeyer, Mr. Walker (US Forest Service)

Absent: Ms. Laine, Ms. Williamson

**Motion carried.**

VII. PUBLIC HEARINGS - TMPO

A. 2024 Active Transportation Plan

Ms. Regan said Mr. Walker, US Forest Service will be joining us for this public hearing on the Active Transportation Plan. We spoke at length at the Transportation Committee about all the various moving parts in the Keeping Tahoe Moving Initiative and the Regional Transportation Plan. Making Tahoe more walkable, bikeable, and pedestrian-friendly is a core tenet, not only of our Regional Transportation Plan, which this is going to roll up and support, but also of the overall Regional Plan for the Tahoe Basin. It was a huge push in the 2012 update of the Regional Plan.

The Compact gives us a mandate to reduce dependency on the private automobile and to look for other opportunities for mass transportation options in the basin. Getting people out of their cars is difficult. It's something we, as an agency with our partners, have been working on for decades. But what we have proven through active transportation and building a trail network and making Tahoe safer for people to not drive around is that people love it. They will get out of their cars if the facilities are here, if they are available in the winter, safe, and convenient.

TRPA has shown leadership in this space, not only in our region but in the nation. This is an area that's expensive to go back and retrofit once highway networks surround our communities to make them safe and attractive for pedestrians, rollers, and cyclers is extremely difficult. During this presentation there are projects mentioned, but this is not



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endorsing or approving any particular project which will be analyzed separately.

Mr. Murry provided the presentation.

Mr. Murry said active transportation here refers to any mode of travel that involves walking, biking, or rolling. Now included in this plan are electric devices. Here on the South Shore, we also have shared scooters, electric scooters, and e-bikes. When we talk about pedestrians, we're also talking about folks who use assisted mobility devices such as wheelchairs, walkers, electric wheelchairs, etc.

TRPA doesn't build projects and is not an infrastructure implementer, but we do have a large role to play, especially regionally, on how these projects get carried out. And of course, the funding and other mechanisms. The plan identifies policy goals that implementers can adopt and help us move our goals forward. Regionally, we also have the priority project identification and have a comprehensive list of projects around the basin that we'd like to get funded and implemented. We have a complete streets guideline and other best practice infrastructure recommendations that implementing agencies can draw upon for their own projects. Grant funding is probably one of the most important components of the plan as it identifies these projects.

TRPA's bread and butter are that regional cohesion assuring that the projects across county and state boundaries are cohesive in their network and how they're built out as we try to coordinate jurisdiction to jurisdiction. It's a general guiding document with high level implementation. The plan also includes a monitoring and adaptive management component which is the bicycle and pedestrian monitoring protocol. We have multiple counters across the lake to collect the bicycle and pedestrian users of the trail including getting pre-imposed project counts. For example, there's a project that is going in at a specified location and before the project is implemented, we can put a counter out there. Say there are ten cyclists a day are using this particular route but once the implementer builds the low stress facility, we see 300 people a day using that route. That's helpful for not only planning purposes, but shows that folks will use these facilities if they're provided.

As the Metropolitan Planning Organization, we're tracking network performance and is something that we have to do as well as project support. When agencies take these new projects to the public for outreach, we can show how many people are using these trails or facilities. He's worked for another California agency and has been doing this bicycle and pedestrian work for almost eight years now and find Tahoe's monitoring protocols to be some of the most comprehensive.

As part of the development of the 2024 Active Transportation Plan they convened a technical advisory committee over 1.5 years ago. They attended over 25 in-person public outreach events reaching over 400 people and issued a transportation survey. The transportation survey was put out alongside the Vision Zero safety strategy. We were hearing on a number of transportation safety items that relayed beyond just Active Transportation, but we got a really good response on what folks would like to see. There were 1,200 respondents to the survey. There was also an environmental analysis, looking at the sensitive habitats and areas to make sure that our projects are not having a negative effect on the environment.

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The last Active Transportation Plan was adopted in 2015, with subsequent technical amendments in both 2015 and 2018. Given advancements in the active transportation field since then, the 2024 plan places a stronger focus on enhancing safety and reducing stress on the on-street network. While recommendations for class one trails are still included, the emphasis is on making on-street networks more inviting for walking and biking. One significant addition to the plan is the updated priority project list, which includes new facility recommendations and best practice guidelines for implementation. Additionally, new analyses, such as the Bicycle Level of Traffic Stress and Pedestrian Experience Index, provide insights into stress levels on roadways and pedestrian environments.

The Bicycle Level of Traffic Stress analysis categorizes roadways based on stress levels for cyclists, ranging from low stress to high stress. This analysis aims to improve safety for all road users by reducing vehicle speeds. Similarly, the Pedestrian Experience Index evaluates pedestrian environments and aims to enhance walkability, particularly in town centers.

The 2024 plan also introduces winter maintenance recommendations, addressing challenges related to snow removal and accessibility during winter months. Techniques such as sneckdowns and snow dragon snow removal equipment designed for bicycle lanes are highlighted to improve winter access for active transportation users. New facility design guidance includes buffered bike lanes, protected bike facilities, and shared-use paths. These designs aim to provide greater separation between cyclists, pedestrians, and vehicles, enhancing safety and comfort for all users. Public feedback on the draft plan was largely positive, with over 30 emailed comments received. The final plan incorporates this feedback and is presented for potential adoption by the governing board.

There are many suggestions to the new facility design guidance but the Class 2B or a buffered bike lane also encompasses the Class 4 protected bike way facility. It shows a cyclist in a bicycle lane with paint marking the lane, providing about 2 feet of separation between the automobile travel lane and cyclists. This buffer reduces roadway stress, enhancing safety. Additionally, there are planter boxes representing a protected bicycle facility, providing vertical separation between vehicles and cyclists. The planter boxes can be removed in winter for easier snow removal. While South Lake Tahoe piloted similar approaches with mixed results, the presence of planter boxes kept cars out of bike lanes, reducing stress for cyclists and potentially enhancing safety for all road users. Buffered bike lanes have been proven to reduce vehicle travel speeds, contributing to overall safety. Moreover, Tahoe boasts shared-use paths, enhancing regional connectivity. The plan includes suggestions for more shared-use paths, marked with icons for cyclists and pedestrians, clarifying usage areas.

Feedback on e-bikes on shared-use trails led to lane markings delineating usage zones, promoting organization and safety. Signs indicating trail sharing rules further enhance user understanding. Reducing roadway stress allows repurposing of travel lanes for bicycle facilities, creating dedicated space for pedestrians and separating faster-moving cyclists onto buffered lanes. This approach enhances mode separation, a key aspect of the plan's design philosophy.

The plan was released on February 27th, 2024, and remained open for feedback until March 27th, 2024. Over 30 email comments were received, and the Advisory Planning Commission provided a recommendation for plan approval to the Governing Board. Feedback from

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various transportation and advisory boards was largely positive, with enthusiasm for the plan's contents. Attachment B to the staff report details the edits made based on feedback, culminating in the final plan presented.

Presentation: [Agenda-Item-No-VIIA-2024-Active-Transportation-Plan.pdf](#)

### Board Comments & Committee

Mr. Bass said you talked about the missing links and the significant number of people who visit Emerald Bay. Is there any planning or discussion about creating a more pedestrian-friendly link between Kiva and Emerald Bay? Something similar to how someone would get to Kiva or Camp Richardson.

Mr. Murray said he doesn't have all the specifics on that project, but I'm aware of ongoing discussions involving the land partners responsible for its implementation.

Ms. Caringer said we're just beginning the environmental review for potential segments to Emerald Bay in collaboration with the Forest Service and state parks. It's part of the next phase following the implementation of the overall corridor plan that was finished a few years ago. We'll be scoping out which parts are most crucial to move forward with next.

Mr. Bass said it looks like South Lake and the casino corridors are highlighted in green on the map, which is great but there's a significant gap along Pioneer Trail through the Stateline corridor. Through US 50 revitalization what was part of what would have fixed some of that and now US 50 revitalization is being proposed to end at the California Stateline. This leaves a crucial gap for pedestrians and cyclists. This needs consideration since it's a heavy pedestrian area. What is the plan and should it be the US 50 revitalization extending it past the Stateline connecting to Pioneer Trail.

Mr. Murry said there are multiple community revitalization projects that have been ongoing for quite some time. While one project may conclude at the Stateline, there are discussions and projects in progress to address the corridor specifically, either by rerouting Lake Parkway or enhancing pedestrian and bicycle infrastructure along US 50 on the California side. Additionally, there's a bicycle improvement project underway on Pioneer Trail this summer, indicating ongoing efforts to address stress levels in that area.

Ms. Regan said that area is indeed well known for its walkability and bikeability. The original US 50, also known as the loop road project, and the community revitalization project that was approved by this board some years ago, included a mainstreet management plan through the corridor, aiming to address the unsafe conditions present. While the city has made significant strides in areas like lighting, complete streets, and landscaping, there remains much more work to be done, especially given the current rescope of the project.

Mr. Bass' point about the future evolution of the project is crucial, particularly in addressing these critical needs.

Mr. Bass said ending the project at the stateline seems inadequate, considering the significant benefits that both sides of the state could enjoy. Given the project's history, where a considerable portion of the funding likely originated from California, it seems

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illogical to halt the improvements at the Stateline, depriving pedestrians of necessary enhancements.

Ms. Hill said my constituents often express concerns about biking, and I'm sure you've heard similar feedback from many Incline Village residents. The dilemma facing local governments, which hopefully TRPA can assist involves the transition of e-bikes from multi-use trails to the roads. It's a complex issue, requiring careful management to ensure safety while maintaining infrastructure. There's a push and pull dynamic, with cyclists hesitant to move onto roads where they may feel less safe. This is a dilemma and while she doesn't have all the answers, I believe technical assistance from entities like Washoe County could be invaluable. Unlike the roads in the Reno-Sparks area that Washoe County maintains, incorporating bike-friendly measures into rural county roads presents unique challenges. Additionally, snow removal on trails is another area where we need improvement. While Washoe County has made strides, there's still much work to be done. I'm hopeful that TRPA can support us in identifying funding opportunities and providing technical assistance.

Ms. Aldean said the network recommendations on page 182 include an updated map of the corridor crash analysis. Does this analysis extend to all users? Ms. Hill raised a valid point about ongoing user conflicts on multimodal pathways. It's challenging to collect that data because many times there's no response from emergency personnel or official reports. Addressing these user conflicts is crucial, and one solution could be physically separating lanes to ensure pedestrians feel safe and cyclists can navigate freely without having to dodge around pedestrians.

Mr. Murray said to clarify, does the collision analysis include incidents where a cyclist hits a pedestrian? No, it does not. Our analyses rely on available data, and if an incident is not considered serious, it may not be reported. We're collaborating with Vision Zero strategy process and first responders to find better ways to capture this data. They're working with Caltrans and NDOT to make that data better.

Ms. Aldean asked if it could be done collaborating with advocacy groups, which could be incredibly valuable in gathering data on user conflicts. Engaging their members who actively use these facilities could provide real-time insights into potential issues. Implementing a special reporting number, distinct from 911, where individuals can leave messages detailing the segment of roadway, the circumstances leading to the collision, and any other relevant information, could indeed help in gathering the necessary data for a comprehensive Analysis.

Ms. Conrad-Saydah said we often receive comments about e-bike safety and have you had discussions with e-bike rental companies about contributing to painting or identifying different routes for e-bikes. However, exploring options for educational messaging could be beneficial. This could include outlining expectations and responsibilities when renting an e-bike, such as maintaining safe speeds and respecting pedestrians on walkways. Engaging in these conversations with e-bike rental companies could help promote safer practices and enhance the overall experience for all users.

Mr. Murray said while direct conversations with e-bike rental companies haven't occurred, he's worked with advocacy groups like the Tahoe Area Mountain Biking Association (TAMBA) and the Lake Tahoe Bicycle Coalition to address e-bike safety through educational

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materials and campaigns. Collaborating with these groups has been valuable in promoting awareness of e-bike classifications, rules, and etiquette on trails. Additionally, organizations like Take Care Tahoe/Tahoe Fund have been proactive in creating engaging messages to encourage courteous trail use. These efforts, while not directly involving e-bike rental companies, have contributed to promoting safer practices among e-bike users.

Ms. Regan said in the past TRPA has been part of the Pathway Partnership initiative with various stakeholders like the Tahoe Fund, Forest Service, and State Parks. It's evident that efforts have been made to address trail safety and user education.

Ms. Conrad-Saydah suggestion of potentially implementing a small fee on e-bike rentals or sales to contribute to a fund specifically for signage and educational campaigns. This could be an effective way to ensure that those benefiting from e-bike use also contribute to initiatives aimed at promoting safe and responsible trail usage.

Ms. Gustafson said the parks districts get involved in operating the trails. It's clear that education is a key component in addressing trail safety concerns related to e-bike use.

Mr. Walker said the Forest Service currently does not have any trails open to e-bikes and is going through a planning effort to evaluate what trails on the national forest would be suitable. One of the trails most commonly used by e-bikes on the national forest although not authorized is the Pope Baldwin scenic trail. Their communication with the bike rental companies has been where they can appropriately use them. They work on education and engineering and then follow that up with enforcement.

Ms. Faustinos said the discussion about signage and the importance of consistent usage of symbolism is crucial for making trails more enticing and user-friendly for the general public. Having appropriate signage at every point along the trail can greatly enhance the overall trail experience. She also highlighted the idea of implementing scannable codes that provide accessible trail information, such as trail length and difficulty level. This kind of common language would be incredibly useful for trail users to make informed decisions about which trails to explore. She expressed her appreciation for the phenomenal job done by the staff in putting together this comprehensive analysis. The detailed maps and stress level assessments are fascinating and demonstrate a commitment to improving trail safety and usability.

Mr. Hoenigman asked if they've looked at initiatives such as One Tam in Marin County where the national parks, state parks, the national forest, state forest, the county water districts, and the local communities banded together to create One Tam where all the signage is shared. We have so many different entities, it's mind boggling.

Ms. Regan said they've coordinated with One Tam who came to TRPA about six or seven years ago to look at our Environmental Improvement Program as a mode of that public, private, federal, state, local nonprofit tribal partnership. Sharon Farrell, Deputy Director of the Golden Gate Park Conservancy was a key driver of that working with the water district and bike shops.

Mr. Murray said ensuring consistency and cohesion in wayfinding signage is indeed crucial for trail navigation. Recognizable and standardized signage, such as those iconic US Forest

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Service signs, helps users easily understand directions and locations regardless of their location along the trail.

Mr. Hoenigman asked if we are putting together a lasting partnership to streamline trail management and coordination among various entities, it's an ongoing effort.

Mr. Murray said these partnerships have been in progress for years, and TRPA has been involved in guiding and facilitating discussions on how best to manage shared issues.

Public Comments

Ann Nichols, North Tahoe Preservation Alliance is glad to see that the stress level color was changed for Crystal Bay Hill from low to high stress. But you neglected to change the pedestrian stress level. If you're driving, there is no way to give the bicyclist three feet of distance. We need to have someone on the north shore do the review for TRPA to ensure consistency because there is a disconnect. It would also be nice to have something done for winter. There's a lot of money for these projects, wouldn't it be great to see all that money put towards the environment such as the lead cable in the lake, microplastics, and invasive species, etc. It's disappointing to see it's all about trails and attracting more and more people, which could be the problem.

Helen Neff acknowledged the hard work of the transportation planning team and their efforts in generating reports and conducting public outreach. Implementing these plans and integrating them into future developments will be crucial for improving transportation infrastructure and pedestrian safety. She has concerns about the Nine 47 project and their potential impact on pedestrian experience highlight the importance of thorough consideration and improvement in future endeavors. Hopefully, future projects will address these concerns and incorporate the recommendations outlined in the transportation plans.

Mr. Bass made a motion to adopt a finding of no significant effect as set forth in Attachment D and TMPO Resolution 2023 -\_\_ to approve the TRPA 2024 Active Transportation Plan.

Ayes: Ms. Aldean, Ms. Bowman (for Mr. Aguilar), Mr. Bass, Ms. Conrad-Saydah, Ms. Diss, Ms. Faustinos, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Ms. Leumer, Ms. Hales (for Mr. Rice), Mr. Settelmeyer, Mr. Walker (US Forest Service)

Absent: Ms. Laine, Ms. Williamson

**Motion carried.**

Mr. Hoenigman moved to adjourn as the TMPO and reconvene as the TRPA.

**Motion carried-voice vote.**

VIII. PLANNING MATTERS

- A. South Tahoe Public Utility District, Solar Power Project, 1275 Meadow Crest Dr, South Lake Tahoe, California, TRPA File Number ERSP2023-1088, Assessor's Parcel Numbers 025-041-012, 025-051-27, 025-061-030, 025-061-031, 025-061-032, 025-061-033, 025-061-035, 025-071-022

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Ms. Regan said this is history in the making for the Tahoe Basin. This could be the largest solar array in the basin. TRPA has had solar panels on the roof for a number of years and roof top solar has been spreading around the basin despite the snow and challenges that go with it. We've made a commitment as a basin to pursue our goals for climate, but this is a game changer.

Ms. Ryan, South Tahoe Public Utility District and Mr. Stockham, Stockham Consulting provided the presentation.

Ms. Ryan said the South Tahoe Public Utility District's as the largest energy user in the Tahoe Basin and Liberty Utilities' largest customer, the South Tahoe PUD has been grappling with escalating costs. We're committed to integrating renewable energy into our power portfolio. This solar project has been in the works for nearly 5 years, originating from the Solar Energy and Economic Development (SEED) Fund Sierra collaboration of public agencies. After a rigorous request for proposal process, Staten Solar was selected as our development partner. They'll design, build, and own the proposed one-megawatt solar facility, which will be located on district property and exclusively power our wastewater treatment plant.

The South Tahoe PUD's primary goal is to protect Lake Tahoe by providing cost-effective wastewater services to the South Shore community. This solar project aligns with our environmental and financial objectives. It will cover one-third of the power needs of our wastewater treatment plant, reducing our reliance on the grid. Moreover, it prepares us for future battery storage integration and significantly reduce carbon emissions. Financially, the project is designed to maximize solar production while providing cost-saving benefits, with an estimated savings of \$5 to \$10 million over the agreement's 28-year term.

It's a one-megawatt ACRA, sized to generate 1.339 megawatts DC of power. In its first year, it's expected to produce over 1.9 million kilowatt hours of clean solar power. The ground-mounted array will occupy 3.3 acres, with a 100-foot buffer area to minimize tree impact. It will be located on district property, strategically chosen for optimal solar production and minimal disruption to wastewater treatment operations. Access will be via a 450-foot-long road within the treatment plant, leading to a fenced area surrounding the array. Helical piles will be used for foundation, minimizing ground disturbance, and provisions are in place for snow management during extreme weather conditions.

### Board Comments & Questions

Ms. Conrad-Saydah asked if the power from the site go directly to the wastewater treatment facility or will it be wheeled into Liberty and then back to you?

Ms. Ryan said it is a behind the meter project. It will feed into their side of the power meter but it's a net metering project. Any excess power generated that isn't immediately needed at the wastewater treatment plant will flow into the grid.

Ms. Aldean understands the benefits to this project in terms of cost defrayment for electricity users. However, there are also unintended consequences. Articles in Forbes magazine raised concerns about the disposal of solar panels containing toxic materials like lead and cadmium. Was there any consideration given to the disposal of panels when they

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degrade or are damaged?

Mr. Stockham said we discussed this issue in detail. Solar panels are a global issue, and recycling technology is evolving rapidly. The contract with Staten addresses maintaining the site's operational condition and addressing degradation problems promptly. Proper disposal at the end of the panels' lifespan is also mandated. Should there be site mitigation during removal? Yes, there will be site restoration following the removal of the array. The environmental benefits of this project far outweigh the risks.

Ms. Aldean suggested having a commitment from the company installing the panels that if they significantly degrade, they will be immediately removed. Some of the materials in the panels can leach into the ground if they get damaged, leading to environmental concerns. It would be reasonable for the STPUD to request this commitment to avoid being held responsible for environmental degradation.

Ms. Ryan said the contract with Staten as the owner addresses the issue of maintaining the site in operational condition and dealing with degradation problems in a timely manner. Staten also has an incentive to ensure that the panels are in good repair because damaged panels would not produce power at the committed levels. Additionally, at the end of the 28-year contract, if the district decides not to take over the array, Staten is obligated to remove all panels and dispose of them properly according to regulations in place at that time.

Ms. Conrad-Saydah asked if site mitigation is included in the contract at the time of removal.

Ms. Ryan said yes, that was a condition of the agreement.

Ms. Conrad-Saydah said 30 years of this solar power versus 30 years of dirty natural gas or fossil fuels, you need to look at the impact of both. If we continue our consumption and demand as is, we're dealing with toxins no matter what. We need to reduce consumption in the first place and creating homes that are more energy efficient and reduce consumption overall.

Ms. Aldean agreed but asked if there was any thought to putting a layer of some sort of impervious material underneath the panels to avoid any leaching into the soil.

Mr. Stockham said that would count as coverage and impede native vegetation. There is not a film or paving proposed under the panels.

(presentation continued)

Mr. Stockham is assisting as an outsource reviewer. This project was a departure from our typical review process. He collaborated closely with TRPA staff Mr. Nielsen. We conducted multiple site visits with the applicants and iterated through several versions of our findings. It's important to highlight the significance of this project, both for renewable energy production and as the first large ground-mounted solar system in the Tahoe Basin. Therefore, we aimed for a thorough yet timely review, given the project's reliance on tax credits and other financial considerations.



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The project requires approval from the Governing Board for two reasons: The addition of land coverage and substantial tree removal. Fortunately, our region has a robust policy and regulatory framework for reviewing such projects. This framework, outlined in the regional energy policy, encourages the development of renewable energy facilities under environmentally feasible conditions.

Key considerations guiding the review: First, it's essential to acknowledge the project's alignment with the region's climate goals, including achieving net-zero carbon emissions by 2045. Energy consumption, particularly in the city of South Lake Tahoe, is a significant contributor to greenhouse gas emissions. Therefore, transitioning to renewable energy sources is imperative.

The project aims to generate 1.925 million kilowatt-hours of electricity annually, equivalent to nearly a third of the energy demand for the treatment plant. While not a massive utility-scale project, it will have a significant impact, offsetting carbon emissions and contributing to the city's renewable energy goals. Our review focused on four regulatory topics, with tree removal being the most prominent. The project requires the removal of 23 large trees and 108 additional trees over 14 inches in diameter. However, stringent approval criteria ensure that tree removal is justified and minimized wherever possible.

The site selection process prioritized minimizing environmental impact. The chosen site, nestled in a shallow basin surrounded by forest, minimizes visibility and preserves surrounding habitat.

The project has undergone an extensive process, including outreach to nearby property owners and soliciting feedback. Overall, the response has been overwhelmingly positive, with support from local stakeholders and authorities. In conclusion, based on our review, we recommend approving the project subject to the outlined conditions.

Presentation: [Agenda-Item-No-VIIIA-South-Tahoe-Public-Utility-District-Solar-Power-Project.pdf](#)

### Board Comments & Questions

Mr. Bass said this is an exciting project and aligns with the City of South Lake Tahoe's sustainability goals. He has concerns about snow removal. He thinks about when they'll make a panel that has a heating element to melt the snow. Is this the only type of solar array that we've seen in a snow country like ours?

Mr. Stockham said the Town of Truckee wastewater treatment facility has a solar array that is smaller than this one and doesn't generate as much power. But there are solar arrays that work in snow country at elevation. From a personal experience with solar panels on roofs in snowy areas suggests they are durable and can withstand significant snowfall. They naturally shed as temperatures rise but occasional snow removal may be necessary and is why there's a condition that they do it over snow like a ski area would. That will prevent the pollutant runoff.

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Ms. Ryan received feedback from Mammoth, which uses articulating solar panels to minimize snow accumulation, suggesting that the maintenance required may outweigh the benefits.

Mr. Bass asked how high off the ground are these solar panels.

Ms. Ryan said that low edge of being four feet was the tallest they could do with the supports without getting into structural challenges. The typical was two feet off the ground.

Mr. Bass is in support of this location and hopes there will be more in the future. Did they look at placing a steel frame over retention basins? If you gapped these panels, snow would fall in between them and seems there would be benefits.

Ms. Ryan said they looked at the site using it in a few different ways. There could be similar ground mounted foundations going through the liner, but it impacts the integrity of the liner. There are also floating solar arrays, typically used in water basins that are full of water and there's are not usually full of water. This is also more aggressive than just potable water situation. The vendors contacted with that kind of array were disinterested in a project where their panels could be floating in wastewater.

Mr. Bass asked what about going straight across with steel and not going through the liner.

Ms. Ryan said the basins are many acres in size and would have made the project financially infeasible.

### Public Comments

Shane Romsos, Director on South Tahoe Public Utility District Board extended his gratitude to Ms. Regan, Mr. Nielsen, Mr. Stockham, and the STPUD staff on this project. He's been involved in this project for quite some time, dating back to at least 2020. This system will help improve reliability and achieve cost savings. These savings would then be reinvested into facility infrastructure, such as pipelines and water lines.

Nick Exline member of the STPUD Board of Directors and chairman of the City of South Lake Tahoe 100 percent renewable community but is speaking as a community member. Today is a day of celebration. Today is the most vetted project in the history of Tahoe. He was in on this from the beginning wanting to the city of South Lake Tahoe to go 100 percent renewable. In 2018, during my campaign for the STPUD board, I personally knocked on 3,500 doors, advocating that STPUD is going solar. Our community continued to voice support for solar. I stood alongside city council members and Lake Tahoe School District board members and rallied support from every large business entity on the South Shore to support renewable energy. Put together marches, and signed petitions. We worked as a community demonstrating incredible grassroots effort. Upon joining the STPUD board, it was not all roses and support. This project represents the culmination of our community's desires, uniting grassroots advocacy with the democratic process. The collaboration between TRPA and the city of South Lake Tahoe is a testament to our collective efforts. As we celebrate Earth Day; I urge this board to join the city of South Lake Tahoe and our community in supporting solar.

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Ms. Aldean appreciated the energy and commitment of many people here today. She'll vote yes for this project as a member of the Governing Board to support the efforts of the local community and the STPUD to realize their objective of cleaner energy production. However, she's concerned that 30 years from now these panels may end up in a Carson City landfill. Those contaminants could leach into the ground where they get their drinking water.

Ms. Gustafson believes that we are going to have innovation and how to dispose and reuse these panels before the expiration. Ms. Aldean's comments and concerns are appreciated in living with decisions of legacies of the past. Placer County just approved a large solar project that Sacramento Municipal Utility District put forward in the western part of their county and they are doing demonstration projects with the University of California, Davis agriculture and grazing and pollinators under the panels. It was amazing to look at the research going into how these can be compatible with our environment. This is a different environment with snow.

Mr. Bass made a motion to approve the required findings, including a mitigated finding of no significant effect (as set forth in Attachments A and E).

Ayes: Ms. Aldean, Ms. Bowman (for Mr. Aguilar), Mr. Bass, Ms. Conrad-Saydah, Ms. Diss, Ms. Faustinos, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Ms. Leumer, Ms. Hales (for Mr. Rice), Mr. Settelmeier

Absent: Ms. Laine, Ms. Williamson

**Motion carried.**

Mr. Bass made a motion to approve the proposed revisions to the project subject to the conditions contained in the draft permit (as shown in Attachment B).

Ayes: Ms. Aldean, Ms. Bowman (for Mr. Aguilar), Mr. Bass, Ms. Conrad-Saydah, Ms. Diss, Ms. Faustinos, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Ms. Leumer, Ms. Hales (for Mr. Rice), Mr. Settelmeier

Absent: Ms. Laine, Ms. Williamson

**Motion carried.**

IX. PUBLIC HEARINGS -TRPA

- A. Amendment to the Washoe County Tahoe Area Plan to add "Schools – Kindergarten through Secondary" as a special use within the Wood Creek Regulatory Zone, for those parcels equal to or greater than three acres in size

TRPA staff Ms. Brown and Ms. Weiche, Washoe County provided the presentation.

Ms. Brown said TRPA received a request from Washoe County proposing an amendment to their Tahoe Area Plan. The proposed change would allow an additional use of kindergarten through 12th-grade schools on parcels of 3 acres or larger with a special use permit within

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the Wood Creek regulatory zone. It has been determined to be in compliance with the TRPA Regional Plan and in conformance with the Code of Ordinances.

The documents supporting these findings can be found in attachment D through G of the staff report. This item was heard by Regional Planning Committee on March 27th and the Advisory Planning Commission on April 10<sup>th</sup>, in which both recommended approval of the proposed amendment. This item today is not a project approval, but rather a request for a zoning amendment to an area plan to add a land use with a special use permit.

The special use permit is a subsequent decision-making process with a higher level of review that requires additional documentation and noticing, as well as public hearings occurring both at the county and regional levels. There are currently two active temporary use permit holders within the Wood Creek regulatory zone that could be affected by the proposed area plan amendment. If the proposed amendment is approved, a special use permit application will be submitted and reviewed.

A review will be required for these two permit holders to continue this use. Ms. Weiche with Washoe County will provide a presentation on this proposed Tahoe Area Plan amendment.

(presentation continued)

Ms. Weiche said the request is to amend Washoe County Tahoe Area Plan, Section 110.220.275 to add schools (kindergarten through secondary use type) as a permitted use subject to a special use permit. This would apply to parcels equal to or greater than 3 acres within the Tahoe Wood Creek regulatory zones. Kindergarten, elementary, and secondary schools serving grades up to 12 are considered in this category and include denominational and non-sectarian schools.

The Wood Creek Regulatory Zone is generally located west of Mount Rose Highway, south of College Drive, east of Village Boulevard, and north of Tahoe Boulevard. It is one of 16 residential regulatory zones in the Tahoe Area Plan, primarily focused on single-family dwellings but allowing for other use types such as multi-family and public service uses. The primary vision for these zones is to maintain safe and functional residentially focused areas with development contributing to desired community character. The Wood Creek regulatory zone also includes a designated special area, established to allow public service uses on publicly owned parcels.

The proposed amendment would allow school use types on parcels larger than 3 acres within this zone, subject to a special use permit. The only privately owned parcels meeting this criterion are currently owned by St. Francis and Village Church, encompassing three separate parcels. Outreach efforts include a neighborhood or community meeting in June 2023, where public concerns were raised regarding traffic, noise, parking, environmental impacts, fire safety, and potential negative impacts on existing public schools. Subsequently, a development code amendment application was submitted to Washoe County in June 2023. In September 2023, TRPA received public comments, with approximately 36 in opposition and 55 in support of the amendment. In November 2023, the Washoe County Planning Commission unanimously recommended approval of the development code amendment to the Board of County Commissioners, who later adopted it unanimously in January and February 2024.

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The applicants, St. Clare's and Village Church, both wish to operate schools within the Wood Creek regulatory zone. They collaborated on the application after being informed that the use type was not currently allowed. If the amendment is adopted, the applicants would still need to obtain an approved special use permit for the school use. This process involves a site-specific review and public hearings to address potential impacts on land use, transportation, public facilities, and environmental resources. Public comments received throughout the process, totaling over 200, have been a mix of support and opposition, with concerns similar to those raised at the neighborhood meeting. No comments or concerns were received in opposition from pertinent agencies or Washoe County departments.

Presentation: [Agenda-Item-No-IXA-Washoe-County-Tahoe-Area-Plan-Amendment-to-Wood-Creek-Regulatory-Zone.pdf](#)

### Board Comments & Questions

Ms. Aldean said the applicant requested a special use permit to be issued through the 8th grade rather than including high school grades. Considering this, it's possible that limiting the scope to only elementary and middle school grades might have made the project more acceptable to surrounding residents.

Ms. Weiche said it could include a condition of approval for the special use permit specific to the project and could be a way to address this concern by stipulating that the permit is only granted for schools up to the 8<sup>th</sup> grade. Conditions of approval are often used to address specific issues or requirements related to a project, and limiting the scope of the school to elementary and middle grades could be one such condition. This approach allows for flexibility in tailoring the project to address community concerns while still allowing for the desired land use. If this adjustment is deemed appropriate, it could be incorporated into the special use permit application process, providing a clear framework for the project's implementation and ensuring that it aligns with the community's expectations and needs.

Ms. Brown said TRPA lists kindergarten through secondary as a primary use under public services, with secondary typically including up to the 12<sup>th</sup> grade.

Ms. Aldean said Ms. Weiche's response is that the restriction through the 8<sup>th</sup> grade would have to be a condition imposed on the project itself.

Ms. Brown said that's correct.

Ms. Gustafson said they've received numerous comments from residents in the area with concerns.

### Public Comments

Shawn Comstock, 30 year resident of the neighborhood asked who has walked our neighborhoods to see what is going on with the parcels proposed to be rezoned in the Wood Creek neighborhood? All three of our public schools are known as Science, Technology, Engineering and Math education (STEM) schools. It is a deterrent to the quiet and enjoyment of my property over the past two years underneath these temporary permits. Mount Rose Highway is our evacuation route. She shared a picture of parking on

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Mount Rose Highway on a Thursday afternoon. The lower parking lot at the church is full and they're parking on the highway. There is no infrastructure, crosswalks, etc. There has been a petition of over 50 people who live in our neighborhood that has been submitted to the advisory board and Ms. Hill. A wealthy family that owns a Montessori school paid DOWL Engineering to rezone our neighborhood and then the Village Church jumped on board with them. The Catholic Church is not paying for this rezoning. That would be two high schools within a block of each other. Village Church has had a beautiful nursery school that has been in our town for a very long time, and they did a great job but now they want to build it to a high school and they're on Mount Rose Highway. At the last meeting DOWL stated that there would be 186 students at these schools. At our only neighborhood meeting on June 2<sup>nd</sup>, they said 120 students, now that has risen. You talk about VMT trips, they are advertising in the North Shore, Tahoe City, Kings Beach, and Truckee. Crystal Bay Hill is a cluster for bicycles and for traffic. It will be a huge traffic increase to come to these two proposed schools on our fire evacuation route. There are no buses for either of these two schools. DOWL is a client of Washoe County for other projects. It's a dangerous place with no infrastructure to put two schools.

Tim Gilbert, Village Church applicant said we want to teach children about Jesus Christ to grow up to have a relationship with him. We want to follow the rules and be good neighbors. The preschool has existed for 25 years without a very small amount of complaints. Anytime something comes up, we bend over backwards to make those people happy. They support the proposed amendments. There's still a special use permit process that will take a greater look at the neighbor's needs.

Gia Rauenhorst, Incline Village resident and parent of a St. Clare's student. We respect the parents and a parent's ability to choose the education they want for their child. Without St. Clare's they wouldn't have the option of integrating the Catholic faith integrated into our child's education. It's disingenuous to say that the school is not associated with St. Francis, it's part of the diocese of Reno and recognized Catholic school. It's the only Montessori school in North Tahoe. They support the proposed amendments.

Will Phillips, Incline Village resident supported the proposed amendment. This is about much more than just adding schools to Incline Village. This amendment supports the core American value of religious freedoms, visa vie, school choice. Approving this amendment will allow the families of Incline Village to have a choice. To raise our children with a faith-based education which we do not currently have. There is no safety issue here, children have been in these two locations for decades with no safety issues. There's no parking issue either. The picture with the traffic issue was not related to the children and their activities at these schools. Predominantly the students are going to be from this community.

Debbie Larson, Incline Village resident for over 25 years and supports the proposed amendment. With these insightful limitations which make total sense the amendment will not adversely affect the character of the neighborhood of which St. Francis has been part of since 1965 before most of the residents were there. She understands the safety considerations but wonders how sincere those concerns are because the church has been operating there for so long with weddings and funerals, etc. The cars parked on Mount Rose Highway were happening long before the school was there. People don't park on the highway for the school.

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Paige Roodhouse, Executive Director and co-founder of St. Clare's Tahoe which is a small Catholic Montessori school operated with the express permission of Bishop Mueggenborg as a ministry of the Catholic Church in the Diocese of Reno. They are in support of the proposed amendments. St. Clare's is a 501(c)(3) nonprofit pre-K through 8<sup>th</sup> grade Catholic school that has been serving North Tahoe for 6 years. For the first 4 years, we operated in Tahoe Vista out of a different church, the North Tahoe Hebrew Congregation. We're a small school, serving only a total of 20 families and 42 students. Only three 3 of our family's commute from the greater area. The vast majority of our families and students are Incline Village residents. We are a licensed childcare provider, also serving the community by offering childcare for children as young as 2 and a half years old, which is critical infrastructure component for working parents. Our Montessori school enriches our community by providing access to a world-renowned education model that is based on a self-paced differentiated learning method, which is great for students with learning differences.

We charge less than half the tuition charged by the other private schools in the Tahoe area while offering financial aid to families and currently, 25 percent of our students receive full financial aid scholarships. St. Francis has been in its current location for over 50 years with far more activities involving much higher traffic than the numbers of children that St. Clare's adds to the location. After the school day and on weekends, St. Francis comes alive with ministry meetings, faith formation activities, weekend masses, weddings, and funerals.

We do have a robust over 80-page emergency operations plan fully vetted by local law enforcement and fire. We work closely with Lieutenant Pete Sewell at Washoe County Sheriff and with Fire Inspector Jeffrey Smith at North Tahoe Fire Protection District to create, implement, and review this plan. Emergency services are aware of our presence and location and are confident in their ability to respond in the event of an emergency.

Ann Nichols, North Tahoe Preservation Alliance, North Shore resident for 54 years and raised Catholic. What's missing in this argument is that this is a new use, it's not the existing Church use or child education use. It's a high school, more people, more cars and it's been shown that parents love to pick up their kids with their cars. It's apples and oranges, you're not considering this new expanded use. We changed the zoning in Incline Village for the Nine 47 project and now we're changing the zoning in Wood Creek because the church wants to do a high school. Changing the community character of an area because you want a different education which you could move and find.

Don Farrell, Elder at the Village Church supports all the positive attributes of church schools from a non-Catholic tradition for our Presbyterian school. We had a preschool at our church for 20 plus years and a wait list that's over 80 kids so our community needs more preschool capacity. But we're starting at grade school to serve parents who are currently unserved. Except for the St. Clare's school there are no Christian schools in the North Shore of Lake Tahoe. We don't think we take any kids out of the public schools because the parents who want to raise their kids with a faith-based education can't get that in the public school by law so, they go to home schooling or to home school groups. The reason our tuition is less than half of the private schools is that like St. Francis, we don't charge for the use of our facility, its only tuition based on out of pocket cash costs. We hope to have substantial scholarship funds, so nobody gets turned away. We love public schools, we're not against

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them in any respect. We don't take away from middle school and certainly not the high school.

### Board Comments & Questions

Ms. Conrad-Saydah said there's been comments about this being a decision about the freedom to attend a religious school. This is a zoning decision and doesn't want that put on us. She can't speak for others, but she supports religious freedom and the freedom to send your child to whatever school you choose, but this is a zoning discussion.

Ms. Gustafson said this use would be added to the other items under the special use category. It's important to remember as we're talking about the context. Because going back to the issue of zoning, right now, cultural facilities, government offices, local assembly and entertainment, rural sports, sport assembly, transportation routes, public utility centers, transit stations and terminals, local public health and safety facilities all fall under this same zoning. Changing this use to a special use consistent with all of those will still require a review and conditions and is not dramatically different. This is not providing additional capacity here that isn't already under all these other types of uses that could be converted.

Ms. Hill said that's fair to say. She saw it as opportunity to look at each project individually with that special use permit. She doesn't think that the Washoe County Board would have been so open to it if it was just an allowed use.

Ms. Gustafson said any of those could also apply and could be very impactful for the same reasons. That said, I'm sure staff have heard these public comments on transportation safety, and parking. That is an ongoing safety concern with the speed and volume of traffic coming down that road and would take that into consideration when a project comes forward for a special use permit.

Ms. Conrad-Saydah heard what the current population is of the school, what is the projected increases so she can get a feel of how the drop off and pickups would change should there be a secondary school onsite.

Ms. Brown said there isn't an active application for a special use permit and deferred the question to Washoe County.

Ms. Weiche said at this point would be speculative. If they state a number of students and it's different than what they stated today at the special use permit process, nothing would be binding for any future application.

Ms. Lain, applicant representative said should this be approved it is anticipated that both St. Clare's and Village Church will be submitting a special use permit. St. Clare's is looking at a capacity of up to 60 students. Village Church is looking at a capacity of up to 183 students. These numbers were based on the capacities of the existing infrastructure. Neither, of these schools are proposing to build new structures. During the special use permit process, that conditions of approval for a special use permit include restrictions on student capacity and hours of operation. It'll be up to the applicant and applicant's representative to justify those number requests via documentation traffic study, noise compliance, parking analysis, and



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traffic flow, etc.

Ms. Leumer said this does not approve of a specific project. It's approving the amendment to the plan and is not about religious freedom. This could be any school religious or otherwise, that could go in.

Ms. Gustafson said also that if approved and they come forward with a project then these issues of capacity and traffic, etc. would need to be addressed like it would for any of those other uses on the list.

Ms. Regan said they have conveyed concerns about traffic and road safety to the Nevada Department of Transportation for purposes of special use permit down the road.

Ms. Hill made a motion to approve the Required Findings, as described in Attachment D, including a Finding of No Significant Effect, for adoption of the Washoe County Tahoe Area Plan amendment as described in the staff summary.

Ayes: Ms. Aldean, Ms. Bowman (for Mr. Aguilar), Mr. Bass, Ms. Conrad-Saydah, Ms. Diss, Ms. Faustinos, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Ms. Leumer, Ms. Hales (for Mr. Rice)

Absent: Ms. Laine, Mr. Settelmeyer, Ms. Williamson

**Motion carried.**

Ms. Hill made a motion to adopt Ordinance 2024-\_\_\_, amending Ordinance 2021-06, to amend the Washoe County Tahoe Area Plan as shown in Attachment A.

Ayes: Ms. Aldean, Ms. Bowman (for Mr. Aguilar), Mr. Bass, Ms. Conrad-Saydah, Ms. Diss, Ms. Faustinos, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Ms. Leumer, Ms. Hales (for Mr. Rice)

Absent: Ms. Laine, Mr. Settelmeyer, Ms. Williamson

**Motion carried.**

B. Resolution recognizing the environmental and community benefits of supporting affordable housing for all

Ms. Regan said over the years, TRPA has utilized resolutions for various purposes, namely recognizing board members upon their departure or during significant policy discussions, we've presented resolutions to the board. Resolutions have been employed to bring attention to issues at the board level, alongside declarations such as wildfire awareness week or national radon month, which are crucial to our communities.

We believed it prudent to include this in the packet, recognizing its significance to Earth Week and housing, as land use impacts the environmental goals of the region and our mission attainment. It's essential for you to see ongoing work amidst the onslaught of news and community discussions, where the affordability crisis in the Tahoe Basin persists, affecting longer commutes, environmental factors, and community cohesion.

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At the core of this resolution is the demonstration of progress. We've attempted to quantify this through various projects and policy shifts at all levels of our community—local, state, and federal supported by grants.

Just over a year ago, this board approved the Lake Tahoe Community College Student Housing Project, now well underway, comprising a hundred-bed dormitory, a significant step for the south shore. Sugar Pine Village, with 248 affordable units, is also emerging in the city, a project facilitated by state land now transformed through partnerships into the largest affordable housing project, with occupancy expected this fall. Moreover, progress on accessory dwelling units, with 34 permits issued region-wide, is aligned with our goal of increasing affordable units. Efforts have been made to streamline processes, such as in South Lake Tahoe, where simplified plans help save costs during applications. Furthermore, we've noted progress on the North Shore, including the Domus Project in Kings Beach, which addresses housing needs in that area. Additionally, there are various policy initiatives and improvements in partner jurisdictions, focusing on inclusionary zoning and area plans. While it may sometimes seem hopeless, collaborative efforts are making headway. Addressing housing affordability is crucial, as it correlates with homelessness, a concern shared by all who care about our community and the lake. This resolution underscores our commitment to progress and collaboration. Notably, the recent designation of South Lake Tahoe as a pro-housing community by the state of California opens new funding avenues, vital for realizing affordable housing goals.

### Board Comments & Questions

Mr. Bass asked if we could create those housing need targets that are regional that spread across all the jurisdictions and are Tahoe specific. Similar to what California has mandated the City of South Lake Tahoe.

Ms. Gustafson said it's a policy discussion and is not in the Compact.

Mr. Marshall said that's correct.

Mr. Bass asked if we would have the authority if we decided to create the policy.

Mr. Marshall said in the Regional Plan a fair share requirement and the board decided a number of years ago to move away from what proved to be a very contentious battle over who was obligated for what amount of affordable for work force housing. Now things are viewed much more in a regional perspective with the respective states passing specific housing elements and how to address their housing needs. The board has in the past addressed fair share requirements for individual jurisdictions.

Mr. Bass said it may be interesting to revisit it at some point.

Ms. Hales said Douglas County has a relatively new county manager and a very new strategic plan and in several places of that plan, workforce housing is called out as a priority. That was one of the three points in her campaign. She expects that Douglas will be looking at workforce housing in the near future.

Ms. Aldean said Carson City has had an affordable housing provider for a long time.

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Ms. Gustafson said on the North Shore, Placer County has been involved with the Mountain Housing Council. We were one of the initial funders of the Mountain Housing Council 2014 and 2015. For 10 years, that group has been working with the Town of Truckee and Nevada County and the various employers to identify our needs. Those needs far exceed our Regional Housing Needs Allocation (RHNA) requirements. There RHNA requirements right now, are 435 units in Placer County, eastern area, Tahoe Basin, but we've identified far more need than that and are trying to achieve much more workforce housing especially watching people driving into the basin from Nevada during non-tourist times traveling to work.

### Public Comments

Stephanie Holloway, Placer County Deputy CEO Tahoe City is excited to support this resolution. Highlighting our board's support and alignment, recognizing the necessity for workforce housing is crucial. When we talk about workforce housing or achievable housing, what we're really addressing is our workforce, the individuals essential to our region. They uphold our quality of life and support the initiatives aimed at balancing the natural and man-made environments in the basin. Whether it's businesses seeking employees, organizations implementing projects, or my own department hiring bus drivers for transportation initiatives, housing is always a central theme. It's a genuine barrier for our workforce, exacerbated by rising housing prices and fluctuating interest rates.

However, despite these challenges, we are buoyed by your support and the widespread community backing for addressing this issue. It's heartening to see the overwhelming support and engagement in this conversation. We're making strides forward. For instance, Placer County is actively advancing several projects to address the housing shortage. This month, our board relaunched the Workforce Housing Preservation Program, offering incentives for workers looking to purchase homes. We've already housed seven households through this program and have allocated an additional \$3 million over three years to bolster it further. Our Transient Occupancy Tax (TOT) bid dollars are being put to good use here.

Additionally, our Lease to Locals program, a rental incentive initiative, has housed 73 households since its inception. While it serves as a transitional program, it helps individuals settle in the region, eventually leveraging other resources to purchase homes. Furthermore, we're developing a new workforce housing development incentive, focusing on encouraging smaller-scale developments to expand housing options. While the challenges are significant, our collective commitment and collaborative efforts are driving progress. With continued support and strategic initiatives, we're optimistic about the future of housing in our community.

Ann Nichols, North Tahoe Preservation Alliance said what I would like to see elevated in the resolution is exactly how much TRPA is responsible for in this effort. A frank discussion of the projects that TRPA has approved that are not supportive of affordable housing such as Nine 47, 39 Degrees east and north shores, and the Beach Club that are luxury condominiums. If it wasn't so PR and it was an honest assessment of how things are going and reciting what policies you're changing that will promote affordable housing such as getting rid of the two-step and making a limit on short term rentals. Washoe County has done nothing for affordable housing. Patting yourselves on the back is not appropriate right now.

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### Board Comments & Questions

Mr. Hoenigman said the 941/947 project included the first inclusionary housing ever in the Tahoe Basin. Ten percent of those units and a parcel of land devoted only for affordable housing were included as part of that. It's not everything, but it's the most that we've ever got, and it was the start. Producing affordable housing is expensive and it's difficult and housing has to go somewhere and that's where we run into problems because there's always someone who's impacted by it. We're all going to have to help to solve this problem.

Ms. Gustafson appreciated the resolution and sees it as a call to action to do more, not to pat ourselves on the back. There are things happening that we need to continue to support and recognize the things that aren't happening. We're committed to protecting the environment, supporting our communities and making housing more affordable.

Mr. Hoenigman made a motion to adopt Resolution 2024-\_\_\_ recognizing the environmental and community benefits of supporting affordable housing for all.

Ayes: Ms. Aldean, Ms. Bowman (for Mr. Aguilar), Mr. Bass, Ms. Conrad-Saydah, Ms. Diss, Ms. Faustinos, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Ms. Leumer, Ms. Hales (for Mr. Rice)

Absent: Ms. Laine, Mr. Settelmeyer, Ms. Williamson

**Motion carried.**

- C. Technical Clarifications to the Phase 2 Housing Ordinance Amendments, specifically Code of Ordinances sections 30.4.2.B.5.a and 30.4.2.B.6.a regarding mandatory participation in a stormwater collection and treatment system to receive coverage incentives, and section 52.3.1 regarding reservation of bonus units for deed-restricted affordable and moderate housing

Mr. Marshall said staff recommended that this item be continued. TRPA received a comment yesterday from Mountain Area Preservation (MAP) that expressed concern regarding numbers of bonus units. And we want to make certain before we move forward that we have a clear understanding with them as to the accounting of bonus units to make certain that we're all on the same page. We're in litigation with MAP over the Phase 2 Housing requirements and we want to make certain that they understand our accounting system and that the numbers are accurate. A continuation will not result in any loss of opportunity for affordable housing projects or a deed restricted housing projects to move forward. The two items that we talked about are the requirement to get the bonus for coverage, you need to be tied into a stormwater collection system that's already how we interpret that and then second is the distribution of bonus units within affordable moderate and achievable. There are no projects coming forward in a short time that'll take us to work this out.

Mr. Hoenigman made a motion to continue Agenda Item IX.C.

### Public Comments

Emily Setzer, Placer County appreciated the opportunity to collaborate with staff on the Tahoe Living Working Group as a region on TRPA code changes to facilitate workforce

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housing. We appreciate the efforts made in the Phase 2 amendments to reconsider the coverage requirements for deed restricted housing. However, for East Placer County, we're a little challenged. We are unable to utilize those coverage benefits in our region because our area only has one small active stormwater treatment area and is what is required in order to take advantage of those higher coverage percentage requirements. To design and implement stormwater treatment systems is a substantial infrastructure project that does not happen quickly and would not likely be able to undertake that at the skill needed to meet our regional housing needs.

The current coverage requirements for multi-family housing do not allow multi-family developments to be feasible in many cases and will likely prohibit the type of development we'd like to see in the future including the missing middle types of housing. Right now, East Placer needs 1,800 units up to 245 percent of area median income, which came out of the Truckee Tahoe Workforce Housing Needs Assessment. They look forward to continuing to work with the Tahoe Living Working Group in Phase 3 that would help refine coverage requirements for all deed restricted units, not just those utilizing the TRPA bonus units. Placer County does issue our own deed restrictions as well.

Alexis Ollar, Mountain Area Preservation Executive Director appreciated the and attention to the Phase 2 Housing code changes. MAP supports the 50 percent affordable housing requirement for the bonus units as well as the stormwater treatment facility clarification as presented in the staff report. We outlined these two items and additional concerns in our February 9th legal complaint filed on the Phase 2 Housing Amendments. While these changes are being labeled as technical fixes, they represent much more. They are the written assurance that Tahoe's workforce will have 50 percent of the remaining bonus units dedicated to affordable. This is significant to address and for the basin needs as more than 50 percent of the need is 80 percent area median income and less.

The other item to address is the remaining bonus units and the lack of clarity that MAP and likely the public have with what remains. We addressed this in our comment letter submitted yesterday and are asking for an accurate accounting of the units. Since the approval of the Phase 2 housing codes, the charts illustrating the number of bonus units have varied. We are asking for how many residential units have been built, permitted, and reserved out of the total 1,124 residential bonus units available as of December 24, 2018. This should include the specific development and application who has built the units or obtained the units and reservations identifying information. Additionally, we would like to clarify how TRPA labels the units as outlined in our letter. From the public perspective, the number of bonus units that may benefit from the Phase 2 amendments has been a moving target. Without clear and accurate information and accounting, it is impossible for the public to understand what will come forward in the bonus units and for the Phase 2 amendments. We're asking you to approve the critical changes before you and provide an updated and clear accounting of the bonus units.

Ann Nichols, North Tahoe Preservation Alliance said instead of fighting the public, you should listen to us because we were worried about all of this with the Phase 2 housing amendments. Sometimes we have good input that would be helpful and could avoid lawsuits. The term affordable housing, deed restricted, workforce housing is being thrown around. What does it mean? TRPA needs a definition of workforce housing, and as she understands it, that does not include achievable. But North Tahoe Community Alliance, it

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does. What are the definitions? She appreciated that you're relooking at things, but you are doing things on the fly. You're not clearly delineating the decisions. She'd appreciate it if more time were taken, and the public could comment on those final decisions.

### Board Comments & Questions

Ms. Aldean was not in attendance for the December meeting and doesn't know everything that was stated on the record but did review the minutes. Obviously, this is to address some misunderstandings regarding the allocation of these bonus units. During our conversation, we're talking about how important it is to provide housing for firefighters, police officers, medical personnel who generally fall into the achievable category. She's concerned that we're giving three bites at the apple for affordable, two bites for moderate, and potentially no bites for achievable. She's afraid that we're not giving sufficient attention to that category and 120 percent of median income is not a lot of money today given inflation. We may be freezing out the very people that we wanted to assist because they are providing vital services to our community. Can we take that under advisement while reconsidering everything? We may end up with no achievable housing units using bonus units.

Mr. Hoenigman said originally, we didn't have that strict of a limit on the amount of achievable housing that could qualify for the achievable definition. But there was a lot of community concern about the lack of an income cap as well. But then we also had support for a lack of an income cap from Placer County and other counties that wanted to be able to house some of their workforce in Tahoe. The other is these mixed-use areas where we put this limitation on building multi-family units in these areas unless they were on a publicly maintained stormwater management system. That was largely from listening to groups like MAP and the League. You can't always win.

Ms. Aldean understands the concern about achievable, but she thought that it was housing units that are deed restricted achievable required at least one of the following criteria to be met. Didn't we talk about having it be either income based which is a requirement and/or you either must be employed in the basin for at least 30 hours or you have to be a retired person who's lived in a deed restricted unit in the Tahoe Basin for more than seven years. The income component was mandatory, but it was coupled with one of those two other categories.

Mr. Hoenigman said we do not have an income limit. The requirement is that you have to that you have to live and work in the basin.

Ms. Aldean said achievable housing units that are deed restricted achievable require at least one of the following criteria. She'd amend it to say that you include that income category, but then you couple it with one of these other two requirements. That would address the concern about a wealthy person living in a deed restricted unit for years and so they can remain, or they work 30 hours per week, and they are also eligible regardless of their income.

Ms. Gustafson said they should have a discussion on that because North Shore with the cost of housing and our concerns. When you get into anything beyond the deed restricted at affordable, as we do now with our affordable housing, they have to prove their income every year. Anybody they are helping buy a home which is where we really saw that need,

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we don't want to be going back year after year. As long as they're working for a local employer and they're willing to agree to a deed restriction that they will sell to somebody who's also going to work for a local employer, we're not worried that they may be a doctor who progresses through their career, or they may be a firefighter that becomes the chief because they are living with that deed restriction. They can't buy out of it without paying a significant amount of money back into the system. It's worthy of a longer discussion.

Ms. Aldean said we keep talking about the evils of the two-step subdivision process. But that enables some of these affordable housing units to be sold to people who qualify financially. And homeownership is something that everybody dreams of. She doesn't look at this two-step subdivision process only benefiting the wealthy, it can also benefit affordable housing occupants.

Ayes: Ms. Aldean, Ms. Bowman (for Mr. Aguilar), Mr. Bass, Ms. Conrad-Saydah, Ms. Diss, Ms. Faustinos, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Ms. Leumer, Ms. Hales (for Mr. Rice)

Absent: Ms. Laine, Mr. Settelmeyer, Ms. Williamson

**Motion carried.**

X. REPORTS

A. Executive Director Status Report

Ms. Regan said what a great way to celebrate Earth Day with history in the making, with the South Tahoe Public Utility District's project approved today. We are going to discuss some issues regarding our climate, a smart code, and some other matters about mixed-use improvements for our development standards here at the basin at the Regional Planning Commission. We're also looking at improvements to protect wetlands, the Tahoe Yellow Cress and endemic species here in Lake Tahoe, as well as setting standards to control invasive species.

It's been about one year since the City of South Lake Tahoe put a ban on single-use plastic water bottles, particularly small ones, took effect in the basin. That's groundbreaking locally, and "Drink Tahoe Tap" is something we've been discussing for a long time. We're going to continue promoting the best water on the planet in Lake Tahoe.

We had Tahoe Truckee Earth Day last weekend, and our team was out in force at these events. We've got South Lake Tahoe at the college this weekend, and we'll also be participating with the Washoe Tribe at their Earth Day festival in Carson City coming up on May 4th.

Ms. Regan recognized Ms. Ambler, Ms. Campbell, Ms. Faylor, Ms. Gillies, Ms. Horowitz, and Ms. Huston for Administrative Professionals Day.

Nominations are being taken through May 17<sup>th</sup> for the Best in Basin. We're in the 31st year of projects. We do that every two years where we recognize projects for outstanding environmental design.

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Hundreds of people are coming from across the country to the National Outdoor Recreation Conference the week of May 6<sup>th</sup> to the Tahoe Blue Event Center. The conference includes 26 local Tahoe speakers. Opening remarks by Herman Fillmore of the Washoe Tribe and she'll be a keynote panel on Destination Stewardship and talking about the destination stewardship plan that we are very busy implementing here in the basin. This is an opportunity for the national spotlight to look at Lake Tahoe, where we share the challenges that many of you have heard today in public comment. Recreational destinations across the country are experiencing the same challenges that we are.

Ms. Regan announced that Mackenzie Cook is TRPA's new Invasive Species Outreach Coordinator. This is not a new position. It just used to be housed at the Tahoe Resource Conservation District.

We've been receiving a lot of comments about Zephyr Cove. The Forest Service renewed the permit with Aramark, and they are considering changes to the Zephyr Cove Resort. They are taking over Zephyr Shoals which is adjacent to Zephyr Cove Beach. That was the site of terrible trash last summer, specifically on July 4th, and it is now under their management. They had a community meeting and are looking to make changes there. TRPA has submitted a letter to the Forest Service some of our desires and the need for compliance with our Memorandum of Understanding and Regional Plan.

We talked about Motel 6 last month and today the Operations and Governance Committee recommended approval for a release of mitigation funds and \$3.5 million of mitigation funds went to the Motel 6 acquisition.

Also, we've heard a lot of comments over the last year on fire evacuation. We've all shared that urgent need for evacuation planning and we won a federal grant called the Promoting Resilient Operations for Transformative Efficient and Cost-Saving Transportation (Protect) Grant in the amount of \$1.7 million to improve our evacuation preparedness, and regional coordination, as well as our communications infrastructure. We're in the very beginning stages, but a big shout out to our staff Ms. Richardson and Dr. McIntyre and many others who worked very hard to put this application together.

Last month she mentioned the Lake Tahoe Reservation Act. She'll provide the actual numbers that are in the budget when you hear stories in Washington about possible government shutdown and are we going to get a budget deal or not? She was pleased that Commissioner Hales was able to join Team Tahoe in Washington DC. We had a record amount of participation talking to our members of Congress and staff to raise the profile of Tahoe on Capitol Hill. The breakdown of the \$30.9 million that we will be receiving may be less than \$30 million because of the water infrastructure for fire protection. The in the 4<sup>th</sup> bullet says up to \$10 million and so year over year that varies, and it's only been about \$1 or \$2 million in the past. At the very least, we're going to get more than \$20 million and potentially up to \$30 million in those various categories.

The term earmarks, congressionally designated funds and projects were also included in that budget deal and Tahoe did very well and we have \$5 million to continue implementing the State Route 28 corridor. Secretary Aguilar has been very passionate about improving that corridor for safety, water quality, and the recreation experience. The Tahoe Transportation District and a whole host of partners including the Nevada Department of



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Transportation and many others are working on that. There's research money for the Desert Research Institute water infrastructure money for the South Tahoe and North Tahoe Public Utility District. We're still working to get the restoration act extended another 10 years so that we can keep those funds coming.

Items tentatively scheduled for the coming months are in May, the strategic planning session. May will be a two day meeting with day two at Stanford Camp at Fallen Leaf Lake. If the Regional Planning Committee makes a recommendation on the very critical environmental thresholds, those will go to the board in May. A lot of you have asked about microplastics. In May, the science community will provide the latest state of knowledge around microplastics. We'll also be kicking off the Regional Transportation Plan with the briefing and also bringing our climate dashboard. In June, staff will be bringing a forest health update. And Homewood is bringing forward a forest health hazardous restoration project permit that will be decoupled from their master plan which we are awaiting a revised application for their project and master plan revision. The climate code will come back and then in June you'll also be looking at our work plan and budget.

### B. General Counsel Status Report

Mr. Marshall said we have three challenges (two outstanding) for cell phone towers; The Garmong case was dismissed and now they are potentially seeking review in the Supreme Court. We should be getting their petition for a writ of certiorari soon. The Eisenstecken litigation over the Ski Run tower is sitting the District Court in Sacramento in Federal court awaiting a decision. Yesterday we received an order of judgment in our favor in the Miller case, which was a challenge to the increased depth of excavation of the Ski Run cell tower. Mr. Miller has a period of time in which to appeal to the Ninth Circuit.

The other case is the Supreme Court's decision in the Sheetz v. the County of El Dorado. It's a very narrow legal issue as to does the Nolan Dolan Nexus and rough proportionality standards apply to legislative impact fees. The Supreme Court decided unanimously that it does but they didn't decide whether or not the actual fee in question had a close enough nexus and rough proportionality to make it constitutionally and remanded that back to the California courts. This morning, the Legal Committee discussed the potential impact on fees. He doesn't see any immediate concern. We'll watch as that line of cases is developed through the lower courts to see how when Nollan Dolan is applied to legislative fees as opposed to project-specific impact fees. Whether or not there's a change in that analysis and is there something that we need to do in terms of our mitigation fees.

The Sheetz case does raise the question in general about takings cases. Something that the court has decided in three takings cases in the last couple of weeks which two are not relevant to TRPA and won't report on them. When he joined the Agency, we were facing five or six takings' cases. Through the good works of our own council, the California Attorney General's office and then the Nevada Attorney General's office, we're able to defeat all those and prevail in all those cases or settle the ones in which we might have some vulnerability. Maybe because of the composition of the Supreme Court, there seems to be a renewed interest in pushing takings litigation. Although we may have disagreements with some of our partners like the California Attorney General's office, for example, they provide us with critical background and backing when we get to these taking cases. And they have done a pretty amazing job in the past with their own work and with TRPA in partnership.

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Board Comments & Questions

Ms. Conrad-Saydah asked if we are still waiting to see if the Supreme Court will take the case on the cell phone tower.

Mr. Marshall said it's the Garmong case. They got an extension to file their original petition to ask for Supreme Court review. For the most part, the Supreme Court decides their docket and they have yet to file their petition, but they requested an extension of time to file it. We assume that they're going to file something. The chance of that being granted is relatively small given that it doesn't appear to be an issue regarding like a split in a circuit or any great constitutional issue.

Ms. Aldean said the tower is built and what remedy would be available to Mr. Garmong?

Mr. Marshall said generally in these kinds of review cases, the remedy is to remand for another decision point. He doesn't think in his claims there was no particular deal killer such as you can't make that finding. It was whether or not there was an evidentiary basis to make the finding. Staff would present again the decision as to whether or not to approve the cell tower. The board could say no that the cell tower can't be there and then we'd have to figure out how to bring it down. The tower's already been built, and he didn't seek conjunctive relief before it was built.

Ms. Aldean said it hasn't fallen down on his house as he was postulating it might. Maybe it still causes him angst and consternation when he walks by it but those were the alleged direct impacts on him.

Mr. Marshall said correct.

Ms. Aldean said the bigger issue is some people think that the Federal Communications Commission (FCC) is the most captured agency at the federal level. With the emergence of 5G and the preponderance there's a lot of evidence to suggest that electromagnetic radiation is a potential health problem. Are there any other cell tower applications in the queue?

Mr. Marshall asked Ms. Huston if the total number of cell tower permits captured any applications that might be in the queue.

Ms. Huston said no, that was just permits through October.

Mr. Marshall doesn't have a ready list of applications. We haven't seen that many new cell towers, most of what we are seeing are 5G antennas that are put on buildings. Staff can get you the information if we have any pending applications.

Mr. Bass asked if they'd looked into where new cell towers could be built taking into consideration co-location and preplan where they can be in the Tahoe Basin. The national parks must do something similar when Verizon, AT&T, and T-Mobile want to converge on a national park.

Mr. Marshall said there was an effort, some years ago to try to, primarily on the South Shore

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but maybe including the basin to come up with a map. One of the biggest issues was the individual cell tower companies or service providers were reluctant to give out their proprietary information regarding where they may pursue a cell tower location.

Ms. Regan said we had a community wide coalition that was looking at that and couldn't get it done. TRPA looked at it as part of our overall work plan last year and did not have the resources to do a big planning initiative for that. The demand has diminished but there may be some active conversations at local jurisdictions, but we haven't had those big applications coming through. We're still monitoring it and still in touch with our partners in the community that is looking at that but doesn't think there's anything new to report at this point.

Mr. Bass said it seems like the land use authority has the ability to force them to co-locate. They don't like that but it's an important issue and maybe something that we should look at.

Ms. Regan said TRPA does have co-location policies in place.

XI. GOVERNING BOARD MEMBER REPORTS

Mr. Bass asked about a future policy discussion to have TRPA look at a plastic bottle ban across the basin. Being that it's Earth Day and the City of South Lake Tahoe's one-year anniversary and about to enforce the plastic water bottle ban. Our strategic retreat could be a time for it.

XII. COMMITTEE REPORTS

A. Local Government Committee

No report.

B. Legal Committee

No report.

C. Operations & Governance Committee

No report.

D. Environmental Improvement Program Committee

No report.

E. Transportation Committee

No report.

F. Regional Planning Committee

No report.

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XIII. PUBLIC INTEREST COMMENTS

Evan Dreyer, Tahoe Lead Removal Project organizer who is working on a community effort on taking out the eight plus miles of inactive lead cables that stretch from Baldwin Beach to Rubicon Bay. We originally started as neighborhood effort writing letters to AT&T and their legal representation. We were very excited when they said they would remove it. Even though they had to pull out of that deal, thank AT&T for everything they've done to secure the permits, which includes a permit from TRPA. They're trying to carry this project forward with the same third party engineering firms. We're going to look at extending the permit, either that's already been granted or get a new permit in the months ahead. Thank you for caring and having leadership about this issue. We have 470 people that have signed our petition to get this out.

XIV. ADJOURNMENT

Ms. Conrad-Saydah moved to adjourn the meeting.

Ms. Gustafson adjourned the meeting at 3:25 p.m.

Respectfully Submitted,



Marja Ambler  
Clerk to the Board

*The above meeting was recorded in its entirety. Anyone wishing to listen to the recording of the above-mentioned meeting may find it at <https://www.trpa.gov/meeting-materials/>. In addition, written documents submitted at the meeting are available for review. If you require assistance locating this information, please contact the TRPA at (775) 588-4547 or [virtualmeetinghelp@trpa.gov](mailto:virtualmeetinghelp@trpa.gov).*

TAHOE REGIONAL PLANNING AGENCY  
REGIONAL PLANNING COMMITTEE

TRPA/Zoom

April 24, 2024

**Meeting Minutes**

CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Hoenigman called the meeting to order at 3:35 p.m.

Members present: Ms. Aldean, Ms. Diss, Ms. Gustafson, Mr. Hoenigman, Ms. Leumer, Mr. Settelmeyer

I. APPROVAL OF AGENDA

Ms. Fink stated that there were no changes to the agenda.

Mr. Hoenigman deemed the agenda approved as posted.

II. APPROVAL OF MINUTES

Ms. Aldean moved approval of the March 27, 2024 minutes as posted.

**Motion carried unanimously by voice vote.**

III. Discussion and possible recommendation for approval of the proposed Amendments to the Code of Ordinances Supporting Climate Resilience, Affordable Housing Requirements for Condominiums, and Design Standards for Mixed-Use Development

Mr. Hoenigman said they've received written public comments on this item.

Mr. Stock provided the presentation on adaptive code improvements that are amendments to the Code of Ordinances focused on climate best practices, including outdoor lighting standards, mixed-use developments, and affordable housing in condominiums. Staff has incorporated feedback and suggestions from previous discussions into this proposal.

These amendments respond to board directives and are divided into two main parts: Climate best practices and mixed-use/affordable housing. These amendments originated from the Sustainability Action Plan, with input from stakeholders and University of California, Davis graduate students. Staff refined these proposals based on stakeholder input and are now presenting a draft recommendation.

## REGIONAL PLANNING COMMITTEE

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**Mixed-Use Standards for Development:** The Regional Plan identifies mixed-use development as a tool for energy conservation and greenhouse gas reduction. The concept is to integrate multiple uses on a site to reduce auto dependence. Previously, we lacked a definition or standards for mixed-use development, but it's crucial given its role in the Regional Plan and recent developments like the Nine 47 Tahoe permitting process and the amendment to the Washoe Tahoe Area Plan. Staff received direction from the Regional Planning Committee and the Governing Board to develop mixed-use standards, including affordable housing mitigation, which we're proposing today.

**Affordable Housing Proposal for Condominiums:** Responding to direction from the Governing Board, Advisory Planning Commission, and the Regional Planning Committee, following the amendment to Washoe Tahoe Area Plan, we're proposing affordable housing in condominium developments. There's recognition of the need to mitigate the impact of new market-rate housing on the existing workforce housing gap. We're proposing that ten percent of units in condominium subdivisions be deed-restricted affordable or moderate housing, with details outlined in the packet. These affordable units can be built on or off-site and can utilize bonus units and incentives. However, there won't be an in-lieu fee option; new equivalent units must be built.

The ten percent figure comes from analyses by the Mountain Housing Council and Tahoe Prosperity Center, which found a gap of over 5,000 workforce housing units for lower and moderate income residents, representing about ten percent of total units in the basin. This requirement aligns with Placer County and Incline Village and falls within the range adopted by the city of South Lake Tahoe in their inclusionary zoning ordinance. Importantly, this proposal won't replace Placer County and the city's requirements but will apply to jurisdictions without existing programs.

Exhibit A, included in the packet, contains track changes to Section 39.2.3 of the Code, which pertains to the requirement for a 1:1 replacement of affordable housing when new housing is built. These changes are not substantive to the requirement but rather align the section with our current income definitions. It's not a change of policy but an adaptation to our current definitions.

Presentation: [Regional-Planning-Committee-Agenda-Item-No-3-Code-of-Ordinance-Amendments-for-Climate-Affordable-Housing-and-Mixed-Use-Standards.pdf](#)

### Committee Comments & Questions

Ms. Aldean believes in adaptive management and has a suggestion under the proposed code changes in Section 36.14, Mixed-use Design Standard. Mr. Settelmeyer's example of how this could interfere with the flexibility that developers might need to locate or relocate the commercial component of the mixed-use development to a rooftop. In Paragraph A, it states that the ground floor shall include one or more permissible pedestrian-oriented non-residential uses. Then in Subparagraph C, it states deed-restricted affordable and moderate housing may be substituted for non-residential uses on the ground floor. She suggested adding "If the development still has a mixed-use component elsewhere in the building." Otherwise, it's not mixed-use and the entire building becomes residential in nature.

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Mr. Settelmeyer appreciated the changes. He's curious about Section 34.4.1, addressing EV capable facilities in the 20 percent rule. Does that automatically kick in even if an older premises and older business would have to resurface or if they dug up their lot to repave it? Is this triggered then, or would they still be grandfathered in? If you look at some of these older establishments and businesses, they may not be electrically set up to accommodate EV charging, whereas a new one can integrate it into their system more easily. Are they exempt, or does this trigger them to have to do it just by repaving?

Mr. Stock said as we currently have it proposed, this would apply for anyone who is applying for a permit to grade a parking lot. It would include older legacy development as well. It's a great point, and it's something that we can explore further.

Mr. Hoenigman said under Multi-family in Section 90.2, that lobbies count as the space along with gyms and other things as long as they're open to the public. He doesn't think we want to make the lobbies publicly accessible because once people are in the lobby, they can more easily access units. We have to say that they can count towards space, but they don't have to be publicly accessible. It was brought up about some of these sites being irregular and it's hard to make it work. He hopes that staff have discretion to make variances and allowances for these things in real-time because every project is different. Some of the requirements we're requiring may not work for every development. Some sites are long and narrow, and you're going to have a driving aisle for cars, a walking path, and a lobby for pedestrians, and then there's nothing left. We don't want to preclude those from being able to get permits.

Regarding the EV parking spaces, it says that 20 percent are wired, he doesn't think it said how many must have chargers put in now.

Mr. Stock said the proposal is for that 20 percent EV capable of receiving wire, just putting in the conduit. There's no requirement to put in wire or to put in a charging unit. Studying this and talking to folks in the industry is that is often done by another vendor, not the property owner. For example, someone would be repaving their parking lot, putting in conduit, and then someone like Tesla or EVgo would come in and put in the wiring and the charging unit.

Ms. Leumer said if you put the wiring in advance of the stations, there's a risk that they're going to get damaged, and you'll end up losing money on it.

Mr. Hoenigman said was concerned because we asked to increase that to 20 percent wired. It used to be 10 percent was actual devices, and somehow, we got rid of those in the process.

Mr. Stock said the proposal and the analysis have been for conduit only since we brought this forward.

Mr. Hoenigman said regarding motion detection lighting, maybe we can say technologies such as motion detection. He doesn't know if there are any other available technologies but would hate to force someone's hand.

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Ms. Gustafson said regarding the mixed-use development definition, I think what we're trying to get away from in the Placer County Area Plan amendments was having the first floor not open to the public in some manner. How she read this was lobbies don't count toward mixed-use unless they are open to the public. To get to the mixed-use definition, you could keep it closed to the public for security, but then you'd have to propose something else to get the mixed-use. Is that correct?

Mr. Hoenigman said as a developer, if it makes sense to build commercial, you will because you get money for that. If it doesn't, what you want as a city is a lively street facade that has activity, and you can see into it, and it looks nice. So, most cities give you credit for lobbies even if they're not open to the public. We're building a project in San Diego, and we get to count our gym even though it's not open because they recognize that it's not a great retail street, but it still gives some transparency into the building and makes it almost seem public. Flexibility is good because I would hate to make people build retail and then just have it sit vacant.

Ms. Gustafson's concern is that they've seen way too many first floors locked off. This is adaptive management and can see where you're correct, but at the same time, what we want in mixed-use is to have that activation of something and not have people say, oh well, retail didn't make sense when they built it, but maybe a year later it does make sense.

Mr. Marshall said the other issue we need to track is the need to have a mix of uses to be mixed-use. What gets the mixed-use is other commercial.

Mr. Hoenigman said we could possibly set a limit on how much of that space could be used. With different shaped properties we're going to be making something not work unless we give staff the authority to correct. It would be nice to have your lobby on a secondary street and have the commercial on the primary, but not every property is on a corner or something like that. If you have to take access for cars off the retail frontage because you have to put in parking and you have to take the lobby off that same street, then you could be down to a smaller percentage of common area. But with the changes suggested, you could possibly put it on top or elsewhere.

Ms. Gustafson agreed and said that was a great discussion last meeting about rooftop bars. You'd gain a view, a place that the public wants to come in but then the lobby is open to the public because the public has to be able to get up there.

Mr. Hoenigman said it's always separate lobbies, you never mix but it's still a mixed-use lobby. No builder would build a building with a public lobby. You either take it out and make it not allowable as part of that space.

Ms. Aldean said the language states that there is a list of options but not limited to those options. For example, a project office would go away once the project is completed. That would be a temporary use. She's not sure that we need to necessarily include lobbies, gyms, and project offices because we're giving ourselves some latitude and maybe it should be evaluated on a case-by-case basis.



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Mr. Marshall said there were a couple of points made that related to variances. It's very difficult for TRPA to do variances since the findings we have to make are knowing what the parameters are. To come up with the variance, what you're doing is coming up with an exception that's bounded by various rules so staff would lack the ability to have substantial discretion to deviate from Code. What you do is you set up some other mechanism to provide flexibility, but it's got to be written in a way that we can look at the total impact associated with that flexibility. So, up to 10 percent or some way of writing it in that context. If there are site-specific considerations then the applicant may request an additional 10 percent, whatever it is that you're going. Staff will work with you on how that is set up, but it can't be a standard variance procedure like local governments can do.

Mr. Hoenigman asked staff if they felt like that would be necessary. They're currently going through this process in Southern California requesting several variances because it's not possible to do conform to competing requirements that a city has. It is fairly common in other communities.

Ms. Aldean said for example, if 10 percent of the retail space or the mixed-use space can be an accessory use to the primary use. That way it takes in gymnasiums, project offices, and lobbies if it's an accessory use and that accessory language as well. That would give staff some latitude and would limit the number of options that would be available if it has to be accessory.

Mr. Marshall suggested staff take that as direction and discuss that with the project review team.

Mr. Hoenigman said if staff says it's not a big deal that's fine but he doesn't want to stop any projects that otherwise, we would like to see happen.

Ms. Gustafson agreed and said that the public is very skeptical that we'll require this, but then at some point it will transition into private property, first floor closed off and no rooftop bar and it's just residential. How do we incentivize some activation? To the non-developer side that wants to see activation somewhere on the property if they're going to be in the downtown town center where we're trying to promote that pedestrian activity. We have a lot of things closed off, so, what else could we do?

Mr. Hoenigman agreed. We want this to happen, but we can't force people to do things. There's some direction for staff to tell us if we need to build in some kind of flexibility and if so, what that flexibility could look like and put some bounds on it.

Mr. Stock said one other point of flexibility that didn't come up in the presentation is we have the option for 60 percent of nonresidential to be either 60 percent of the building frontage or 60 percent of the first floor. That was intended to help address Irregular lot sizes and irregular lot shapes as well.

### Public Comments

Steve Teshara said this set of amendments is pretty focused on building design development. A lot of his work with Sustainable Community Advocates and my clients is

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to let people know what's coming down from TRPA in terms of ordinance and code changes. It's been a challenge because while it may hang together as a package in the mind of many planners, it's not necessarily so much with the general public. Some of the most astute and focused comments on this set of amendments are coming from this committee and is a tribute to the fact that you have a very diverse array of professional backgrounds, skills, and perspectives that lend themselves to a very esoteric set of amendments.

Comments that he provided to Mr. Stock regarding Code Section 22.7.6 Traffic Mitigation related to temporary activities, events, etc. He suggested that TRPA develop a form because if you're asking event producers with over 500 attendees to develop a transportation plan, having a form would provide more consistency in terms of input to staff for their review. He believes Mr. Stock took that comment to heart and would like to see some further consideration of that. Some of these events around the region are nonprofits and they don't always have a phalanx of planners and staff to develop these things. Having a form that the staff could receive with some of the similar requirements for feedback from these event planners would be extraordinarily helpful.

Summary of suggestions:

Staff received guidance to explore whether the conduit needs to be included in a repave.

Mr. Hoenigman said no, it should not.

Mr. Settlemeyer said if it were a legacy property or property that had been around for a long period of time that had sufficient parking spaces and were just repaving their lot, the cost of putting in the conduit or trying to figure out electricity to that site to someday retrofit it may be a little bit extreme. A new building may be easier to incorporate into the project.

Ms. Gustafson asked if it were correct that they would not be excavating and would just be repaving.

Mr. Settlemeyer said they would be potentially grading.

Ms. Gustafson said or to provide BMPs because there could be other requirements that kick in at that point.

Mr. Stock said the trigger for this requirement would be excavation.

Mr. Settlemeyer said he would prefer to have staff look into it or give them some discretion. For example, you decide that some of those slopes are too dangerous at the Chart House for people to be walking on an icy condition, and you want to do something safer. He hopes that we are not going to prevent that. He wants the board to have some discretion to look at some of those legacy establishments. Maybe it should be allowed to do the permit without having to retrofit to the conduit. He'd hope they would choose to, but these are his concerns with some of these older commercial sites.

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Mr. Hoenigman said per his construction estimator, it was only hundreds of dollars per spot. If you put in the device, it's a lot more. But just running the conduit was surprisingly affordable.

Mr. Marshall said it's somewhere between repaving or fixing cracks versus if you're moving a lot of dirt then it seems to make sense at that time to put in the conduit. Maybe that's a direction.

Mr. Settelmeyer suggested leaving it to staff to make those types of judgment calls. Sometimes it's not easy to put a conduit in these areas because you may run into boulders and mountains. You may think that there's nothing there until you start to excavate it. There may be cases where an individual chose not to move a certain amount of dirt in certain areas because they found something and then just put asphalt over it. He'd leave it up to staff to make those judgment calls and provide a little bit of compromise for older legacy type lots.

Ms. Gustafson said they want to encourage people to repave and not let the pavement deteriorate and just become a mess. She suggested that it could be a percentage of expenditure. We agree that we want to get it in, but on these legacy properties, if they're just trying to make some corrections, is there some way to look at the value of the project they're doing and say not to exceed 5 or 10 percent for example. Because there are other requirements that kick in and that's why some of these people don't do anything with their properties until they get taken over.

Ms. Fink said staff has heard the concerns around this and will look to see if there are some exemptions that should be added, or a percentage of cost then bring that back.

Ms. Aldean suggested "excavating down to a certain depth."

Ms. Fink said another suggestion was to build in flexibility for lobbies or for some percentage of accessory space that might not be open to the public, that's an accessory use.

There was a recommended change for the motion detection lights stating that technology such as motion detection technology.

Add to Section 36.14.c, deed restricted affordable and moderate housing units may be substituted and nonresidential uses on the ground floor if the development still has a mixed-use component elsewhere in the building. That way it still falls within the realm of being a mixed-use project.

Mr. Hoenigman said and a comparable unit somewhere else.

Motion:

Ms. Aldean made a motion to recommend approval of the Required Findings, as described in Attachment B, including a Finding of No Significant Effect, for adoption of the Code of Ordinances amendments as described in the staff summary.

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Ayes: Ms. Aldean, Ms. Diss, Ms. Gustafson, Mr. Hoenigman, Ms. Leumer,  
Mr. Settelmeyer

**Motion carried unanimously.**

Ms. Aldean made a motion to recommend adoption of Ordinance 2024-\_\_\_, amending Ordinance 87-9, to amend the Code of Ordinances as shown in Attachment A as amended on the record.

Ayes: Ms. Aldean, Ms. Diss, Ms. Gustafson, Mr. Hoenigman, Ms. Leumer,  
Mr. Settelmeyer

**Motion carried unanimously.**

- IV-VI. Discussion and possible recommendation on the update of the threshold carrying capacities (threshold standards) for restoration of stream environment zones, SC11-SC13; Discussion and possible recommendation on the update to the Tahoe Yellow Cress threshold standard, VP21; Discussion and possible recommendation on the update of the Aquatic Invasive Species threshold standards, WQ9-WQ14

Mr. Segan provided the presentation.

Mr. Segan said threshold standards or environmental threshold carrying capacities is a term provided in the Compact which also defines the role of threshold standards within our system. Those standards reside at the top of the regulatory system so everything we do leads back to these thresholds and achieving them.

They are not just TRPA's goals; they are the goals of the entire partnership of the environmental program. They are written into laws like the Lake Tahoe Restoration Act, which directs us to consider threshold gains as funds are allocated through the act.

The proposals being discussed today are not new, they've been discussed at the Advisory Planning Commission, the Threshold Update Initiative Stakeholder Working Group which is appointed by the board and led by the APC, as well as the EIP subcommittees that developed the proposals.

The proposals today are all rooted in the work of the Tahoe Science Advisory Council, which initiated a broad review of environmental goals for restoration programs. They looked at nine programs throughout the country and provided us with broad guidance for what we should be doing as we update our threshold standards.

First is that we should be clear where thresholds lie within our system. Thresholds are not the actions we want to take, nor are they the immediately measurable outputs of those actions. They are long-term goals. For example, the goal is lake clarity. That should be the threshold standard. We shouldn't set threshold standards for the means to achieve that, like street sweeping, or the immediate outcomes of such actions, like the amount of particle recovery. Threshold standards set the long-term vision, and then we adaptively manage towards them.

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The Science Council also emphasized that the goals we set for ourselves must be specific and measurable. We're not setting standards like "Tahoe should be clear" or "Tahoe should be as clear as I remember it." We need to have a specific and measurable objective, like 100 feet of clarity that we can objectively evaluate, and anyone can determine where we stand relative to this standard.

The three proposals today were developed in partnership with the Environmental Improvement Program. The Tahoe Interagency Executive (TIE) Committee has several subcommittees organized into different focus areas. The Tahoe Yellow Cress Adaptive Management Working Group, the Aquatic Invasive Species Coordinating Committee, and the Tahoe Watershed Improvement Group are the origins of the standards being reviewed today.

Stream Environment Zone (SEZ) includes all things that owe their characteristics to the presence of water such as wetlands, fens, meadows, and riparian areas. It's a broadly inclusive term. Way back when the original threshold standards were adopted, we established a goal for SEZ restoration of 1,100 acres basin wide. We identified at the time that this was 25 percent of disturbed SEZ within the region that were critically important to restoring the health of our watershed. The good news is we've hit that target and gone beyond it because we also do things called enhancements that don't qualify as full restoration. There are 45 partners listed in the Environmental Improvement Program that contributed to stream environment zone restoration over the last 40 years. These are the reasons we attained this target.

There's more in establishing a new way to measure the quality of the restoration that we do by addressing what a peer reviewer said is don't just count the acres you restore but count the quality of the restoration you do. We engaged in a multi-year effort that resulted in what is called the SEZ condition index, to measure the quality of the work that we do. It takes into account a number of individual factors or underlying factors and those are summed up. Then we get an overall score for every individual SEZ within our region. We then multiply that score by the total area of the SEZ and get the overall contribution of that SEZ to our regional SEZ quality score. This is all available on the SEZ viewer on the TRPA website.

Working with the Watershed Improvement Group, we proposed a ground-up way of establishing a new restoration target for SEZs that asks the individual partners to identify projects they think should be implemented. We added those to all the projects already in LT Info in the project tracker, whether or not they were funded. Then we arrive at the goal proposed before you today, which is to increase the total score from 79 percent where we stand today, to 88 percent of the regional possible value, to a minimum of 100 percent to clarify that restoration beyond that target would be consistent with the threshold standard.

Tahoe Yellow Cress is a small plant that's a member of the mustard family and is endemic to the shorelines of Lake Tahoe and only lives here. Concerns about Tahoe Yellow Cress have been present since about 1974, primarily due to trampling or development over it. The first management plan for Tahoe Yellow Cress was developed around the year 2000, and our standard for that was adopted after three years of surveying. Our current standard says that we would like 26 population sites, which is just over the maximum

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number of population sites observed in the first three years of surveys. Since those surveys began and have been conducted regularly, we've learned that it is highly influenced by lake level.

One of the amendments before you today is to align our threshold standard with the conservation strategy for this species and the imminent extinction strategy. There are two changes primarily that we make here. The first is maybe a small one, but very important to the group. Previously, we referred to population sites. The text now refers to survey sites because the notion of a population site is not well-defined within Tahoe Yellow Cress ecology. It's often hard to determine when one population ends and what the next one begins. Second, we're aligning our expectations for the number of occupied survey sites to lake levels. We expect more occupied sites when the lake is low and fewer when the lake is high. The three zones are consistent with the conservation strategy and the imminent extinction plan for the species.

There are two parts to our Aquatic Invasive Species program: Prevention and Control. The proposed modifications to the threshold standards do not provide any changes to the prevention program. They're all directed at the control program, which is guided by these six statements. None of which have specific or measurable targets.

The Tahoe Science Advisory Council pointed out that none of these were specific and measurable and said that these are really more broad goal statements or visionary statements that should guide a program but are not consistent with establishing specific and measurable targets.

There are two standards being proposed today. One relates to the lake itself, and the second relates to the Tahoe Keys. Both are drawn directly from the programmatic documents that are guiding management in those areas today. The notion of all known sites in surveillance category, as many of you probably know, once you have an aquatic invasive species in the lake, it is nearly impossible to eradicate it. It requires constant vigilance. The surveillance category means that we've controlled the infestation to a level that a dive team can go there and within a day, get that site back down to zero if and when they find species. It's basically no species, no aquatic invasive plant infestations in the lake on any given day. The 75 percent reduction of aquatic invasive plant abundance within the Tahoe Keys is consistent with the goal of the control methods test and division there.

Presentation: [Regional-Planning-Committee-Agenda-Item-No-4-6-Recommendation-on-Threshold-Standard-Update.pdf](#)

#### Committee Comments

Mr. Hoenigman said it's great that we're updating these standards. Is this a regular process?

Ms. Regan said yes, we have a lot of standards. We feel these are ready and have been vetted thoroughly. Last year at our strategic planning session, we had a fully separate initiative called the Threshold Update Initiative and we were running multiple tracks on that, but the direction from the board was this should be incorporated into the policy

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side. We shouldn't have this initiative going on in a vacuum. Staff are prioritizing the needs and the ability for us to find consensus around these. We've worked with the Science Council. The creation of the Tahoe Science Advisory Council was to help us in this quest to update these many standards.

Mr. Segan said the next set of updates is a suite in the works for our water quality and forest health standards. We've been working to align both our performance metrics, performance health, and then align those with our overall threshold standards.

Mr. Hoenigman said it's amazing news that we hit some standards and we're doing well. As we set these new future goals, it's important for us to show in our information that we hit the original standard and we've created an even more aspirational ambitious standard. We have to ensure that the message is not lost and what we're doing is successful.

Mr. Settelmeyer said based on the old standard, we're meeting it by 110 percent by the new standard for example and that way we can show that we increased our standards.

Mr. Hoenigman asked if we have a threshold for affordable housing or housing in general for the basin. It seems like it's something that people weren't really thinking about when TRPA was formed.

Ms. Regan said we don't have an affordable threshold standard, but we did add a Sustainable communities standard with the Transportation Sustainable Communities category. We often get questions about the economy but don't have a threshold standard per se for the economy an economic revitalization but the amendment to the Compact that moved through the two states and ratified by Congress makes sure that we consider economic conditions when we do regional planning. A lot of things are embedded but it's an overlap with so many of our land use policies.

Public Comment

None.

Motion

Mr. Settelmeyer made a motion to recommend approval of the required findings (Attachment B) including a finding of no significant effect.

Ayes: Ms. Aldean, Ms. Gustafson, Mr. Hoenigman, Mr. Settelmeyer

Absent: Ms. Diss, Ms. Leumer

**Motion carried.**

Mr. Settelmeyer made a motion to recommend adoption of Ordinance 2024-\_\_\_, amending Ordinance 2019-02 (Attachment A), updates to the threshold standards for 1) Stream Environment Zone (SEZ) restoration, 2) Aquatic Invasive Species control, and 3)

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Tahoe Yellow Cress conservation with the correction of the typographical error in Special Standard VP22.

Ayes: Ms. Aldean, Ms. Gustafson, Mr. Hoenigman, Mr. Settlemeyer

Absent: Ms. Diss, Ms. Leumer

**Motion carried.**

III. UPCOMING TOPICS

Ms. Fink said we'll have some area plan amendments coming forward, both applicant-initiated and initiated by the local jurisdictions. As part of these, be getting the first area plans that will be incorporating the affordable and workforce housing amendments that the board approved in December.

Some of these have already come forward with informational hearings in the past and will now be coming forward for recommendations for approval. The City of South Lake Tahoe will be bringing forward the Tahoe Valley Area Plan and Tourist Core Area Plan amendments in July for a recommendation for approval. These are the city-initiated amendments to increase opportunities for housing and alignment with the state of California legislation and some compatibility with the general improvements.

In May, the city will also be coming forward with an amendment to their Tourist Core Area Plan to rezone a parcel from recreation to tourist center mixed-use. That's the parcel that was formerly the site of the Colony Inn.

Finally, there will be two separate amendments coming forward to the Douglas County South Shore Area Plan. Those will be coming forward in June for informational hearings and coming back for a recommendation in September. One is to incorporate the affordable and workforce housing amendments and the other is to create a health services sub-district to accommodate the Barton Stateline medical facility.

X. COMMITTEE MEMBER REPORTS

None.

XIII. PUBLIC INTEREST COMMENTS

None.

XIV. ADJOURNMENT

Ms. Aldean moved to adjourn the meeting.

Mr. Hoenigman adjourned the meeting at 4:55 p.m.

Respectfully Submitted,



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A handwritten signature in cursive script that reads "Marja Ambler".

Marja Ambler  
Clerk to the Board

*The above meeting was recorded in its entirety. Anyone wishing to listen to the recording of the above-mentioned meeting may find it at <https://www.trpa.gov/meeting-materials/>. In addition, written documents submitted at the meeting are available for review. If you require assistance locating this information, please contact the TRPA at (775) 588-4547 or [virtualmeetinghelp@trpa.gov](mailto:virtualmeetinghelp@trpa.gov).*





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STAFF REPORT

Date: May 15, 2024  
To: TRPA Governing Board  
From: TRPA Staff  
Subject: April Financial Statements, Fiscal Year 2024

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Summary and Staff Recommendation:

The 2024 fiscal year is now 84% complete. We continue to work toward plan. Grant revenues and contract expenditures are ramping as we work to finish the fiscal year.

Staff recommends acceptance of the April Financial Statements for Fiscal Year 2024.

Required Motion:

In order to accept the Financial Statements, the Governing Board must make the following motion based on the staff report:

- 1) A motion to accept the April 2024 Financial Statements

In order for the motion to pass, an affirmative vote of any eight Board members is required.

Background:

Ten months (83%) of the fiscal year are now complete. Revenues are 65% of the annual budget, and expenditures are 56% of the budget. Grant revenues ramped up from \$1.2M to 34% of the budget in April which is the momentum we expect as these and associated contract lag.

YTD Revenues and Expenses

Revenues are 65% of the budget. TRPA recognizes revenue when it is billed, so both states' contributions are shown in their entirety. The remaining State revenue to recognize is Tahoe Science Advisory Council (TSAC). Current planning fees are 3 points ahead of last year at this same time but 4 points behind the three-year average and 75% of the budget coming into the expected seasonal uptick. AIS fees are 67% of the budget. Shoreline fees are 68% of the budget. Grants ramped up from 25% of budget to 34% of budget, a \$1.2M increase in April driven by LTRA, US Forest Service and TSAC. The two major EIP grants from the US Forest Service totaling \$3.4M in budgeted Revenue started to ramp in April.

Expenditures are 56% of the budget. Compensation expenses are at 78% of the annual budget, and we continue to expect this to align with budget by the end of the fiscal. Contract expenses

continue to ramp up \$0.7M in April to 41% of the budget and will continue to work towards closing the gap in the months ahead. This will be driven by the USFS grants described in the revenue section. Our debt service payment in December included both principal and capital, so it amounts to 70% of the budget. The final FY24 interest payment for the balance is due in June.

Year to date we have taken in \$2.2M in mitigation fees and disbursed \$5.1M through the end of April including the \$3.7M transfer of Excess Coverage Mitigation Funds to CTC for the acquisition of the Motel 6 property. Mitigation revenues and expenses have been removed from the financial tables to clearly represent operations.

**Tahoe Regional Planning Agency**  
*Fiscal YTD April 2024*

<b>Revenue</b>	<b>State &amp; Local</b>	<b>Fees</b>	<b>Grants</b>	<b>Total</b>
Fees for Service	48,738	3,478,944	0	3,527,681
Grants	425	23,049	4,715,070	4,738,544
State Revenue	8,087,738	0	101,370	8,189,108
Local Revenue	150,000	0	0	150,000
Rent Revenue	0	293,520	0	293,520
Other Revenue	611,161	25,100	0	636,260
TRPA Rent Revenue	0	574,150	0	574,150
<b>Revenue Total</b>	<b>8,898,061</b>	<b>4,394,762</b>	<b>4,816,440</b>	<b>18,109,264</b>
<b>Expenses</b>				
Compensation	4,010,570	1,859,950	1,065,320	6,935,839
Contracts	1,517,573	1,283,853	4,058,923	6,860,349
Financing	(455)	447,189	0	446,734
Other	628,440	225,176	114,377	967,993
Rent	601,879	17,052	0	618,931
A&O/Transfers	(1,777,007)	1,194,846	568,729	(13,432)
<b>Expenses Total</b>	<b>4,981,000</b>	<b>5,028,066</b>	<b>5,807,349</b>	<b>15,816,414</b>
<b>Net</b>	<b>3,917,062</b>	<b>(633,303)</b>	<b>(990,909)</b>	<b>2,292,849</b>

*\* Excludes mitigation funds*

TRPA Balance Sheet

TRPA's Balance Sheet continues to be strong. It is important to note that \$21.2M of the cash & investments position is in Trust meaning that it relates to securities that are due back to depositors after permitting is complete and mitigation funds that are designated for future mitigation projects. Examples of this are items 3 & 4 of this agenda. Total Assets increased in April by \$0.7M driven by grant invoicing and interest income.

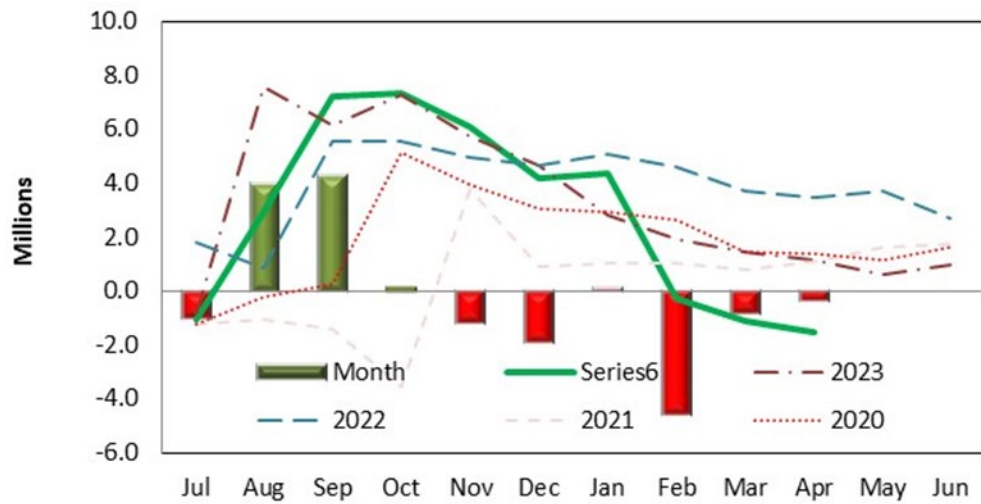
**Tahoe Regional Planning Agency**  
Balance Sheet @ 4-30-24

	TRPA	Grants	Trust	Total
Cash & Invest	8,897,034	2,083,247	21,222,203	32,202,484
A/R	97,059	822,286	0	919,345
Current Assets	136,777	0	0	136,777
LT Assets	8,009,210	0	0	8,009,210
<b>Total Assets</b>	<b>17,140,080</b>	<b>2,905,533</b>	<b>21,222,203</b>	<b>41,267,816</b>
				0
A/P	13,155	(4,001)	0	9,154
Benefits	828,265	0	0	828,265
Deferred Rev	58,069	42,591	0	100,660
Deposits	151,096	2,845	0	153,941
LT Debt	7,972,000	0	0	7,972,000
Mitigation	0	0	1,900,014	1,900,014
Securities	0	0	7,622,128	7,622,128
<b>Total Liabilities</b>	<b>9,022,586</b>	<b>41,434</b>	<b>9,522,142</b>	<b>18,586,162</b>
<b>Net Position</b>	<b>8,117,495</b>	<b>2,864,099</b>	<b>11,700,060</b>	<b>22,681,654</b>

Cash Flow

Net operating cash flow was a usage of \$0.4M for the month. Cash receipts totaled \$1.7M, \$0.6M from Grant invoice receipts, \$0.5 from mitigation fees and the balance from planning fees. Disbursements were \$2.1, up from March driven by contract payments but in line with FY24 average disbursements excluding mitigation projects.

**Monthly/Cumulative Cash Flow**



*When reading the detailed reports (attached), be aware that fund balances may not be intuitive. Negative balances mean revenues exceeded expenses. Positive fund balance occurs when expenses exceed revenue. This reflects the formatting in our accounting system.*

Contact Information:

For questions regarding this agenda item, please contact Chad Cox at (775) 589-5222 or [ccox@trpa.gov](mailto:ccox@trpa.gov).

To submit a written public comment, email [publiccomment@trpa.gov](mailto:publiccomment@trpa.gov) with the appropriate agenda item in the subject line. Written comments received by 4 p.m. the day before a scheduled public meeting will be distributed and posted to the TRPA website before the meeting begins. TRPA does not guarantee written comments received after 4 p.m. the day before a meeting will be distributed and posted in time for the meeting.

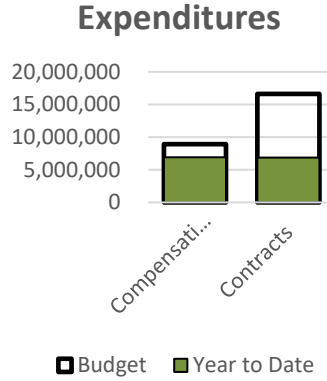
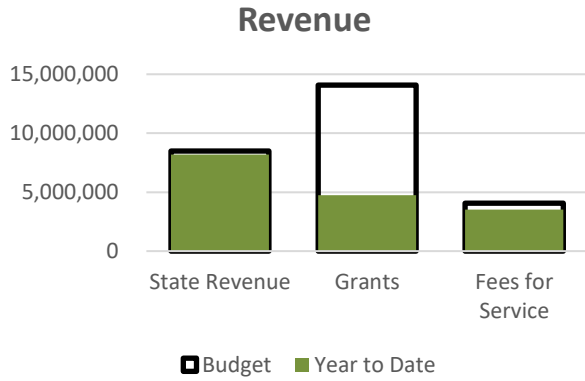
Attachment:

A. April Financial Statements

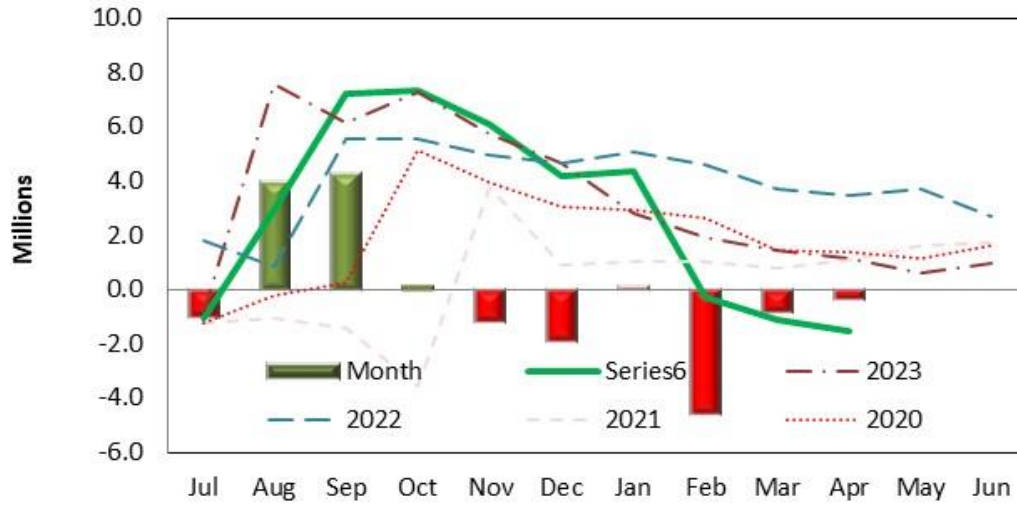
Attachment A

April Financial Statements

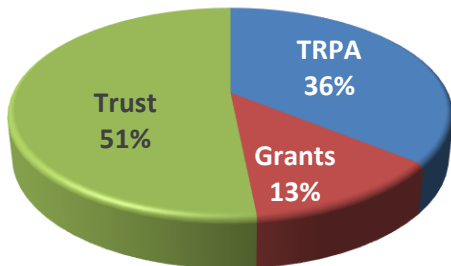
**Tahoe Regional Planning Agency**  
Fiscal YTD April 2024



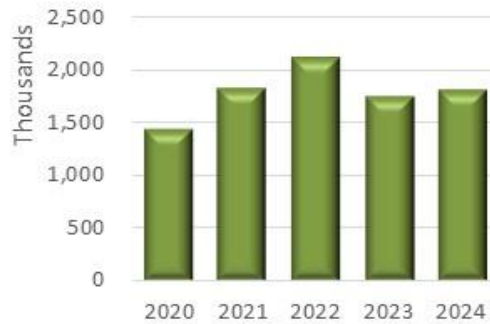
## Monthly/Cumulative Cash Flow



### Net Position



### YTD Planning Fees





**Tahoe Regional Planning Agency**  
**Actuals vs. Budget by Program**  
*Fiscal YTD April 2024*

TRPA Totals*	Ann Budget	YTD	Remaining	% Spent
<b>Revenue</b>				
State Revenue	8,479,456	8,189,108	290,348	97%
Grants	14,069,747	4,738,544	9,331,203	34%
Fees for Service	4,069,663	3,527,681	541,982	87%
Local Revenue	150,000	150,000	0	100%
Rent Revenue	329,623	293,520	36,103	89%
TRPA Rent Revenue	688,980	574,150	114,830	83%
Other Revenue	100,000	636,260	(536,260)	636%
<b>Revenue Total</b>	<b>27,887,469</b>	<b>18,109,264</b>	<b>9,778,205</b>	<b>65%</b>
<b>Expenses</b>				
Compensation	8,901,175	6,935,839	1,965,335	78%
Contracts	16,618,623	6,860,349	9,758,274	41%
Financing	620,260	446,734	173,525	72%
Rent	788,525	618,931	169,594	78%
Other	1,293,388	967,993	325,395	75%
A&O/Transfers	(13,838)	(13,432)	(406)	97%
<b>Expenses Total</b>	<b>28,208,133</b>	<b>15,816,414</b>	<b>12,391,718</b>	<b>56%</b>
<b>TRPA Net</b>	<b>(320,664)</b>	<b>2,292,849</b>	<b>(2,613,513)</b>	

\*excluding Mitigations

Agency Mgmt	Ann Budget	YTD	Remaining	% Spent
<b>Revenue</b>				
Fees for Service	0	48,738	48,738	
Grants	50,000	20,049	29,951	40%
State Revenue	7,262,571	7,179,000	83,571	99%
Other Revenue	100,000	611,161	511,161	611%
Local Revenue	150,000	150,000	0	100%
<b>Revenue Total</b>	<b>7,562,571</b>	<b>8,008,947</b>	<b>446,376</b>	<b>106%</b>
<b>Expenses</b>				
Compensation	2,532,724	2,055,480	477,244	81%
Contracts	272,180	193,272	78,909	71%
Financing	74	319	393	-432%
Rent	2,249	2,586	337	115%
Other	270,138	159,745	110,393	59%
<b>Expenses Total</b>	<b>3,077,365</b>	<b>2,410,764</b>	<b>666,601</b>	<b>78%</b>
<b>Agency Mgmt Net</b>	<b>4,485,206</b>	<b>5,598,184</b>	<b>(1,112,978)</b>	

**Tahoe Regional Planning Agency**  
**Actuals vs. Budget by Program**  
*Fiscal YTD April 2024*

<b>Current Planning</b>	<b>Ann Budget</b>	<b>YTD</b>	<b>Remaining</b>	<b>% Spent</b>
<b>Revenue</b>				
Fees for Service	3,111,616	2,820,278	291,338	91%
Grants	0	3,000	3,000	
State Revenue	124,000	124,000	0	100%
Other Revenue	0	23,187	23,187	
<b>Revenue Total</b>	<b>3,235,616</b>	<b>2,970,465</b>	<b>265,152</b>	<b>92%</b>
<b>Expenses</b>				
Compensation	2,260,876	1,788,968	471,908	79%
Contracts	831,825	863,224	31,400	104%
Financing	57,611	43,098	14,513	75%
Other	96,392	37,248	59,144	39%
A&O/Transfers	1,230,030	1,153,212	76,818	
<b>Expenses Total</b>	<b>4,476,733</b>	<b>3,885,750</b>	<b>590,983</b>	<b>87%</b>

<b>Curr Plan Net</b>	<b>(1,241,117)</b>	<b>(915,285)</b>	<b>(325,832)</b>
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<b>Envir. Imp.</b>	<b>Ann Budget</b>	<b>YTD</b>	<b>Remaining</b>	<b>% Spent</b>
<b>Revenue</b>				
Fees for Service	958,047	658,666	299,381	69%
Grants	9,705,911	3,004,547	6,701,364	31%
State Revenue	750,000	750,000	0	100%
<b>Revenue Total</b>	<b>11,413,958</b>	<b>4,413,212</b>	<b>7,000,746</b>	<b>39%</b>
<b>Expenses</b>				
Compensation	1,247,248	1,084,152	163,096	87%
Contracts	10,253,453	3,601,334	6,652,120	35%
Financing	15,000	10,523	4,477	70%
Rent	94,769	36,643	58,127	39%
Other	180,795	118,959	61,836	66%
A&O/Transfers	247,529	201,967	45,562	
<b>Expenses Total</b>	<b>12,038,794</b>	<b>5,053,577</b>	<b>6,985,218</b>	<b>42%</b>

<b>Env Imp Net</b>	<b>(624,836)</b>	<b>(640,364)</b>	15,528
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**Tahoe Regional Planning Agency**  
**Actuals vs. Budget by Program**  
*Fiscal YTD April 2024*

L RTP	Ann Budget	YTD	Remaining	% Spent
<b>Revenue</b>				
Grants	3,515,979	1,007,102	2,508,877	29%
Fees for Service	0	0	0	
Other Revenue	0	0	0	
<b>Revenue Total</b>	<b>3,515,979</b>	<b>1,007,102</b>	<b>2,508,877</b>	<b>29%</b>
<b>Expenses</b>				
Compensation	1,458,098	1,010,807	447,291	69%
Contracts	2,305,702	406,946	1,898,756	18%
Rent	2,527	0	2,527	0%
Other	33,860	97,779	63,920	289%
A&O/Transfers	512,242	407,534	104,708	
<b>Expenses Total</b>	<b>4,312,428</b>	<b>1,923,067</b>	<b>2,389,362</b>	<b>45%</b>
<b>L RTP Net</b>	<b>(796,449)</b>	<b>(915,964)</b>	<b>119,515</b>	

R & A	Ann Budget	YTD	Remaining	% Spent
<b>Revenue</b>				
Grants	797,857	703,846	94,011	88%
State Revenue	342,885	136,108	206,777	40%
<b>Revenue Total</b>	<b>1,140,742</b>	<b>839,954</b>	<b>300,787</b>	<b>74%</b>
<b>Expenses</b>				
Compensation	1,157,439	913,491	243,948	79%
Contracts	2,328,603	1,156,965	1,171,638	50%
Other	16,165	21,180	5,015	131%
A&O/Transfers	2,001	862	1,139	43%
<b>Expenses Total</b>	<b>3,504,207</b>	<b>2,092,497</b>	<b>1,411,710</b>	<b>60%</b>
<b>R &amp; A Net</b>	<b>(2,363,465)</b>	<b>(1,252,542)</b>	<b>(1,110,923)</b>	

**Tahoe Regional Planning Agency**  
**Actuals vs. Budget by Program**  
*Fiscal YTD April 2024*

	<b>Ann Budget</b>	<b>YTD</b>	<b>Remaining</b>	
<b>Infrastructure</b>				
<b>Revenue</b>				
Other Revenue	0	1,913	1,913	
Rent Revenue	329,623	293,520	36,103	89%
TRPA Rent Revenue	688,980	574,150	114,830	83%
<b>Revenue Total</b>	<b>1,018,603</b>	<b>869,583</b>	<b>149,020</b>	<b>85%</b>
<b>Expenses</b>				
Compensation	101,607	82,943	18,664	82%
Contracts	626,860	308,608	318,252	49%
Financing	547,575	393,432	154,143	72%
Rent	688,980	574,150	114,830	83%
Other	555,859	531,906	23,953	96%
<b>Expenses Total</b>	<b>2,520,881</b>	<b>1,891,039</b>	<b>629,842</b>	<b>75%</b>
<b>Infrastructure Net</b>	<b>(1,502,279)</b>	<b>(1,021,456)</b>		
<b>Other</b>				
<b>Expenses</b>				
A&O/Transfers	2,005,640	1,777,007	228,633	40%
<b>Expenses Total</b>	<b>2,005,640</b>	<b>1,777,007</b>	<b>228,633</b>	

## TRPA Current Planning Fees

*Fiscal Year-to-Date Mitigations 2024*

	2021	2022	2023	2024	This year vs. Avg. Last 3
RESIDENTIAL	474,739	564,603	498,798	362,748	(149,966)
OTHER_REV	231,380	260,761	243,913	217,287	(28,064)
SHOREZONE	137,124	146,263	38,900	198,897	91,468
REVISIONS	75,508	93,781	101,455	140,684	50,436
ALLOCATION	86,165	84,565	75,518	97,642	15,559
COMMERCL_TA	73,715	132,043	108,197	92,961	(11,691)
TREE_RMVL	111,524	112,246	98,809	81,669	(25,857)
RECR_PUBLIC	83,032	77,079	52,777	70,760	(203)
LAND_CHALL	98,952	44,316	35,150	62,606	3,133
GENERAL	52,292	70,495	60,725	61,298	128
FULL_SITE	33,648	43,376	58,381	57,941	12,806
SECURITIES	69,303	70,183	51,905	57,474	(6,323)
LAND_CAP	17,787	13,430	16,419	30,321	14,442
SOILS_HYDRO	20,230	36,743	27,438	29,229	1,092
MOORING	21,612	140,339	58,688	27,226	(46,320)
GRADE_EXCEPT	22,512	28,968	21,896	26,260	1,801
VB_COVERAGE	13,894	10,076	8,309	20,085	9,326
ENFORCEMNT		521	36,801	19,689	1,028
IPES	63,639	54,620	11,273	17,806	(25,371)
LLADJ_ROW	19,743	13,345	18,371	16,499	(654)
VB_USE	14,811	8,580	25,039	15,191	(952)
GRADING	3,885	5,401	13,946	14,295	6,551
TRANS_DEV	12,481	9,094	10,945	12,741	1,901
QUAL_EXEMPT	29,635	19,116	5,450	11,073	(6,994)
STD2	8,831	7,473	11,242	10,935	1,753
ENVIRONMENT	3,496	4,370	10,545	8,328	2,191
PRE-APP				8,280	
TEMP_USE	1,846	4,855	5,005	6,546	2,644
SUBDIV_EXIST	2,892	3,407	2,869	5,152	2,096
QE SHOREZONE	981	6,426	1,119	4,211	1,369
PARTIAL_SITE	5,307	6,428	3,423	4,035	(1,018)
CONSTR_EXT	7,464	7,318	5,909	4,009	(2,888)
SIGNS	3,258	3,714	1,731	3,392	491
NOTE_APPEAL	4,990	5,218	4,393	3,092	(1,775)
HISTORIC	1,105	1,198	1,198	1,297	130
CONVERSION	619	1,638	1,047	1,102	1
RES_DRIVE	357	756	756	840	217
LMTD_INCENT	1,862	434	886	723	(338)
SCENIC_ASSES		546		483	(63)
UNDRGRD_TANK	2,047	419	882	478	(638)
STD	(598)	13,651	5,672	0	(6,242)
MONITORING	10,000	(2,500)	5,141		(4,214)
CEP			4,995		(4,995)
<b>Totals</b>	<b>1,822,069</b>	<b>2,105,293</b>	<b>1,745,915</b>	<b>1,805,283</b>	<b>(104,004)</b>

This month vs. last year	103.4%
this month vs. prior 3-year average	95.5%

**Tahoe Regional Planning Agency**  
**Actuals vs. Budget by Department**  
*Fiscal YTD April 2024*

Row Labels	Ann Budget	YTD	Remaining	Percent Spent
<b>Agency Mgmt</b>				
GF Revenue				
Revenue				
Fees for Service	-	(48,738)	48,738	
State Revenue	(7,262,571)	(7,179,000)	(83,571)	98.8%
Local Revenue	(150,000)	(150,000)	0	100.0%
Other Revenue	(100,000)	(611,161)	511,161	611.2%
Revenue Total	(7,512,571)	(7,988,898)	476,327	106.3%
<b>GF Revenue Total</b>	<b>(7,512,571)</b>	<b>(7,988,898)</b>	<b>476,327</b>	<b>106.3%</b>
<b>Gov Board</b>				
Expenses				
Contracts	-	26,488	(26,488)	
Other	26,038	21,190	4,847	81.4%
Rent	2,249	2,500	(251)	111.2%
Expenses Total	28,287	50,178	(21,891)	177.4%
<b>Gov Board Total</b>	<b>28,287</b>	<b>50,178</b>	<b>(21,891)</b>	<b>177.4%</b>
<b>Executive</b>				
Expenses				
Compensation	913,969	812,168	101,802	88.9%
Other	12,803	22,300	(9,496)	174.2%
Expenses Total	926,773	834,468	92,305	90.0%
<b>Executive Total</b>	<b>926,773</b>	<b>834,468</b>	<b>92,305</b>	<b>90.0%</b>
<b>Legal</b>				
Expenses				
Compensation	489,553	306,225	183,328	62.6%
Contracts	123,319	33,239	90,080	27.0%
Other	6,920	8,955	(2,035)	129.4%
Expenses Total	619,792	348,419	271,373	56.2%
<b>Legal Total</b>	<b>619,792</b>	<b>348,419</b>	<b>271,373</b>	<b>56.2%</b>
<b>Communications</b>				
Expenses				
Compensation	390,061	238,934	151,127	61.3%

**Tahoe Regional Planning Agency**  
**Actuals vs. Budget by Department**  
*Fiscal YTD April 2024*

Row Labels	Ann Budget	YTD	Remaining	Percent Spent
Contracts	30,000	26,504	3,496	88.3%
Other	61,607	30,570	31,037	49.6%
Rent	-	86	(86)	
<b>Expenses Total</b>	<b>481,668</b>	<b>296,094</b>	<b>185,574</b>	<b>61.5%</b>
<b>Communications Total</b>	<b>481,668</b>	<b>296,094</b>	<b>185,574</b>	<b>61.5%</b>
<b>Finance</b>				
Revenue				
Financing	(100)	(455)	355	455.0%
<b>Revenue Total</b>	<b>(100)</b>	<b>(455)</b>	<b>355</b>	<b>455.0%</b>
Expenses				
Compensation	461,504	472,908	(11,404)	102.5%
Contracts	54,115	47,131	6,984	87.1%
Other	3,259	2,825	434	86.7%
<b>Expenses Total</b>	<b>518,878</b>	<b>522,863</b>	<b>(3,985)</b>	<b>100.8%</b>
<b>Finance Total</b>	<b>518,778</b>	<b>522,408</b>	<b>(3,630)</b>	<b>100.7%</b>
<b>HR</b>				
Expenses				
Compensation	277,636	225,245	52,391	81.1%
Contracts	64,746	59,911	4,836	92.5%
Other	82,592	35,362	47,230	42.8%
<b>Expenses Total</b>	<b>424,975</b>	<b>320,518</b>	<b>104,457</b>	<b>75.4%</b>
<b>HR Total</b>	<b>424,975</b>	<b>320,518</b>	<b>104,457</b>	<b>75.4%</b>
<b>Agency Mgmt Total</b>	<b>(4,512,299)</b>	<b>(5,616,814)</b>	<b>1,104,515</b>	<b>124.5%</b>
<b>Current Planning</b>				
Current Planning				
Revenue				
Fees for Service	(2,415,068)	(1,808,714)	(606,354)	74.9%
<b>Revenue Total</b>	<b>(2,415,068)</b>	<b>(1,808,714)</b>	<b>(606,354)</b>	<b>74.9%</b>
Expenses				
Compensation	1,636,795	1,355,222	281,573	82.8%
Contracts	342,970	337,962	5,008	98.5%

**Tahoe Regional Planning Agency**  
**Actuals vs. Budget by Department**  
*Fiscal YTD April 2024*

Row Labels	Ann Budget	YTD	Remaining	Percent Spent
Financing	49,087	37,266	11,821	75.9%
Other	5,485	5,433	52	99.1%
A&O/Transfers	912,022	897,157	14,866	98.4%
Expenses Total	2,946,358	2,633,039	313,320	89.4%
<b>Current Planning Total</b>	<b>531,290</b>	<b>824,325</b>	<b>(293,034)</b>	<b>155.2%</b>
<b>Current Planning Reimbursed</b>				
Revenue				
Fees for Service	(200,000)	(735,691)	535,691	367.8%
Revenue Total	(200,000)	(735,691)	535,691	367.8%
Expenses				
Contracts	200,000	364,978	(164,978)	182.5%
Expenses Total	200,000	364,978	(164,978)	182.5%
<b>Current Planning Reimbursed Total</b>	<b>-</b>	<b>(370,713)</b>	<b>370,713</b>	
<b>Code Enforcement</b>				
Expenses				
Compensation	393,182	332,512	60,670	84.6%
Other	7,889	1,779	6,110	22.6%
A&O/Transfers	219,081	220,123	(1,042)	100.5%
Expenses Total	620,151	554,414	65,738	89.4%
<b>Code Enforcement Total</b>	<b>620,151</b>	<b>554,414</b>	<b>65,738</b>	<b>89.4%</b>
<b>Boat Crew</b>				
Revenue				
State Revenue	(124,000)	(124,000)	0	100.0%
Revenue Total	(124,000)	(124,000)	0	100.0%
Expenses				
Compensation	53,356	46,955	6,401	88.0%
Other	50,055	25,352	24,703	50.6%
Rent	-	2,813	(2,813)	
Expenses Total	103,411	75,120	28,291	72.6%
<b>Boat Crew Total</b>	<b>(20,589)</b>	<b>(48,880)</b>	<b>28,291</b>	



**Tahoe Regional Planning Agency**  
**Actuals vs. Budget by Department**  
*Fiscal YTD April 2024*

Row Labels	Ann Budget	YTD	Remaining	Percent Spent
<b>Settlements</b>				
Revenue				
Fees for Service	(150,000)	0	(150,000)	0.0%
Grants	-	(3,000)	3,000	
Revenue Total	(150,000)	(3,000)	(147,000)	2.0%
Expenses				
Contracts	159,000	110,082	48,918	69.2%
Other	20,600	0	20,600	0.0%
Expenses Total	179,600	110,082	69,518	61.3%
<b>Settlements Total</b>	<b>29,600</b>	<b>107,082</b>	<b>(77,482)</b>	<b>361.8%</b>
<b>Legal - Direct or Disallowed</b>				
Revenue				
Fees for Service	-	(98,188)	98,188	
Revenue Total	-	(98,188)	98,188	
Expenses				
Contracts	-	4,307	(4,307)	
Fees for Service	-	59,355	(59,355)	
Expenses Total	-	63,662	(63,662)	
<b>Legal - Direct or Disallowed Total</b>	<b>-</b>	<b>(34,526)</b>	<b>34,526</b>	
<b>Shorezone</b>				
Revenue				
Fees for Service	(346,548)	(237,040)	(109,508)	68.4%
Other Revenue	-	(23,187)	23,187	
Revenue Total	(346,548)	(260,227)	(86,321)	75.1%
Expenses				
Compensation	177,543	54,279	123,264	30.6%
Contracts	129,855	45,895	83,959	35.3%
Financing	8,524	5,832	2,692	68.4%
Other	12,363	4,684	7,679	37.9%
Rent	-	2,739	(2,739)	
A&O/Transfers	98,927	35,933	62,994	36.3%
Expenses Total	427,212	149,362	277,850	35.0%

**Tahoe Regional Planning Agency**  
**Actuals vs. Budget by Department**  
*Fiscal YTD April 2024*

Row Labels	Ann Budget	YTD	Remaining	Percent Spent
<b>Shorezone Total</b>	<b>80,664</b>	<b>(110,865)</b>	<b>191,529</b>	<b>-137.4%</b>
<b>Current Planning Total</b>	<b>1,241,117</b>	<b>920,837</b>	<b>320,279</b>	<b>74.2%</b>
<b>Envir. Imp.</b>				
Env. Improv.				
Expenses				
Compensation	649,229	626,837	22,393	96.6%
Contracts	21,855	11,529	10,325	52.8%
Other	14,131	5,278	8,853	37.3%
Expenses Total	685,215	643,643	41,571	93.9%
<b>Env. Improv. Total</b>	<b>685,215</b>	<b>643,643</b>	<b>41,571</b>	<b>93.9%</b>
<b>Stormwater Planning Support</b>				
Revenue				
Fees for Service	(61,100)	(54,275)	(6,825)	88.8%
Revenue Total	(61,100)	(54,275)	(6,825)	88.8%
Expenses				
Compensation	-	62,890	(62,890)	
Other	721	0	721	0.0%
A&O/Transfers	-	41,634	(41,634)	
Expenses Total	721	104,524	(103,803)	
<b>Stormwater Planning Support Total</b>	<b>(60,379)</b>	<b>50,249</b>	<b>(110,628)</b>	<b>-83.2%</b>
<b>Lahontan Caldor Fire Monitoring</b>				
Revenue				
Grants	(99,639)	(42,140)	(57,499)	42.3%
Revenue Total	(99,639)	(42,140)	(57,499)	42.3%
Expenses				
Compensation	2,305	592	1,713	25.7%
Contracts	97,333	41,657	55,677	42.8%
A&O/Transfers	-	0	0	
Expenses Total	99,639	42,249	57,390	42.4%
<b>Lahontan Caldor Fire Monitoring Total</b>	<b>(0)</b>	<b>109</b>	<b>(109)</b>	

**Tahoe Regional Planning Agency**  
**Actuals vs. Budget by Department**  
*Fiscal YTD April 2024*

Row Labels	Ann Budget	YTD	Remaining	Percent Spent
<b>Envir. Imp. Total</b>	<b>624,836</b>	<b>694,001</b>	<b>(69,165)</b>	
<b>L RTP</b>				
Long Range & Transp. Planning				
Expenses				
Compensation	279,976	220,962	59,014	78.9%
Contracts	328,408	34,400	294,008	10.5%
Other	8,777	4,570	4,206	52.1%
Rent	2,527	0	2,527	0.0%
<b>Expenses Total</b>	<b>619,687</b>	<b>259,932</b>	<b>359,755</b>	<b>41.9%</b>
<b>Long Range &amp; Transp. Planning Total</b>	<b>619,687</b>	<b>259,932</b>	<b>359,755</b>	<b>41.9%</b>
<b>TMPO</b>				
Expenses				
Compensation	-	8,014	(8,014)	
Contracts	155,729	6,933	148,796	4.5%
Other	21,034	34,996	(13,962)	166.4%
<b>Expenses Total</b>	<b>176,763</b>	<b>49,943</b>	<b>126,820</b>	<b>28.3%</b>
<b>TMPO Total</b>	<b>176,763</b>	<b>49,943</b>	<b>126,820</b>	<b>28.3%</b>
<b>L RTP Total</b>	<b>796,450</b>	<b>309,875</b>	<b>486,574</b>	
<b>R &amp; A</b>				
Research & Analysis				
Expenses				
Compensation	1,112,391	901,107	211,284	81.0%
Contracts	1,237,942	372,538	865,404	30.1%
Other	13,133	13,849	(716)	105.5%
<b>Expenses Total</b>	<b>2,363,466</b>	<b>1,287,494</b>	<b>1,075,972</b>	<b>54.5%</b>
<b>Research &amp; Analysis Total</b>	<b>2,363,466</b>	<b>1,287,494</b>	<b>1,075,972</b>	<b>54.5%</b>
Nearshore Trib Monitoring (Lahontan)				
Revenue				
Grants	(128,223)	(214,103)	85,880	167.0%
<b>Revenue Total</b>	<b>(128,223)</b>	<b>(214,103)</b>	<b>85,880</b>	<b>167.0%</b>
Expenses				

**Tahoe Regional Planning Agency**  
**Actuals vs. Budget by Department**  
*Fiscal YTD April 2024*

Row Labels	Ann Budget	YTD	Remaining	Percent Spent
Compensation	2,305	3,044	(738)	132.0%
Contracts	125,918	127,622	(1,704)	101.4%
A&O/Transfers	-	0	0	
<b>Expenses Total</b>	<b>128,223</b>	<b>130,666</b>	<b>(2,442)</b>	<b>101.9%</b>
<b>Nearshore Trib Monitoring (Lahontan) Tota</b>	<b>0</b>	<b>(83,437)</b>	<b>83,437</b>	
<b>Lake Tahoe West GIS Support</b>				
Revenue				
State Revenue	(201,422)	(101,370)	(100,052)	50.3%
<b>Revenue Total</b>	<b>(201,422)</b>	<b>(101,370)</b>	<b>(100,052)</b>	<b>50.3%</b>
Expenses				
Contracts	201,422	94,174	107,248	46.8%
Other	-	6,850	(6,850)	
<b>Expenses Total</b>	<b>201,422</b>	<b>101,025</b>	<b>100,397</b>	<b>50.2%</b>
<b>Lake Tahoe West GIS Support Total</b>	<b>-</b>	<b>(345)</b>	<b>345</b>	
<b>Climate Impacts on Alpine Lake</b>				
Revenue				
Grants	(48,000)	0	(48,000)	0.0%
<b>Revenue Total</b>	<b>(48,000)</b>	<b>0</b>	<b>(48,000)</b>	<b>0.0%</b>
Expenses				
Contracts	45,714	9,477	36,237	20.7%
A&O/Transfers	2,286	0	2,286	0.0%
<b>Expenses Total</b>	<b>47,999</b>	<b>9,477</b>	<b>38,523</b>	<b>19.7%</b>
<b>Climate Impacts on Alpine Lake Total</b>	<b>(0)</b>	<b>9,477</b>	<b>(9,477)</b>	<b>-2369162.5%</b>
<b>NDEP Nearshore Algal Monitoring</b>				
Revenue				
Grants	(32,000)	(19,072)	(12,928)	59.6%
<b>Revenue Total</b>	<b>(32,000)</b>	<b>(19,072)</b>	<b>(12,928)</b>	<b>59.6%</b>
Expenses				
Contracts	32,000	19,072	12,928	59.6%
<b>Expenses Total</b>	<b>32,000</b>	<b>19,072</b>	<b>12,928</b>	<b>59.6%</b>

**Tahoe Regional Planning Agency**  
**Actuals vs. Budget by Department**  
*Fiscal YTD April 2024*

Row Labels	Ann Budget	YTD	Remaining	Percent Spent
<b>NDEP Nearshore Algal Monitoring Total</b>	-	0	0	
<b>R &amp; A Total</b>	<b>2,363,466</b>	<b>1,213,188</b>	<b>1,150,278</b>	
<b>Infrastructure</b>				
General Services				
Expenses				
Compensation	101,607	82,943	18,664	81.6%
Contracts	30,414	731	29,683	2.4%
Other	181,208	160,341	20,867	88.5%
Rent	688,980	574,150	114,830	83.3%
Expenses Total	1,002,209	818,165	184,043	81.6%
<b>General Services Total</b>	<b>1,002,209</b>	<b>818,165</b>	<b>184,043</b>	<b>81.6%</b>
IT				
Expenses				
Contracts	280,000	229,893	50,107	82.1%
Other	213,586	251,515	(37,929)	117.8%
Expenses Total	493,586	481,407	12,178	97.5%
<b>IT Total</b>	<b>493,586</b>	<b>481,407</b>	<b>12,178</b>	<b>97.5%</b>
Building				
Revenue				
Other Revenue	-	(1,913)	1,913	
Rent Revenue	(325,943)	(293,520)	(32,423)	90.1%
TRPA Rent Revenue	(688,980)	(574,150)	(114,830)	83.3%
Revenue Total	(1,014,923)	(869,583)	(145,340)	85.7%
Expenses				
Contracts	316,447	77,985	238,462	24.6%
Financing	547,575	393,432	154,143	71.8%
Other	83,378	41,214	42,164	49.4%
Expenses Total	947,400	512,630	434,769	54.1%
<b>Building Total</b>	<b>(67,523)</b>	<b>(356,952)</b>	<b>289,429</b>	
CAM				
Revenue				

**Tahoe Regional Planning Agency**  
**Actuals vs. Budget by Department**  
*Fiscal YTD April 2024*

Row Labels	Ann Budget	YTD	Remaining	Percent Spent
Rent Revenue	(3,680)	0	(3,680)	0.0%
Revenue Total	(3,680)	0	(3,680)	0.0%
<b>Expenses</b>				
Other	77,687	78,836	(1,149)	101.5%
Expenses Total	77,687	78,836	(1,149)	101.5%
<b>CAM Total</b>	<b>74,007</b>	<b>78,836</b>	<b>(4,829)</b>	<b>106.5%</b>
<b>Infrastructure Total</b>	<b>1,502,279</b>	<b>1,021,456</b>	<b>480,823</b>	<b>68.0%</b>
<b>Other</b>				
<b>Other</b>				
<b>Expenses</b>				
Compensation	143,183	0	143,183	0.0%
Contracts	-	330,000	(330,000)	
Other	140,181	1,177	139,004	0.8%
A&O/Transfers	(2,005,640)	(1,777,007)	(228,633)	88.6%
Expenses Total	(1,722,276)	(1,445,830)	(276,447)	83.9%
<b>Other Total</b>	<b>(1,722,276)</b>	<b>(1,445,830)</b>	<b>(276,447)</b>	<b>83.9%</b>
<b>Other Total</b>	<b>(1,722,276)</b>	<b>(1,445,830)</b>	<b>(276,447)</b>	<b>83.9%</b>



**Mail**

PO Box 5310  
Stateline, NV 89449-5310

**Location**

128 Market Street  
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**Contact**

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www.trpa.gov

STAFF REPORT

Date: May 15, 2024

To: TRPA Governing Board

From: TRPA Staff

Subject: Release of El Dorado County Air Quality Interest Mitigation Funds (\$2,509.00) towards the [South Tahoe Greenway Shared Use Trail](#)

Summary and Staff Recommendation:

Staff recommends that the Governing Board approve El Dorado County’s request for the release of Air Quality Interest Funds in the amount of \$2,509.00, for the South Tahoe Greenway Shared Use Trail (EIP Number: 03.02.02.0075), subject to the conditions cited below. The request is consistent with the Environmental Improvement Program objectives, and the Governing Board’s policy guidelines for the release of mitigation funds.

Required Motion:

To approve the requested release, the Board must make the following motion:

- 1) A motion to approve the release subject to the conditions contained in this memorandum.

In order for the motion to pass, an affirmative vote of any eight Board members is required.

Background:

The Dennis T. Machida Memorial Greenway provides the backbone of the shared-use trail network in the south shore. Also known as the South Tahoe Greenway Shared Use Trail, the trail links south shore neighborhoods to each other, and to Lake Tahoe Community College. The 3.86-mile trail is being constructed in phases - phases 1a, 1b, and 2 are complete, and planning for Phase 1c is underway.

El Dorado County is requesting Air Quality Interest funds to cover payment of the State's Water Resources Control Board Water Quality Certification annual permit.

The unencumbered Air Quality Interest Fund account balance for El Dorado County is \$46,802.19, which is sufficient to cover this request.

Conditions:

Staff recommends approving the release of these funds subject to the following conditions of approval:

1. The County shall only use the funds for the project cited above and as approved by TRPA.
2. TRPA reserves the right to withhold funds to ensure project priorities, goals, and objectives are consistent with those of the Environmental Improvement Program and TRPA's Regional Plan.
3. The County agrees to follow all laws, codes, and regulations adopted by federal, state, and local authorities/agencies.
4. The County agrees to maintain a report detailing the use and expenditure of all funds used on the project. These records shall be made available for review and audit by TRPA within thirty (30) calendar days upon written request.
5. All mitigation funds not used as described above shall be returned to TRPA. Upon written approval from TRPA, these funds may be re-allocated to another project.
6. The County agrees to request from TRPA a final inspection no later than 30 days after completion of the project.
7. TRPA approved EIP signage shall be used on all projects during construction to identify TRPA as a funding source and shall include the EIP logo.
8. The County agrees to update and maintain project expenditures and applicable EIP Performance Measures achieved by this project in the EIP Tracker.

Regional Plan Compliance:

The proposed release complies with the TRPA Regional Plan and Code of Ordinances.

Contact Information:

If you have any questions regarding this item, please contact Tracy Campbell at [tcampbell@trpa.gov](mailto:tcampbell@trpa.gov), or (775) 589-5267.

To submit a written public comment, email [publiccomment@trpa.gov](mailto:publiccomment@trpa.gov) with the appropriate agenda item in the subject line. Written comments received by 4 p.m. the day before a scheduled public meeting will be distributed and posted to the TRPA website before the meeting begins. TRPA does not guarantee written comments received after 4 p.m. the day before a meeting will be distributed and posted in time for the meeting.

Attachment:

- A. EIP Project Fact Sheet



Attachment A

EIP Project Fact Sheet  
South Tahoe Greenway Shared Use Trail



## South Tahoe Greenway Shared Use Trail Phases 1b & 2

Project Number	03.02.02.0075
Action Priority	Build and Enhance Trail Networks
Implementers	El Dorado County, CA, California Tahoe Conservancy
Primary Contact	Donaldo Palaroan (donaldo.palaroan@edcgov.us)
Stage	Completed
Duration	2015 - 2022

### Transportation Program > Build and Enhance Trail Networks

Completed and open to the public in fall 2021, the South Tahoe Greenway Shared Use Trail Phases 1b & 2 is the second implementation phase of the entire Greenway project, now named the Dennis T. Machida Greenway Memorial Trail. It expands on the existing bicycle network and connections in South Lake Tahoe. The approximately one mile shared use trail between Glenwood Way and Sierra Blvd, includes an elevated boardwalk near Trout Creek and Bijou Creek. A new bike bridge over Trout Creek, improves local street crossings, and connectivity to nearby amenities.



Bridge and boardwalk at Trout Creek

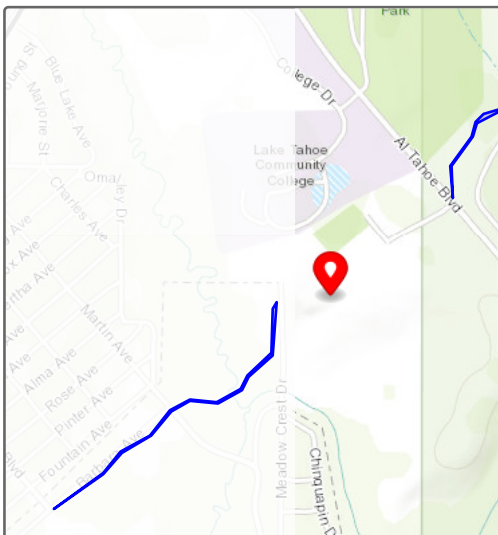
#### Key Accomplishments

- Miles of Pedestrian and Bicycle Routes Improved or Constructed: **1 miles**

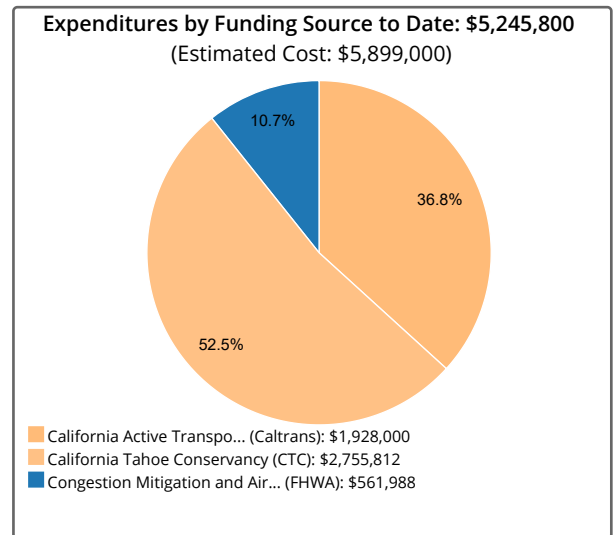
#### Threshold Categories

- Air Quality
- Recreation

#### Location



#### Expenditures



Photos

Before



Bijou Meadow alignment



Trout Creek bridge alignment

After



Trail boardwalk



Dennis T. Machida Trail Trout Creek crossing

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Project Fact Sheet Data as of 05/09/



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## STAFF REPORT

Date: May 15, 2024

To: Tahoe Metropolitan Planning Organization, Governing Board

From: TRPA Transportation Planning Staff

Subject: Approval of Amendment No.2 of the FY 2023/24 Lake Tahoe Transportation Overall Work Program

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### Summary and Staff Recommendation:

Staff recommends that the Tahoe Metropolitan Planning Organization (TMPO) approve Amendment No.2 of the FY 2023/2024 (FY 2024) TMPO Transportation Overall Work Program (OWP).

### Required Motions:

In order to adopt Amendment No.2 of the FY 2024 TMPO Overall Work Program, the Board must make the following motion(s), based on the staff summary:

- 1) A motion to adopt the attached resolution approving Amendment No.2 of the FY 2024 TMPO Overall Work Program. (Attachment A).

In order for motion(s) to pass, an affirmative vote of any eight Board members is required.

### Background:

As a recipient of federal transportation planning funds, the Tahoe Metropolitan Planning Organization (TMPO) is required to prepare an annual program of work outlining transportation planning activities TMPO will be undertaking in the coming fiscal year. The OWP, also referred to as a Unified Planning Work Program (UPWP), provides a description of the activities and financial budget to fund the efforts.

Based on the annual reconciliation of Federal Highway Administration (FHWA) Planning Funds (PL) and Federal Transit Administration (FTA) 5303 it is necessary to amend the current [OWP FY 23/24](#) budget to reflect an increase of \$41,419. While staff time and hours remain the same, these additional funds will be incorporated into Work Element 104. The total budget after all changes is \$2,494,964. Budget updates require no changes to contract services. The final draft OWP Amendment No.2 is available on the [trpa.gov/transportation](http://trpa.gov/transportation) web page beneath Work Program towards the bottom of the home page.

### Summary of Changes:

Funding changes are in 1) Direct Costs (contracts) for Work Element (WE) 104.

## **WE104 – Regional Intermodal Planning**

Direct Costs increased by \$41,419. This small change will be carried forward in FY25 OWP budget and does not require changes to staff time or existing contracts.

REVENUES				EXPENDITURES			
Direct Costs:	FY24 Amend 1	Increase (Decrease)	FY24 Amend 2	Direct Costs:	FY24 Amend 1	Increase (Decrease)	FY24 Amend 2
FHWA PL - Complete Streets (CA)	\$21,712	-\$1,971	\$19,741	Regional Planning Tech Svcs.	\$209,352	\$41,419	\$250,771
-Toll Credits (CA-PL Complete Streets)	\$2,490	-\$226	\$2,264	Transit/TDM Support Svcs.	\$50,000	\$0	\$50,000
FHWA PL - PL (CA)	\$22,807	\$3,486	\$26,293	Active Transportation Planning	\$41,465	\$0	\$41,465
-Toll Credits (CA-PL)	\$2,616	\$400	\$3,016				
FHWA PL (CA 22/23 Carryover) - Expires 6/30/25	\$145,150	\$0	\$145,150				
-Toll Credits (CA-PL Carry)	\$16,649	\$0	\$16,649				
FHWA PL (CA 21/22 Carryover) - Expires 6/30/24	\$3,162	\$0	\$3,162				
-Toll Credits (CA-PL Carry)	\$363	\$0	\$363				
FTA 5303 (CA)	\$0.00	\$39,905	\$39,905				
-Toll Credits (CA 5303-Carry)	\$0	\$4,577	\$4,577				
FTA 5303 (CA 22/23 Carryover) - Expires 6/30/25	\$8,826	\$0	\$8,826				
-Toll Credits (CA 5303-Carry)	\$1,012	\$0	\$1,012				
FTA 5303 (CA 21/22 Carryover) - Expires 6/30/24	\$16,457	\$0	\$16,457				
TRPA General	\$35,193	\$0	\$35,193				
TDA Planning	\$47,510	\$0	\$47,510				
<b>Subtotal:</b>	<b>\$300,817</b>	<b>\$41,419</b>	<b>\$342,236</b>	<b>Subtotal:</b>	<b>\$300,817</b>	<b>\$41,419</b>	<b>\$342,236</b>
<b>TMPO Staff:</b>				<b>TMPO Staff:</b>			
FHWA PL - PL (CA)			\$183,427				
-Toll Credits (PL-CA)			\$21,039				
FTA 5303 (CA)			\$23,600				
-Toll Credits (FTA 5303 CA)			\$2,707				
FHWA PL (NV)			\$153,767				
TRPA General			\$12,281	<b>Wages/Benefits:</b>			<b>\$255,223</b>
TDA Planning			\$16,764	<b>Est. Indirect Cost:</b>			<b>\$142,211</b>
<b>Subtotal:</b>			<b>\$397,434</b>	<b>Subtotal:</b>			<b>\$397,434</b>
<b>Total:</b>	<b>\$300,817</b>	<b>\$41,419</b>	<b>\$739,670</b>	<b>Total:</b>	<b>\$300,817</b>	<b>\$41,419</b>	<b>\$739,670</b>

\*\*Toll Credits are displayed for tracking purposes and are not a form of cash or revenue.

**Contact Information:**

If you have any questions or comments regarding this item, please contact Michelle Glickert, at [mglickert@trpa.org](mailto:mglickert@trpa.org) or 775-589-5204.

To submit a written public comment, email [publiccomment@trpa.gov](mailto:publiccomment@trpa.gov) with the appropriate agenda item in the subject line. Written comments received by 4 p.m. the day before a scheduled public meeting will be distributed and posted to the TRPA website before the meeting begins. TRPA does not guarantee written comments received after 4 p.m. the day before a meeting will be distributed and posted in time for the meeting.

**Attachments:**

- A. Resolution 2024-\_\_ to adopt Amendment No.2 of the FY2024 TMPO OWP
- B. [2023/2024 Lake Tahoe Transportation Overall Work Plan Amendment No.2](#)

Attachment A  
Resolution 2024-\_\_ to adopt Amendment No.2 of the FY2024 TMPO OWP

TAHOE METROPOLITAN PLANNING ORGANIZATION  
TMPO RESOLUTION NO. 2024-\_\_

ADOPTION OF AMENDMENT No.2 OF THE TMPO 2024 TRANSPORTATION OVERALL WORK PROGRAM

WHEREAS, the Tahoe Metropolitan Planning Organization (TMPO) has been designated by the Governors of California and Nevada for the preparation of transportation plans and programs under US Title 23, CFR 450; and

WHEREAS, each MPO is required to adopt an Overall Work Program (OWP), describing the transportation planning program and the planning activities anticipated for the Region over the next fiscal year; and

WHEREAS, the Federal Highway Administration, the Federal Transit Administration, Caltrans and the Nevada Department of Transportation have approved the 2024 OWP; and

WHEREAS, staff has prepared Amendment No.2 to the OWP that includes modifications to the budget and activities; and

WHEREAS, staff is requesting that the TMPO Governing Board adopt Amendment No.2 of the 2024 OWP and authorize the submittal to state and federal agencies for approval as necessary, and authorize staff to take actions necessary for this approval; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Tahoe Metropolitan Planning Organization adopts this resolution approving Amendment No.2 of the 2024 Tahoe Transportation Overall Work Program.

PASSED AND ADOPTED by the Governing Board of the Tahoe Metropolitan Planning Organization at its regular meeting held on May 22, 2024, by the following vote:

Ayes:

Nays:

Abstain:

Absent:

\_\_\_\_\_  
Cindy Gustafson – Chair  
Tahoe Metropolitan Planning Organization  
Governing Board



Attachment B

[2023/2024 Lake Tahoe Transportation Overall Work Plan Amendment No.2](#)



TAHOE REGIONAL PLANNING AGENCY  
TRPA RESOLUTION NO. 2024 – \_\_\_

RESOLUTION IN SUPPORT OF “GET DEFENSIVE” LAKE TAHOE WILDFIRE AWARENESS CAMPAIGN  
MAY – OCTOBER, 2024

WHEREAS, wildfire is a growing threat that significantly impacts Lake Tahoe’s environmental, economic, and social well-being; and

WHEREAS, TRPA is a founding member and active partner on the Tahoe Fire and Fuels Team, which includes all local fire protection districts, the states through various agencies including the California Tahoe Conservancy and the Nevada Division of Forestry, the USDA Forest Service, and local governments at Lake Tahoe; and

WHEREAS, partners have worked collaboratively to treat more than 72,000 acres of forest for hazardous fuels reduction since the Angora Wildfire of 2007, and more than 94,000 acres overall; and

WHEREAS, years of coordinated work by property owners and Tahoe Fire and Fuels Team partners to thin forests, create defensible space, harden homes, and prepare for wildfire, combined with the heroic work of firefighters and weather conditions, saved Lake Tahoe communities from the 2021 Caldor Fire; and

WHEREAS, full- and part-time residents must “Get Defensive” and prepare to survive future wildfire by ensuring proper management of vegetation surrounding the home and hardening the home to reduce the risk of ember ignition; and

WHEREAS, full- and part-time residents need to work together to prepare their homes and communities to survive wildfire and commit to becoming fire adapted; and

WHEREAS, TRPA is actively supporting coordination among emergency management, transportation, and fire agencies to improve evacuation planning and residents can save precious time in an evacuation by preparing a “go-bag” and family evacuation plan ahead of time; and

WHEREAS, fuel reduction projects protect communities and provide environmental benefits that include making our forests more healthy and resilient while providing clean drinking water and wildlife habitat; and

WHEREAS, fire prevention is everyone’s responsibility and all must recognize their role in preventing human caused wildfires by following fire restrictions; and

NOW, THEREFORE BE IT RESOLVED, that the Tahoe Regional Planning Agency adopts this resolution to support the Lake Tahoe Wildfire Awareness Campaign theme “Get Defensive” from May to October 2024 as a means to educate full- and part-time residents of the Lake Tahoe Region to work together to be ready for wildfire.

Passed and adopted this \_\_\_ day of \_\_\_ 2024, by the Governing Board of the Tahoe Regional Planning Agency, by the following vote:

Ayes:

Absent:

Nays:

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Cindy Gustafson, Chair  
Tahoe Regional Planning Agency  
Governing Board

---

STAFF REPORT

Date: May 15, 2024  
To: TRPA Governing Board  
From: TRPA Staff  
Subject: Tahoe Science Advisory Council Briefing on Microplastics: Dr. Monica Arienzo, Desert Research Institute

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Summary and Staff Recommendation:

This is an informational item only; no action is required.

Background

Microplastics, small (particles < 5mm and >1nm) plastic fragments of fibers from clothing, cosmetics, packaging, and the breakdown of other plastics are an emerging global problem. Microplastics have been found everywhere from Antarctica to the bottom of the ocean. Microplastics have also been documented by scientists in Lake Tahoe, which has raised questions from stakeholders and the scientific and management communities on their sources, impacts, and potential management.

In 2023, the Tahoe Science Advisory Council (Council) convened a Microplastics working group of local and regional experts to review the current research and collaborate on next steps. The working group's charge was to summarize and document microplastics and plastic pollution research in the Lake Tahoe Region and to identify and prioritize next steps for science and management action. Dr. Monica Arienzo chairs the Council's working group and has graciously agreed to provide a summary of the current state of knowledge on microplastics and the working group's activities.

About Dr. Monica Arienzo

Dr. Monica Arienzo is an Associate Research Professor in the Division of Hydrologic Sciences and leads the Microplastics and Environmental Chemistry lab at the Desert Research Institute (DRI). Dr. Arienzo uses chemical tools to understand how humans have impacted the environment. In 2021, she received the prestigious CAREER Award from the National Science Foundation (NSF). Dr. Arienzo is a global leader in the study of microplastics and has authored more than 25 peer-reviewed papers which have been cited more than 1,400 times.

If you have questions about the presentation, please contact Dan Segan, Chief Science and Policy Advisor at [dsegan@trpa.gov](mailto:dsegan@trpa.gov) or (775) 589-5233.

To submit a written public comment, email [publiccomment@trpa.gov](mailto:publiccomment@trpa.gov) with the appropriate agenda item in the subject line. Written comments received by 4 p.m. the day before a scheduled public meeting will be distributed and posted to the TRPA website before the meeting begins. TRPA does not guarantee written comments received after 4 p.m. the day before a meeting will be distributed and posted in time for the meeting.



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**Location**

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www.trpa.gov

STAFF REPORT

Date: May 15, 2024  
To: TRPA Governing Board  
From: TRPA Staff  
Subject: Demonstration of the new Online Climate Resilience Dashboard for the Tahoe Region

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Summary and Staff Recommendation:

Staff will provide an overview and live demonstration of the new [Climate Resilience Dashboard \(https://climate.laketahoeinfo.org/\)](https://climate.laketahoeinfo.org/) for the Tahoe Region. This is an information only item, no action is requested.

Project Description/Background:

Lake Tahoe's fragile alpine environment is already experiencing the impacts of climate change. These climate impacts include severe droughts, flooding, warming temperatures, increased risk of wildfire, and more. The Tahoe Regional Planning Agency and partners are implementing climate resilience projects across the region through the [Lake Tahoe Environmental Improvement Program \(EIP\)](#) and the [Climate Resilience Action Strategy](#). Climate resilience projects will advance equity, create jobs, and build resilience for the Tahoe Basin's extraordinary natural resources, people, and visitors.

The dashboard, funded by the California Tahoe Conservancy and TRPA, pulls together regularly collected data from diverse sources and displays them in relation to their role in climate resilience. For example, the dashboard tracks the resilience of Lake Tahoe's transportation system by reporting total transit ridership, equitable access to transportation, miles of bike and pedestrian facilities, a breakdown of people's transportation choices, and the availability of electric vehicle charging stations. The information will help full- and part-time residents, businesses, and Lake Tahoe Environmental Improvement Program partners measure the results of climate actions.

Climate resilience refers to how well-prepared Lake Tahoe's ecosystem, infrastructure, and communities are for continued temperature increases, changing weather patterns, and climate hazard events. This includes local actions needed to reduce greenhouse gas emissions and pollution.

TRPA launched the dashboard to the public on April 27, 2024. In the short time since its launch, the Climate Dashboard has already demonstrated its value to the region. Data and charts from the dashboard were recently used by TRPA staff while presenting the Agency's housing program to the Nevada Interim Committee for the Oversight of TRPA and Marlette Lake Water System.

## Climate Resilience Dashboard

Lake Tahoe's fragile alpine environment is already experiencing the impacts of climate change. These climate impacts include severe droughts, flooding, warming temperatures, increased risk of wildfire, and more. The Tahoe Regional Planning Agency and partners are implementing climate resilience projects across the region through the [Lake Tahoe Environmental Improvement Program \(EIP\)](#) and the [Climate Resilience Action Strategy](#). Climate resilience projects will advance equity, create jobs, and build resilience for the Tahoe Basin's extraordinary natural resources, people, and visitors.

The Climate Resilience Dashboard tracks progress toward building climate resilience across four long-term goals and associated indicators. Measuring progress toward resilience supports the ongoing process of anticipating, preparing for, and adapting to climate change through comprehensive climate resilience strategies. **Click the icons below the goals to learn about ongoing work and key ways we are tracking progress.**



*Screenshot of the Climate Dashboard Homepage*

### *Dashboard Development*

The dashboard was developed with the support of ECONorthwest, Collective Strategies, Fehr & Peers, and Resource Systems Group, Inc. The consultant team conducted best practices research, evaluated the old sustainability dashboard, and engaged 31 regional partners to garner input on dashboard metrics.

The dashboard is part of the broader Lake Tahoe Information Platform and is integrated into TRPA's extensive data systems. Most of the metrics are updated on an automated basis to ensure the dashboard reports data promptly.

### Contact Information:

For questions regarding the Climate Resilience Dashboard, please contact Devin Middlebrook, Sustainability Program Manager, at (775) 589-5230 or [dmiddlebrook@trpa.gov](mailto:dmiddlebrook@trpa.gov).

To submit a written public comment, email [publiccomment@trpa.gov](mailto:publiccomment@trpa.gov) with the appropriate agenda item in the subject line. Written comments received by 4 p.m. the day before a scheduled public meeting will be distributed and posted to the TRPA website before the meeting begins. TRPA does not guarantee written comments received after 4 p.m. the day before a meeting will be distributed and posted in time for the meeting.



Supporting Documents:

- [Climate Dashboard Existing Documents Review](#)
- [Climate Dashboard Best Practices Summary](#)
- [Climate Dashboard Partner Interview Notes](#)
- [Climate Dashboard Final Indicator Report](#)



STAFF REPORT

Date: May 15, 2024  
 To: TRPA Governing Board  
 From: TRPA Staff  
 Subject: Connections 2050: Regional Transportation Plan/Sustainable Communities Strategy Kick-off

Summary and Staff Recommendation:

This is an informational item only and no action is requested.

Project Description/Background:

As the designated Metropolitan Planning Organization (MPO) for the Lake Tahoe Basin, TRPA is charged with maintaining and updating a Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) every four years. The last RTP/SCS was adopted by the TRPA Governing Board in April 2021 and the next update is now underway.

The RTP/SCS update: Connections 2050, will provide a comprehensive, data-driven, transportation plan and land-use forecast for the next 25 years at Tahoe. The RTP/SCS will include a detailed project list, funding strategy, and performance management framework that will be collaboratively developed with stakeholders, the public, and the TRPA Governing Board. Project milestones during the planning process will be presented at the Transportation Committee, the designated committee to guide the development of the RTP/SCS. Staff will present an overview of the RTP/SCS development timeline, outreach strategy, and approval process, and will also present an overview of existing travel patterns in the Region.

## Regional Transportation Plan



Regional Plan Compliance:

The RTP/SCS is the transportation element of the Regional Plan and will comply with all requirements as a federal funding recipient and will be consistent with the TRPA Regional Plan, supporting goals and policies to implement the Regional Plan.

Contact Information:

For questions regarding this agenda item, please contact Kira Richardson at (775) 589-5236 or [krichardson@trpa.gov](mailto:krichardson@trpa.gov).

To submit a written public comment, email [publiccomment@trpa.gov](mailto:publiccomment@trpa.gov) with the appropriate agenda item in the subject line. Written comments received by 4 p.m. the day before a scheduled public meeting will be distributed and posted to the TRPA website before the meeting begins. TRPA does not guarantee written comments received after 4 p.m. the day before a meeting will be distributed and posted in time for the meeting.

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STAFF REPORT

Date: May 15, 2024

To: TRPA Governing Board

From: TRPA Staff

Subject: Appeal of Approval of an Accessory Dwelling Unit Permit, 32 Moana Circle, Placer County, CA, Assessor’s Parcel Number 098-191-018, TRPA File No. ERSP2023-0701, Appeal File No. ADMIN2024-0005

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Requested Action:

To consider and act upon an appeal filed by Debbie and Jens Egerland, Vaughan and Nick Meyer, and Jane Catterson (the “Neighbors”) of an Executive Director-issued permit to Vicki Figone for the construction of an accessory dwelling unit (“ADU”) over a detached garage at a developed residential parcel in Tahoma, California.

Staff Recommendation:

Staff recommends that the Governing Board deny the appeal and affirm the decision of the Executive Director to issue the ADU permit as it meets all requirements of the [TRPA Code of Ordinances](#) (“Code”).

Motion:

1. A motion to grant the appeal, which motion should fail, to affirm the Executive Director’s determination.

The motion to grant the appeal will fail unless it receives five affirmative votes from California and nine overall.

Background:

On January 25, 2024, the TRPA Executive Director issued Permit No. 2023-0701 to provide TRPA approval of an ADU over a detached garage at Ms. Figone’s residential property. (Attachment A.) The ADU would consist of 618 square feet of living space and meets all design and location criteria of the Code.

On February 14, 2024, Appellants – owners of three neighboring parcels – appealed the Executive Director’s permit decision to the TRPA Governing Board. On March 15, 2024, the Neighbors filed a Statement of Appeal providing their grounds for challenging the permit. (Attachment B.) On May 3, 2024, Ms. Figone, through counsel, submitted her Opposition to the Statement of Appeal. (Attachment C.)

The Neighbors argue TRPA cannot make certain findings required for special use approvals (TRPA Code, § 21.2.2A-C), citing in large part the project’s impact on the views of Lake Tahoe from their own properties. The Neighbors also claim that the Moana Beach Homeowner’s Association’s (“HOA”) objection to the project is further grounds to negate a finding that the project is consistent with the surrounding area and neighborhood. (Attachment B, at 1-3.) Finally, the Neighbors argue that Ms. Figone’s project is based on certain misrepresentations that make it ineligible for a bonus unit, and that undermine the scenic assessment. (Attachment B, at 3-5.) Ms. Figone disputes the Neighbors’ contentions. (Attachment C.) Each issue is discussed below.

Discussion:

The project meets all TRPA development standards, including coverage limits, height restrictions, and scenic shoreland design constraints. The Neighbors do not contest that the Executive Director correctly applied these criteria. Instead, the Neighbors cite private view impacts and the HOA’s application of its own covenants, conditions, and restrictions (“CC&Rs”) as reasons TRPA cannot make certain findings set forth in TRPA Code Section 21.2.2 for special uses.

A. The Special Use Findings Set Forth in TRPA Code Section 21.2.2 Are Not Applicable

Special use findings are not required where, as here, the proposed use is designated an “allowed” use rather than a “special” use under the local plan. (TRPA Code, §§ 21.2.1, 21.2.2.) Unlike special uses, which cannot be approved without additional findings and a public hearing before the TRPA Hearings Officer, “[a]llowed uses are assumed to be compatible with the direction of the Regional Plan and the surrounding uses” and may be permitted at the TRPA staff level. (TRPA Code, § 21.2.1.) Ms. Figone’s proposed project is an “allowed” use in Placer County’s Tahoe Basin Area Plan (“TBAP”). (Attachment C, at 3-4.) Therefore, the Executive Director was not required to make the special use findings in issuing the permit.

That Ms. Figone’s consultant mistakenly included special use findings in the application does not transmute an allowable use into a special use. TRPA is ultimately responsible for determining the applicable findings, and correctly found special use findings were not required. Even had they been required, Ms. Figone demonstrates they could have been made. (See Attachment C, at 4-7.)

B. Impacts on Neighboring Parcel Private Views

TRPA does not protect private views absent unique circumstances not present here. TRPA evaluates scenic impacts from Lake Tahoe toward the shorezone, as well as views from scenic highway corridors including federal and state highways (TRPA Code, § 62.2), and did so here. The project complies with all scenic code requirements. The Neighbors contend that the project’s impact on their views is inconsistent with the special use findings regarding neighborhood character. As demonstrated above, these special use findings do not apply to this project. Yet even if they did, scenic views from adjacent homes do not conflict with community character in this case. (See Attachment C, at 6.)

C. HOA Restrictions on ADUs Do Not Apply to TRPA

The Neighbors – one of whom is or was on the HOA’s Board – point to the HOA’s repeated objections to Ms. Figone’s project as a reason TRPA must find the project inappropriate for the

neighborhood. But TRPA permit decisions are not subject to HOA CC&Rs; their interpretation and application should be considered the exclusive domain of the HOA. TRPA should decline the Neighbors' request to serve as the HOA's proxy.

D. The Project Qualifies for an Achievable Housing Bonus Unit

The Neighbors assert that Ms. Figone's project is a "misuse of the deed restricted bonus unit allocation," but their only support is vague references to how they believe Ms. Figone intends to use the property. In actuality, the permit is subject to Ms. Figone recording a TRPA-approved deed restriction that will permanently restrict the ADU to achievable housing and subject Ms. Figone and future owners to enforcement action for non-compliance. On these grounds, the Executive Director correctly determined the project is eligible for a bonus unit.

ADUs are eligible for a residential bonus unit provided they meet the requirements of TRPA Code Section 52.3.4, including that the owner record a deed restriction running with the land that limits the occupancy of the unit to affordable, moderate, or achievable housing as defined in Chapter 90 of the Code. (TRPA Code, §§ 21.3.2; 52.3.4.) Here, TRPA assigned Ms. Figone's project a bonus unit upon condition that Ms. Figone record a TRPA-approved deed restriction prohibiting the use of the ADU as a vacation rental and limiting its occupancy to residents who meet the Code's definition of achievable housing. Achievable housing is limited to (1) occupants with a household income not in excess of 120 percent of the respective county's area median income (moderate income households and below); (2) households where at least one occupant is required for their job to work at least 30 hours per week or full-time equivalency for a local employer within the Tahoe region or Tahoe-Truckee Unified School District; or (3) retired persons who have lived in a deed restricted unit within the Tahoe Basin for more than seven years. ADUs may additionally qualify as achievable housing where the occupant is a family member related by birth, marriage or adoption to the owner of the primary dwelling. (TRPA Code, § 90.2.)

As a condition of the permit, Ms. Figone must record a deed restriction limiting the use of the ADU to achievable housing. Ms. Figone and subsequent owners will be required to report annually on compliance with the deed restriction, and either a failure to report or an audit that reveals a violation of the deed restriction will subject the owner to enforcement action. TRPA need not theorize about an applicant's motives when the project is otherwise eligible for a bonus unit and the applicant is willing to encumber the property with a deed restriction of actual legal consequence. The deed restriction speaks for itself, and applicants are not required to prove precisely how they will comply during project approval, particularly because deed restrictions exist in perpetuity and there are several different ways a property may be used in compliance with the restriction.

E. There Are No Material Defects in the Scenic Assessment

Lastly, the Neighbors argue that the scenic assessment for the project is defective due to the inclusion of a photograph of the property, taken from Lake Tahoe, which shows a lakefront tree that was subsequently removed with TRPA approval. Although this is true, TRPA staff worked with the project consultant to confirm the scenic assessment prepared for the project did not include the tree at issue. TRPA staff confirmed this in response to prior communications from the Neighbors during the application review process. (Attachment D.)

In sum, the appeal should be denied and the decision of the Executive Director to issue Permit No. 2023-0701 should be affirmed.

Contact Information:

For questions regarding this agenda item, please contact Graham St. Michel, Associate Attorney, at (775) 589-5337 or [gstmichel@trpa.gov](mailto:gstmichel@trpa.gov), or Brandy McMahon, Principal Planner, at (775) 589-5274 or [bcmcmahon@trpa.gov](mailto:bcmcmahon@trpa.gov).

To submit a written public comment, email [publiccomment@trpa.gov](mailto:publiccomment@trpa.gov) with the appropriate agenda item in the subject line. Written comments received by 4 p.m. the day before a scheduled public meeting will be distributed and posted to the TRPA website before the meeting begins. TRPA does not guarantee written comments received after 4 p.m. the day before a meeting will be distributed and posted in time for the meeting.

Attachments:

- A. Conditional Permit No. 2023-0701
- B. Statement of Appeal, dated March 15, 2024
- C. Opposition to Statement of Appeal, dated May 3, 2024
- D. Emails between Brandy McMahon, TRPA Principal Planner, and Evolve Design Works (Ms. Figone's consultants).



Attachment A

Conditional Permit No. 2023-0701

LEGAL COMMITTEE ITEM NO. 3 &  
AGENDA ITEM NO. VIII. A.



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[www.trpa.gov](http://www.trpa.gov)

January 25, 2024

Hanni Walsh  
P.O. Box 7586  
Tahoe City, CA 96145

Sent via email to [hanni@evolvedesignworks.com](mailto:hanni@evolvedesignworks.com), [vickifigone@hotmail.com](mailto:vickifigone@hotmail.com), [sevilla@evolvedesignworks.com](mailto:sevilla@evolvedesignworks.com), and [michael.brown@stoel.com](mailto:michael.brown@stoel.com)

**FIGONE GARAGE/ACCESSORY DWELLING UNIT, 32 MOANA CIRCLE, PLACER COUNTY, CALIFORNIA, ASSESSOR'S PARCEL NUMBER (APN) 098-191-018, TRPA FILE NUMBER ERSP2023-0429**

Dear Ms. Walsh:

Enclosed please find the Tahoe Regional Planning Agency (TRPA) permit and attachments for the project referenced above. If you accept and agree to comply with the Permit conditions as stated, please make a copy of the permit, sign the "Permittee's Acceptance" block on the first page the Permit, and return the signed copy to TRPA within twenty-one (21) calendar days of issuance. Should the permittee fail to return the signed permit within twenty-one (21) calendar days of issuance, the permit will be subject to nullification. Please note that signing the permit does not of itself constitute acknowledgement of the permit, but rather acceptance of the conditions of the permit.

TRPA will acknowledge the original permit only after all standard and special conditions of approval have been satisfied. Please e-mail me a written response explaining how the special conditions of approval are being addressed and final plans for electronic stamping. Pursuant to Rule 11.2 of the TRPA Rules of Procedure, this permit may be appealed within twenty-one (21) days of the date of this correspondence.

If you have any questions, please contact me at (775) 589-5274 or [bmcmahon@trpa.gov](mailto:bmcmahon@trpa.gov).

Sincerely,

A handwritten signature in black ink that reads "Brandy McMahon".

Brandy McMahon, AICP  
Local Government Coordinator

Enclosures

cc: Vicki Figone  
35 Creekview Circle  
Larkspur, CA 94939



Mail  
PO Box 5310  
Stateline, NV 89449-5310

Location  
128 Market Street  
Stateline, NV 89449

Contact  
Phone: 775-588-4547  
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www.trpa.gov

PERMIT

PROJECT DESCRIPTION: Figone Garage/Accessory Dwelling Unit

PERMITTEE(S): Vicki Figone

APN: 098-191-018

COUNTY/LOCATION: Placer County/32 Moana Circle

FILE #: ERS2023-0701

Having made the findings required by Agency ordinances and rules, TRPA approved the project on January 25, 2024, subject to the standard conditions of approval attached hereto (Attachment R) and the special conditions found in this permit.

This permit shall expire on January 25, 2027, without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

NO DEMOLITION, TREE REMOVAL, CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:

- (1) TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT;
- (2) ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA'S ACKNOWLEDGEMENT OF THIS PERMIT;
- (3) THE PERMITTEE OBTAINS A COUNTY BUILDING PERMIT. TRPA'S ACKNOWLEDGEMENT IS NECESSARY TO OBTAIN A COUNTY BUILDING PERMIT. THE COUNTY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS; AND
- (4) A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.

*Brandy McMahon*

1/25/2024

\_\_\_\_\_  
TRPA Executive Director/Designee

\_\_\_\_\_  
Date

PERMITTEE'S ACCEPTANCE: I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents' and employees' compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I also understand that certain mitigation fees associated with this permit are non-refundable once paid to TRPA. I understand that it is my sole responsibility to obtain any and all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

Signature of Permittee(s) \_\_\_\_\_

Date 2/2/2024

PERMIT CONTINUED ON NEXT PAGE

APN 098-191-018

FILE NO. ERSP2023-0701

Project Security (1): Amount \$3,300 Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

Excess Coverage Mitigation Fee (2): Amount \$27,047 Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

Scenic Security (3): Amount \$2,500 Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

Scenic Monitoring Fee (3): Amount \$ \_\_\_\_\_ Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

Project Security Administration Fee (4): Amount \$ \_\_\_\_\_ Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

Project Scenic Administration Fee (4): Amount \$ \_\_\_\_\_ Paid \_\_\_\_\_ Receipt No. \_\_\_\_\_

**Notes:**

- (1) See Special Condition 3.A below.
- (2) See Special Condition 3.B below.
- (3) See Special Condition 3.C below.
- (4) Refer to the TRPA Fee Schedule for the current fee.

Required plans determined to be in conformance with approval: Date: \_\_\_\_\_

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

\_\_\_\_\_  
TRPA Executive Director/Designee

\_\_\_\_\_  
Date

**SPECIAL CONDITION**

1. This permit authorizes the construction of an accessory dwelling unit (ADU) over a garage at 32 Moana Circle, Placer County, California. An achievable residential bonus unit (TRPA-ALLOC-2348) will be used for the ADU. A complete Site Assessment was completed on September 20, 2019, by TRPA (LCAP2019-0214, LCAP2019-0217). TRPA identified that the total Base Allowable Coverage on the parcel is 1,920 square feet, with 62 square feet of Class 1a, 12 square feet of Class 1b, and 1,845 square feet of Class 5. The total verified land coverage is 5,126 square feet, including 1,735 square feet of Class 1a, 348 square feet of Class 1b, and 3,043 square feet (2,939 square feet plus 104 square feet) of Class 5. *The Site Assessment verified 2,939 square feet of Class 5 land coverage, but with TRPA File # ERSP2021-0772 a 104 square foot existing concrete slab was added to the total.*

This project will result in 1,735 square feet Class 1a land coverage, 245 square feet of LCD Class 1b land coverage, 103 square feet of LCD Class 1b banked land coverage, 3,014 square feet of LCD Class 5 land coverage, and 29 square feet of banked LCD Class 5 land coverage. Temporary and permanent Best Management Practices (BMPs) will be used for this project.

2. The Standard Conditions of Approval listed in Attachment R shall apply to this permit.
3. Prior to permit acknowledgement, the following conditions of approval must be satisfied:
  - A. The security required under Standard Condition A.3 of Attachment R shall be \$3,300. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.
  - B. The affected property has 3,182 square feet of excess land coverage (3,206 sq. ft. of excess coverage – 24 sq. ft. previously mitigated excess coverage). To take advantage of coverage exemptions, the permittee shall mitigate all of the excess land coverage on this property by submitting an excess coverage mitigation fee of \$27,047 (3,182 sq. ft. x \$8.50 in Hydrologic Area 7 – McKinney Bay).
  - C. The shorezone scenic security of \$2,500 shall be required per TRPA Code of Ordinances Section 5.9. A non-refundable monitoring review fee is due at permit acknowledgement.
  - D. The permittee shall record a TRPA approved deed restricting the ADU above the garage to Achievable Area Median Income Housing and prohibiting the use of the ADU as a vacation rental. TRPA will prepare the deed restriction upon submittal of the latest grant deed for the property. Evidence of document recordation is required prior to finalizing the permit.
  - E. The plans shall include a note that the bear box is on a monopole and elevated at least 6 inches above the ground.
  - F. The coverage table shall include all coverage being banked with this project.
  - G. The permittee shall e-mail one final set of plans to TRPA for electronic stamping.
4. The maximum excavation depth for this project shall not exceed five feet.
5. The visual assessment for the proposed project was evaluated under and complies with Level 4, Option 1, of the Visual Magnitude System (Section 66.3.3) of the TRPA Code of Ordinances. The total square feet of visible area allowed for this project per Code with a contrast rating score of 24 is 1,035 square feet. The approved visible area for this project is 992 square feet.
6. By acceptance of this permit, the permittee agrees that the scenic mitigation authorized under this permit shall be maintained in perpetuity. Failure to meet scenic mitigation requirements is a

violation of the permit and TRPA Code of Ordinance Section 5.4 and is subject to enforcement actions.

A contrast rating score of 24 will be achieved to comply with the required scenic mitigation and qualify for security release. The project has a maximum of 5 years from final inspection to meet the necessary requirements. When the scenic mitigation requirements have been met, the following documentation shall be submitted to TRPA:

- Post project visible mass elevation drawings on photos taken from 300 feet offshore; and
  - Post project contrast rating sheet *(this will only be required if there are significant changes from approved contrast rating sheet)*
7. Prior to project security release, photos shall be provided to TRPA demonstrating that all areas disturbed from the project have been restored.
  8. Temporary and permanent BMPs may be field fit by the Environmental Compliance Inspector where appropriate.
  9. TRPA reserves the right to amend any portion of this permit or construction operation while in progress if it is determined that the project construction is causing significant adverse effects.
  10. TRPA reserves the right to amend any portion of this permit or construction operation while in progress if it is determined that the project construction is causing significant adverse effects.
  11. To the maximum extent allowable by law, the permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board, its Planning Commission, its agents, and its employees (collectively, TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person or property or (b) to set aside, attack, void, modify, amend, or annul any actions of TRPA. The foregoing indemnity obligation applies, without limitation, to any and all suits, losses, damages, injuries, liabilities, and claims by any person from any cause whatsoever arising out of or in connection with either directly or indirectly, and in whole or in part (1) the processing, conditioning, issuance, or implementation of this permit; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or Permittee.

Included within the Permittee's indemnity obligation set forth herein, the Permittee agrees to pay all fees of TRPA's attorneys and all other costs and expenses of defenses as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees incurred by TRPA for actions arising directly or indirectly from issuance or implementation of this permit. TRPA will have the sole and exclusive control (including the right to be represented by attorneys of TRPA's choosing) over the defense of any claims against TRPA and over their settlement, compromise or other disposition. Permittee shall also pay all costs, including attorneys' fees, incurred by TRPA to enforce this indemnification agreement. If any judgment is rendered against TRPA in any action subject to this indemnification, the Permittee shall, at its expense, satisfy and discharge the same.

12. This approval is based on the permittee's representation that all plans and information contained in the subject application are true and correct. Should any information or representation submitted in connection with the project application be incorrect or untrue, TRPA may rescind this approval, or take other appropriate action.

END OF PERMIT



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HOURS  
Mon. Wed. Thurs. Fri  
9 am-12 pm/1 pm-4 pm  
Closed Tuesday

New Applications Until 3:00 pm

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**ATTACHMENT R**

**STANDARD CONDITIONS OF APPROVAL FOR RESIDENTIAL PROJECTS**

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**I. CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION:**

The following conditions shall be satisfied prior to commencement of any construction activity on the project site, including but not limited to, grading, excavation, and clearing of trees. Failure to satisfy these conditions of approval prior to commencement of constructions activity shall be grounds for revocation of the permit. NOTE: The plans have been reviewed and approved as required under Tahoe Regional Planning Agency (TRPA) Rules, Regulations, and Ordinances only. TRPA has not reviewed and shall not be responsible for any elements contained in the plans, i.e., structural, electrical, mechanical, etc., which are not required for review under said Rules, Regulations, and Ordinances.

- A. The permittee shall return a signed copy of the permit form stating that the permit was received and that the permit is understood, and the contents are accepted prior to any activity or grading occurring within the project area. Plans shall not be stamped approved without TRPA receiving a copy of the signed permit.
- B. A security shall be posted with TRPA to ensure compliance with the conditions of the permit. In most cases, the security shall be determined by TRPA, and will typically be equal to 110 percent of estimated costs of the revegetation, drainage improvements slope stabilization plans and other conditions of approval. For further information on acceptable types of securities, see Attachment J.
- C. The permittee shall submit all required mitigation fees.
- D. Prior to commencement of activity on the site, the permittee shall contact TRPA at least 48 hours in advance and arrange for a pre-grading inspection to verify that all temporary erosion control measures and protective fencing for vegetation are in place.
- E. It is the permittee's obligation to locate all subsurface facilities and/or utilities prior to any grading, dredging or other subsurface activity. The permittee is responsible for contacting the Northern Underground Service Alert (USA, usually known as USA DIGS, 1-800-227-2600) prior to commencement of any activity on the site.
- F. The permittee shall submit final construction drawings and a plan(s) showing revegetation, slope stabilization, and drainage improvements. Revegetation, slope stabilization and drainage improvement plans shall be designed in conformance with the Lake Tahoe Basin Water Quality Management Plan, Volume II, Handbook of Best Management Practices (BMPs).

**II. CONSTRUCTION RELATED CONDITIONS:**

- A. Any normal construction activities creating noise in excess of the TRPA noise standards shall be considered exempt from said standards provided all such work is conducted between the hours of 8:00 am and 6:30 pm.
- B. The permittee shall allow TRPA to enter and inspect the site at any time to determine compliance with the permit.



- C. Engine doors shall remain closed during periods of operation except during necessary engine maintenance.
- D. Stationary equipment (e.g. generators or pumps) shall be located as far as feasible from noise-sensitive receptors and residential areas. Stationary equipment shall be equipped with temporary sound barriers that are near sensitive noise sources or residential areas.
- E. Sonic pile driving shall be utilized instead of impact pile driving where feasible. Holes shall be predrilled to minimize noise impacts from pile driving subject to design engineer's approval.
- F. GRADING
  - 1) All material obtained from excavation work shall be either contained within the foundations, retaining walls, or be disposed of at a site approved by TRPA.
  - 2) The length of open trenches (excluding foundations) shall not exceed 50 feet at the end of each working day, unless approved by the TRPA.
  - 3) Whenever possible, utilities shall occupy common trenches to minimize site disturbance.
  - 4) All excavated material shall be stored upgrate from excavated areas. No material shall be stored in stream environment zones or other areas with saturated ground.
  - 5) No grading, filling, clearing of vegetation, operation of equipment or disturbance of the soil shall take place in areas where any historic or prehistoric ruins or monuments or objects of antiquity are present or could be damaged. If any historic or prehistoric ruins or monuments or objects of antiquity are discovered, all grading, filling, clearing of vegetation, operation of equipment or disturbance of the soil shall immediately cease and shall not recommence until a recovery plan is approved by the TRPA.
  - 6) Excavation equipment shall be limited to the foundation footprint to minimize site disturbance. No grading or excavation shall be permitted outside of the building footprint.
  - 7) All excavated materials that are not to be reused on site shall be hauled to a disposal site approved by the TRPA Compliance Inspector or to a location outside of the Tahoe Basin.
  - 8) Maximum excavation depth shall not exceed five feet, unless otherwise approved by TRPA.
  - 9) If groundwater is encountered during construction, cease work and contact TRPA immediately to discuss possible changes in design or dewatering options.
- G. WINTERIZATION
  - 1) There shall be no grading or land disturbance performed with respect to the project between October 15 and May 1, except as follows:
    - i. The grading or land disturbance is for excavation and backfilling for a volume not in excess of three cubic yards for projects approved under the IPES system or parcels within land capability districts 4 through 7.
    - ii. The activity is completed within a 48-hour period.

- iii. The excavation site is stabilized to prevent erosion.
  - iv. A pre-grade inspection is performed by TRPA staff, and the activity passes the inspection.
  - v. The grading/project does not represent or involve a series of excavations, which, when viewed as a whole, would exceed the provisions of this Standard Condition of Approval, and Subsection 2.3 of the TRPA Code of Ordinances.
- 2) Work shall be performed in such a manner that the project can be winterized within 24 hours.
- 3) All construction sites shall be winterized no later than October 15 of each year as follows:
- i. Inactive winter sites shall contain erosion and drainage improvements necessary to prevent discharge from the site, including, but not limited to:
    - Installation of temporary erosion controls;
    - Installation of temporary protective fencing of vegetation;
    - Stabilization of all disturbed areas;
    - Cleanup and removal of all construction slash and debris;
    - Installation of permanent mechanical stabilization and drainage improvements, where feasible, and;
    - Removal or stabilization of spoil piles.
  - ii. Active winter sites shall comply with the following:
    - Installation of all permanent mechanical erosion control devices, including paving of all driveway and parking areas;
    - Installation of all permanent drainage improvements;
    - Parking of vehicles, equipment, and storage of materials shall be restricted to paved areas.

**H. VEGETATION PROTECTION**

- 1) Tree roots must be protected during excavation to prevent damage to the tree. The following practices are recommended:
- Tree roots four inches in diameter or greater shall not be severed, if avoidable. Hand dig around roots if necessary.
  - If roots cannot be avoided, cut as far away from the trunk as possible.
  - A clean, vertical cut will provide more protection for the tree than leaving roots torn or crushed.
  - Construction materials shall not be stored within the dripline of the tree.
- 2) Tree protection fencing shall be at least 48 inches high and shall be constructed of metal posts and either orange construction fencing or metal mesh fencing also at least 48 inches high (Section 33.6.1). Job sites with violations of the fencing standards will be required to re-fence the job site with a high gauge metal fencing.

- 3) No material or equipment shall enter or be placed in the areas protected by fencing or outside the construction areas without prior approval from TRPA. Fences shall not be moved without prior approval.
- 4) No trees shall be removed or trimmed without prior TRPA written approval unless otherwise specifically exempted under Chapter 2 of the Code of Ordinances.

**I. CONSTRUCTION BMPS**

- 1) Temporary and permanent BMPs may be field fit by the Environmental Compliance Inspector where appropriate.
- 2) Soil and construction materials shall not be tracked offsite. Grading operations shall cease in the event of a danger of violating this condition exists. The site shall be cleaned, and the road right-of-way shall be swept clean when necessary.
- 3) Loose soil mounds or surfaces shall be protected from wind and water erosion by being appropriately covered and contained when active construction is not occurring.
- 4) Equipment of a size and type that will do the least amount of damage to the environment shall be used. Cleaning of equipment, including cement mixers, shall not be permitted unless approved by TRPA.
- 5) Vehicles or heavy equipment shall not be allowed in a stream environment zone or other saturated areas unless specifically authorized by TRPA. All vehicles and heavy equipment shall be confined to the area within the vegetative protection fencing unless specifically authorized by TRPA.
- 6) At all times during construction, environmental protection and control devices shall be maintained in a functioning state. Such devices include, but are not limited to, dust control devices and vegetative protection.
- 7) All waste resulting from the saw-cutting of pavement shall be removed using a vacuum (or other TRPA approved method) during the cutting process or immediately thereafter. Discharge of waste material to surface drainage features is prohibited and constitutes a violation of this permit.
- 8) To reduce soil disturbance and damage to vegetation, the area of disturbance during the construction of a structure shall be limited to the area between the footprint of the building and the public road. For the remainder of the site the disturbance areas shall not exceed 12 feet from the footprint of the structure, parking area or cut/fill slope. The approved plans should show the fencing and approved exceptions (Section 36.2).

**III. CONDITIONS TO BE SATISFIED PRIOR TO COMPLETION OF THE PROJECT:**

- A. The residence or residence addition shall be completed within two years of the pre-grading inspection. A completed residence or residence addition shall consist of a finished shell and roof. All permanent drainage improvements, slope stabilization and revegetation shall be complete. Permittee may apply for a one-time-only one-year extension of the two-year completion condition. Application shall be made in writing and an application fee submitted prior to the expiration of the two-year period. TRPA must find that the project has been diligently pursued each building season

or that events beyond the control of the permittee prevented diligent pursuit of the project. An additional security may be required to be posted as a condition of the approved permit extension.

- B. Revegetation of disturbed and compacted dirt areas shall follow the guidelines delineated in Chapter 5: Soil and vegetation Management in the Handbook of Best Management Practices. Only species approved by TRPA shall be used for landscaping or revegetation. A list of acceptable native and adapted species is available from TRPA.
- C. Rehabilitation and cleanup of the site following construction shall include, but not be limited to, removal of all construction waste and debris.
- D. Upon completion of the project, as a condition of the release of the security, TRPA shall conduct a final site inspection to verify that all required improvements and revegetation are properly installed and that all the conditions of the permit have been satisfied.
- E. Prior to security release, photos shall be provided to the TRPA Environmental Compliance Inspector taken during the construction of any subsurface BMP's or of any trenching and backfilling with gravel.
- F. All Best Management Practices shall be maintained in perpetuity to ensure effectiveness which may require BMPs to be periodically reinstalled or replaced.

#### IV. DESIGN STANDARDS:

- A. All exterior lighting shall be consistent with TRPA Code of Ordinances Section 36.8 Exterior Lighting Standards. Specifically, all exterior lighting shall be fully shielded and directed downward so as not to produce obtrusive glare onto the public right-of-way or adjoining properties. Illumination for aesthetic or dramatic purposes of any building or surrounding landscape utilizing exterior light fixtures projected above the horizontal is prohibited.
- B. The architectural design of this project shall include elements that screen from public view all external mechanical equipment, including refuse enclosures, satellite receiving dishes, communication equipment, and utility hardware on roofs, buildings or the ground. Roofs, including mechanical equipment and skylights, shall be constructed of non-glare finishes that minimize reflectivity.
- C. Existing natural features outside of the building site shall be retained and incorporated into the site design to the greatest extent feasible. The site shall be designed to avoid disturbance to rock outcrops and to minimize vegetation removal and maintain the natural slope of the project site.
- D. The roof shall be constructed with a non-glare finish to minimize reflectivity.
- E. The project shall conform to the following design standards for color, roofs, and fences:
  - (a) Color: The color of this structure, including any fences on the property, shall be compatible with the surroundings. Subdued colors in the earthtone and woodtone ranges shall be used for the primary color of the structure. Hues shall be within the range of natural colors that blend, rather than contrast, with the existing vegetation and earth hues. Earthtone colors are considered to be shades of reddish brown, brown, tan, ochre, and umber.

- (b) **Roofs:** Roofs shall be composed of non-glare earthtone or woodtone materials that minimize reflectivity.
  - (c) **Fences:** Wooden fences shall be used whenever possible. If cyclone fence must be used, it shall be coated with brown or black vinyl, including fence poles.
- F. Fertilizer use on this property shall be managed to include the appropriate type of fertilizer, rate, and frequency of application to avoid release of excess nutrients and minimize use of fertilizer.
- G. Equipment specifications shall be in conformance with the following:
  - i. Gas water heaters shall not emit nitrogen oxides greater than 40 nanograms of nitrogen dioxide (as NO<sub>2</sub>) per joule of heat output at sea level.
  - ii. Water conservation devices shall be used on all fixtures.
  - iii. Gas space heaters shall not emit nitrogen oxides greater than 40 nanograms of nitrogen dioxide (as NO<sub>2</sub>) per joule of heat output at sea level.
  - iv. Wood heaters installed in the Region shall not cause emissions of more than 7.5 grams of particulates per hour for noncatalytic wood heaters or 4.1 grams per hour for catalytically equipped wood heaters.
  - v. Woodstoves and fireplace inserts should be operated to minimize particulate emissions. Use only dry, seasoned wood; operate the unit with the doors closed (except when starting the fire); and do not allow a fire to smolder in the unit in a choked condition. A list of acceptable and recommended gas space and water heaters and fireplace inserts is available from TRPA.

**V. OTHER GENERAL CONDITIONS**

- A. The TRPA Code of Ordinances prohibits the use of the structures authorized by this permit for other than a residential use. Prohibited uses include, but are not limited to, Tourist Accommodation commercial and public service. By acceptance of this permit, the permittee agrees to use the authorized structures solely for residential purposes.
- B. The TRPA permit and the final construction drawings shall be present on-site from the time construction commences until the final TRPA site inspection.
- C. Violation of any of the Special or Standard Conditions shall be grounds for revocation of the permit. Failure to commence construction within the approval period shown on the permit face or failure to diligently pursue construction within the two-year completion period shall result in the expiration of the permit, without notice, by operation of law, on the date shown on the permit face.
- D. The permittee is responsible for ensuring that the project, as built, does not exceed the approved land coverage figures shown on the site plan. The approved land coverage figures shall supersede scaled drawings when discrepancies occur.
- E. This approval is based on the permittee's representation that all plans and information contained in the subject application are true and correct. Should any information or representation submitted in

connection with the project application be incorrect or untrue, TRPA may rescind this approval, or take other appropriate action.

- F. TRPA reserves the right to amend any portion of this permit or construction operation while in progress if it is determined that the project construction is causing significant adverse effects.
- G. To the maximum extent allowable by law, the Permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board, its Planning Commission, its agents, and its employees (collectively, TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person or property or (b) to set aside, attack, void, modify, amend, or annul any actions of TRPA. The foregoing indemnity obligation applies, without limitation, to any and all suits, losses, damages, injuries, liabilities, and claims by any person from any cause whatsoever arising out of or in connection with either directly or indirectly, and in whole or in part (1) the processing, conditioning, issuance, or implementation of this permit; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or Permittee.

Included within the Permittee's indemnity obligation set forth herein, the Permittee agrees to pay all fees of TRPA's attorneys and all other costs and expenses of defenses as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees incurred by TRPA for actions arising directly or indirectly from issuance or implementation of this permit. TRPA will have the sole and exclusive control (including the right to be represented by attorneys of TRPA's choosing) over the defense of any claims against TRPA and over their settlement, compromise or other disposition. Permittee shall also pay all costs, including attorneys' fees, incurred by TRPA to enforce this indemnification agreement. If any judgment is rendered against TRPA in any action subject to this indemnification, the Permittee shall, at its expense, satisfy and discharge the same.

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**ATTACHMENT J  
SECURITY PROCEDURES**

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**I. SECURITY REQUIREMENTS**

As a condition of project approval, permittees may be required to post a security with TRPA to ensure compliance with conditions of project approval. The amount of the required security will be specified in the special conditions of your permit but in most cases the amount will be equal to 110% of the estimated costs of installation of required water quality Best Management Practices (revegetation, slope stabilization, drainage improvements). An additional or alternate security may be required to ensure compliance with other specific conditions of approval. All securities must be for the amount specified in the permit and be valid for an indefinite amount of time. When conditions of approval are complied with (including completion of revegetation), the owner may request a final inspection with the TRPA Compliance Team (online inspection request form available at [www.trpa.gov](http://www.trpa.gov)).

**II. SECURITY ADMINISTRATION FEES**

All securities posted require a non-refundable administration fee. The administration fee will be charged based on the current fee listed in the [TRPA Filing Fee Schedule](#) (#109) at the time the fee is paid.

**III. ACCEPTABLE TYPES OF SECURITIES**

TRPA is unable to accept credit card payments for securities. If a security is paid by credit card, the amount will be refunded and returned with a check in the mail, and another appropriate security shall be posted.

**A. CHECK**

If paying with a physical check it must have an identifying name and address. Please send by mail or drop off at the TRPA office with the required amount (including security administration fee) and application file number.

**B. ELECTRONIC CHECK**

Electronic checks can be used to pay fees online with your checking account. If choosing this payment method, please coordinate with your Planner to have the fees available to pay through the online Citizen Access portal.

**C. CERTIFICATE OF DEPOSIT (CD)**

The CD should read: "Purchased by owner/permittee and then made payable to TRPA." "Made payable to owner/permittee and TRPA" is only acceptable if endorsed by the owner/permittee. CDs made out to "Owner/permittee or TRPA" cannot be accepted. The CD must have an open maturity date or be automatically renewable. The following information must be included on the CD: Owner's name, mailing address, Assessor parcel Number. Interest earned on the account may be payable to the holder. (see example, page 4)

**D. LETTER OF CREDIT**

The security must be in the owner's name, irrevocable for an indefinite period of time, and documented by a letter or statement from a bank showing the following information: Owner's name and mailing address, assessor parcel number of the project, the amount of the letter of credit, and documentation required by the bank. The letter or statement must clearly state that TRPA is a beneficiary of the credit amount. (see example, page 6)

**E. ASSIGNMENT OF A PERSONAL SAVINGS ACCOUNT**

Must consist of the actual savings passbook and a separate notice of assignment. The notice of assignment must include the owner's name and mailing address, account number, assessor's parcel number of the project, and the amount of assignment. (see example, page 5)

**F. FAITHFUL PERFORMANCE BOND**

This option is only allowed for securities greater than \$10,000 and must be in TRPA's name. The bond must have the insurance company, bond number, owner of security or principle's name and mailing address, the assessor's parcel number of the project, and the amount. The obligee, TRPA, must be clearly identified. The bond must be valid for an indefinite amount of time. Please contact TRPA for an example of how to set up a bond.

**IV. PAYING FEES ONLINE WITH MULTIPLE PAYMENT TYPES**

When multiple fees are due at acknowledgement (i.e., security, mitigation fees, administrative fees, inspection fees) the applicant has the option to pay fees other than the security with a credit card. To split your payment method, you must pay in two separate transactions. The security shall be paid first with an electronic check. The remainder of the fees will then be totaled and available for payment by credit card. Coordinate with your Planner to get each set of fees active at the appropriate time.

**V. PAYING SECURITY THROUGH ONLINE CITIZEN ACCESS PORTAL**

For a tutorial on how to create an Accela Citizen Access account visit: [www.trpa.gov/apply-online/](http://www.trpa.gov/apply-online/) and start with step 5.

Once logged into the Accela Citizen Access database follow this process:

1. Search for application (if having difficulty, try entering parcel number only and hit search)





**General Search**

El Dorado XXX-XXX-XX; Placer XXX-XXX-XXX; Washoe XXX-XXX-XX; Douglas XXXX-XX-XXXX-XXX

Parcel Number:  please include dashes File Number:

Street No.:  Street Name:  Direction:  Street Type:

City:  State:  Zip:

2. Locate the correct file and click 'Pay Fees Due'.



3. When under payment options, select "Pay with Bank Account." Reminder: securities cannot be paid by credit card.

**Payment Options**

Amount to be charged: \$944.00

Pay with Credit Card

Pay with Bank Account

**VI. EXAMPLES OF NON-CASH SECURITIES**

See following pages

**SAMPLE CERTIFICATE OF DEPOSIT**

**TIME DEPOSIT**

BRANCH \_\_\_\_\_ No \_\_\_\_\_

PURCHASED BY Owner/Permittee

PAYABLE TO TAHOE REGIONAL PLANNING AGENCY

DATE \_\_\_\_\_

RATE \_\_\_\_\_ YIELD \_\_\_\_\_

\$ AMOUNT \_\_\_\_\_

TERM \_\_\_\_\_

ACCOUNT # \_\_\_\_\_

AUTHORIZED SIGNATURE \_\_\_\_\_

The publication(s) you receive contains the terms and condition of this account. This time deposit will be reinvested automatically for the same term upon maturity or on the effect date of a deposit or withdrawal made during the grace period. (The grace period is two business days for terms of 89 days or less, ten calendar days for terms of 90 days or more beginning on the maturity date.) The new interest rate will be the interest rate in effect on the date your funds are reinvested.

\*Interest compounded daily. Yield assumes deposit and interest remain in the account for a year at the same interest rate.

**IMPORTANT INFORMATION**

If you withdraw all or part of your deposit before it matures a substantial interest penalty will be imposed. A personal time deposit evidenced by this receipt is **NOT TRANSFERABLE EXCEPT IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE FEDERAL RESERVE BOARD.**

R-102 6-09

NOT NEGOTIABLE

Bank of America NTS SA • Member FDIC

**SAMPLE ASSIGNMENT OF PERSONAL SAVINGS ACCOUNT**

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MUST BE ON BANK LETTERHEAD WHICH INCLUDES BANK ADDRESS & PHONE NUMBER

**NOTICE OF ASSIGNMENT TO ACCOMMODATE SAVINGS ACCOUNT PASSBOOK**

**NOTICE OF ASSIGNMENT**

[Name of Owner(s)] hereinafter called Assignor, does (do) hereby assign and set over to the Tahoe Regional Planning Agency (TRPA), all right, title, and interest of whatever nature, of Assignor, in and to the insured account of the Assignor in the name [Name of Bank/Savings & Loan] evidenced by an account in the amount of \$ \_\_\_\_\_ numbered \_\_\_\_\_ which is delivered to the TRPA herewithin. Assignor agrees that this assignment carried with it the right in the insurance of the account by the Federal Savings and Loan Insurance Corporation/Federal Deposit Insurance Corporation, and includes the right of the TRPA to redeem, collect, and withdraw the full amount of such account at any time WITHOUT NOTICE TO THE ASSIGNOR. This assignment is given as security liability for:

Assurance that the owner will comply with the TRPA permit conditions as required by the TRPA Code of Ordinances, Section 8.8. the amount is set aside solely for that purpose and is available on demand to the TRPA if the conditions are not satisfied. Please advise the office when the assignment can be released.

Assignor hereby notified the above-named institution of this agreement. Assignor hereby certifies that he/she/they agree that the above-referenced account will be renewed in its full amount if performance of the above-referenced conditions have not been certified by the Agency prior to the maturity date of the subject account.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Assignor \_\_\_\_\_ Assignor \_\_\_\_\_

Owner's Name \_\_\_\_\_

Account Number \_\_\_\_\_

APN \_\_\_\_\_

Amount of Assignment \_\_\_\_\_

Bank Acknowledgement \_\_\_\_\_

**SAMPLE LETTER OF CREDIT**

**MUST BE ON BANK LETTERHEAD WHICH INCLUDES BANK ADDRESS & PHONE NUMBER**

Date \_\_\_\_\_

Tahoe Regional Planning Agency (TRPA)  
P.O. Box 5310  
Stateline, BV 89449

Assessor's Parcel Number \_\_\_\_\_

At the request for the account of (owner/permit name and mailing address), we hereby open in your favor our irrevocable Letter of Credit No. \_\_\_\_\_ in the aggregate amount of \$ \_\_\_\_\_ available by your draft drawn on us at sight when accompanied by the following documents:

1. Your signed certification executed by a TRPA official stating that (owner/Permitee) has not completed revegetation, slope stabilization, and/or drainage improvements as per file \_\_\_\_\_ entered into with TRPA.
2. This original Letter of Credit

The irrevocable Standby Letter of Credit expires on \_\_\_\_\_. However, it is a condition of this Letter of Credit that it shall be deemed automatically extended without amendment for successive one-year periods from the present and all future expiration dates hereof unless 60 days prior to any such date (Name of Bank) shall notify the TRPA *in writing by certified mail, return receipt requested*, at the above address that (Name of Bank) elects not to consider this Letter of Credit renewed for any such additional period. Upon receipt of such notice, you may draw on us hereunder by means of your draft on us a sight for the full amount of this Letter of Credit, accompanied by your name above noted signed certification.

Sincerely,

Name of Bank

By: \_\_\_\_\_

By: \_\_\_\_\_

**SAMPLE LETTER OF HOLD ON PERSONAL SAVINGS**

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**MUST BE ON BANK LETTERHEAD WHICH INCLUDES BANK ADDRESS & PHONE NUMBER**

Date \_\_\_\_\_

Tahoe Regional Planning Agency (TRPA)  
P.O. Box 5310  
Stateline, BV 89449

Assessor's Parcel Number \_\_\_\_\_

This letter is to advise you that (Owner's name and mailing address) has authorized (Name of Bank/Savings & Loan) to place a hold on account \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ for an indefinite period of time.

The hold on the account is assurance that the owner will comply with TRPA permit conditions as required by the TRPA Code of Ordinances, Section 8.8. This amount is set aside solely for that purpose and is available on demand to the TRPA if conditions are not satisfied. Please advise this office when the hold on account can be released.

Sincerely,

Name of Bank/Savings & loan

By: \_\_\_\_\_

Attachment B

Statement of Appeal, dated March 15, 2024

**Dear TRPA Governing Board Members,**

**Re: Notice of Appeal of Permit, File Number ERSP2023-0701; Property Address:  
32 Moana Circle, Tahoma, Ca. 96142**

This letter serves as the Written Statement of Appeal for our appeal challenging the permit issued for the Figone Garage / Accessory Dwelling Unit (ADU) project (File Number ERSP2023-0701) at 32 Moana Circle, Tahoma, Ca. 96142 filed on February 14, 2024.

We, the appellants, are property owners within the Moana Beach Homeowner's Association whose properties lie in proximity to the project site. Our properties would be significantly and adversely impacted by this project on economic, aesthetic, and environmental grounds. We previously voiced objections in communications to the TRPA dated July 23, 2023, July 24, 2023, and August 6, 2023, and incorporated in our initial Notice of Appeal.

### **Grounds for Appeal**

The basis of our appeal is that the proposed project and associated application do not support TRPA's required findings for permissible uses. The permit application contains incomplete and inaccurate information. This renders the application insufficient to support the findings required by the TRPA Code of Ordinances. Key areas of concern include:

- Finding 21.2.2.A requires, “[t]he project to which the use pertains is of such a nature, scale, density, intensity, and type to be an appropriate use for the parcel on which and surrounding area in which it will be located. The proposed project is inconsistent with reasonable limits on scale otherwise applicable to all other projects in the surrounding area.
  - The proposed project was submitted to and denied on four separate occasions by the Moana Beach Property Owners Association's (MBPOA) Architecture Control Committee (ACC). These denials were based on non-compliance with the MBPOA CCRs requiring (1) ‘the structure to be particularly located to respect topography and finish grade elevation in order to assure the maximum privacy and view for all structures’ and (2) the project to be ‘aesthetically compatible with the natural surroundings of Moana Beach’. These decisions were appealed to the MBPOA Board, and the Board upheld the decision of the ACC and the appeal was denied. The Board's letter is attached as **Exhibit 1** and includes four different alternatives the Board would consider.
  - Throughout the history of the Moana Beach Property Owners Association, projects have been approved for construction on both the lakefront and

interior parcels. Each project has had to meet the same CCR requirements, and each project has been successfully completed. In fact, the lakefront properties on each side of 32 Moana have built 2 story structures with the garage at street level and the living area on the bottom, excavated to “assure maximum privacy and view for all structures”, as required by the CCRs.

- While Homeowner’s associations through application of conditions cannot legally prevent construction of ADUs, there is clear legal authority supporting reasonable restrictions on HOW construction occurs.
  
- Finding 21.2.2.B requires, “[t]he project to which the use pertains will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water, and air resources of both the applicant’s property and that of the surrounding property owners.”
  - As outlined in the Board’s denial letter, the applicant has numerous design options to construct an ADU on the proposed project site that would avoid these impacts to enjoyment and value of surrounding properties.
  - The rights to construct an ADU under State and local law can be recognized in a way that accommodates **reasonable** HOA conditions that were legally established and not only known to the homeowner long before the currently proposed project but required to be followed as a condition of property purchase in the Moana Beach subdivision.
  - The applicant has been repeatedly notified through formal application denials, personal conversations and attempts to negotiate alternative designs, that the proposed project will be injurious to and disturb the enjoyment of surrounding property owners of their own property as well as their enjoyment of the surrounding air, water, recreation and viewshed resources. The applicant has similarly been put on notice that the proposed design will result in significant, negative, economic impact to other surrounding properties in the neighborhood. There is no basis in the application to support this required finding.
  
- Finding 21.2.2.C requires, “[t]he project which the use pertains will not change the character of the neighborhood, or detrimentally affect or alter the purpose of the applicable planning area statement, community plan, and specific or master plan, as the case may be.



- As noted in the Placer County Tahoe Basin Area Plan, “TRPA’s strict growth control system has been in place for decades and over \$1 Billion has been invested in environmental restoration. Overall, the efforts appear to be working. Unconstrained growth is no longer a threat, Lake Tahoe’s water clarity has stabilized, and many environmental indicators are showing improvement. Environmental priorities are now targeted to more specific concerns and pollution sources. Socioeconomic conditions are also a concern.” Exactly because of this success and need to address socioeconomic conditions such as affordable housing, it is imperative the efforts to meaningfully increase affordable housing development do not allow complete avoidance and manipulation of local standards that were legally established and do not unreasonably restrict ADU construction. By not preventing such blatant misuse of the deed restricted bonus unit allocation, significant negative impacts to threshold standards set forth for water quality, air quality, soils, wildlife, noise, fisheries, vegetation, scenic quality, and recreation will result. Particularly concerning in this case is to allow lakefront parcels to circumvent reasonable local standards that protect viewsheds. TRPA should not support an argument that reasonable Homeowners Association conditions that apply to everyone else in the neighborhood can be circumvented simply because one lakefront homeowner has refused to agree to an inverted street level floor plan because they would also like to have a lakeview for their ADU.
  
- **Misrepresentation of ADU Intent:** One of TRPA's goal is to facilitate affordable housing for low, moderate and achievable income individuals. The applicant's project appears to misuse the ADU designation to circumvent both legitimate restrictions within the Moana Beach Property Owners Association's Covenants, Conditions, and Restrictions (CCRs) and TRPA Accessory Dwelling Unit Residential Bonus Unit eligibility as outlined in its TRPA Code of Ordinances policies, section 52.3.4. Evidence for this includes:
  - **Documented Denials:** as outlined above, the applicant’s project was submitted four times to the Architecture Control Committee and denied each time due to non-compliance with the MBPOA CCRs. The applicant escalated the matter to the MBPOA Board, and the appeal was denied due to the project’s non-compliance with the CCRs.
  - **Change in Project Characterization:** In the applicant’s original submission to the ACC, there was no mention of the project being built as an ADU. Beginning with the second submission, the application was

modified to characterize the project as an ADU, with the applicant claiming such a change would render the MBPOA CCRs moot.

- **Applicant's Stated Intent:** In a letter dated October 19, 2022 from the applicant's attorney (**Exhibit 2**, McDonald Carano letter, page 5), the intended use of the applicant's proposed ADU is clearly stated:

"Ms. Figone intends to build this ADU so she can use it as a separate residence since she plans to move full time to Lake Tahoe. California's Department of Housing and Community Development have authored the "ADU Handbook" which states on page 4:

"ADUs also give homeowners the flexibility to **share independent living areas with family members** and others, **allowing seniors to age in place** as they require more care, thus helping extended families stay together while maintaining privacy."

Ms. Figone seeks that independent living area near her family members and, like all California property owners is protected by these new laws that protect her from unreasonable restrictions that unreasonably increase the cost to construct an ADU or effectively prohibit or extinguish the ability to otherwise construct her proposed ADU. All Californians and the Association better get ready – this new law protects everyone in California, including Ms. Figone, and the Association will likely soon see more ADUs proposed for the single-family lots in your subdivision."

- **Inconsistent Application Information:** The original application to TRPA on June 5, 2023, initially sought approval as a deed-restricted ADU, indicating awareness of bonus unit requirements. In its transmittal of the application to TRPA on June 5<sup>th</sup>, the applicant's representative clearly states in its Project Description "This is a deed-restricted ADU". (**Exhibit 3**) However, in subsequent communications on August 21, 2023, the same representative asks "Can you apply for an achievable/affordable unit of use?" This occurs after the same representative clearly indicates in the original application it is for a deed restricted ADU – clearly understanding the majority of the project is on Land Class Values 1 and 1a and not eligible for a Residential Unit of Use. This inconsistency undermines the application's credibility and raises concerns about deliberate misrepresentation.
- **Scenic Impact Misrepresentation:** The submitted scenic photos are outdated and do not reflect the current situation following the removal of a significant lakefront tree. The June 5, 2023, application claims an approved scenic assessment. However, the approved scenic assessment is from an older project,

ERSP2021-0772, approved September 9, 2021. After that approval in 2021, approval TREE2022-0984 was issued on May 17, 2022, to remove 2 trees, one being lakefront immediately in front of the main house. Included in the approval was the following:

SPECIAL CONDITIONS: Added 1 WF 6/22/22. If lakefront tree is removed scenic mitigation may be required.

The lack of transparency misleads the scenic impact assessment and again undermines the application's credibility and raises concerns about deliberate misrepresentation. **(Exhibits 4,5,6)**

### **Conclusion**

We urge the Board to carefully consider this appeal and the potential precedent it sets. While we support TRPA's goal of increasing affordable housing, it must be done in a way that upholds the environmental integrity of the region, legitimate restrictions within established homeowner associations related to TRPA findings, and credible applications. Misusing the ADU designation undermines these objectives.

Sincerely,

Debbie and Jens Egerland [– 45 Moana Circle Tahoma, CA. 96141](#)

Vaughan and Nick Meyer [– 25 Moana Circle Tahoma, CA. 96141](#)

Jane Catterson [– 35 Moana Circle Tahoma, CA. 96141](#)

Exhibit X – TRPA / Applicant's Representative email exchange:

Brandy McMahon

From: Brandy McMahon  
Sent: Thursday, August 31, 2023 1:11 PM  
To: Hanni Walsh  
Subject: RE: FW: TRPA Case ERSP2023-0701

Hi Hanni,

You cannot transfer an RUU to Class 3. There are some exceptions to this rule, but the project you are proposing would

not qualify. Refer to Section 51.5.3. of the TRPA Code.

Brandy

From: Hanni Walsh <hanni@evolvedesignworks.com>  
Sent: Thursday, August 31, 2023 11:45 AM  
To: Brandy McMahon <bmcMahon@trpa.gov>  
Subject: Re: FW: TRPA Case ERSP2023-0701

Understood.

Can you transfer a RUU to Land class 3? If we were to apply for an LCV and get the classification changed to 3. This have

been discussed because both neighboring parcels are categorized as Class 3 & 5.

Hanni

On Thu, Aug 31, 2023 at 11:25 AM Brandy McMahon <bmcMahon@trpa.gov> wrote:

Hi Hanni,

I am supposed to get you a permit within 120 days. I can put it on hold if you want. I just need something in

writing. The ADU is not eligible for a market rate Residential Unit of Use (RUU) because it's proposed to be located

sensitive land. I sent you an email about this. You are going to need to request a residential bonus unit. I just need to

know if it will be affordable, moderate, or achievable.

Thanks,

Brandy McMahon, AICP  
Local Government Coordinator  
Permitting and Compliance Department  
2  
Tahoe Regional Planning Agency  
P.O. Box 5310, Stateline, NV 89449  
(775) 589-5274  
bmcmahon@trpa.gov

From: Hanni Walsh <hanni@evolvedesignworks.com>  
Sent: Thursday, August 31, 2023 11:21 AM  
To: Brandy McMahon <bmcmahon@trpa.gov>  
Subject: Re: FW: TRPA Case ERSP2023-0701

Thanks Brandy. I need to sit down with the homeowner and figure out next steps. They are still working to

resolve HOA disagreements and if they would like to pursue a LCV and purchase of an RUU. This one is

slightly complex for just a little garage!

I appreciate all of your feedback and your review and will update you as soon as I know more. Can you

please tell me when the plan check expires?

Hanni Walsh, PE

VP | Principal Designer

530.318.0001

PO Box 7586

3080 N. Lake Blvd. Suite 203

Tahoe City, CA 96145

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On Tue, Aug 29, 2023 at 12:15 PM Brandy McMahon <bmcMahon@trpa.gov> wrote:

Dear Hanni,

I have reviewed the above referenced application and have the following comments/questions:

1. I found the attached note from Julie regarding the need for all excess coverage on the parcel needing to be

mitigated. I calculated the excess coverage in the attached excel sheet, but it is not matching the numbers

Julie has provided in the attached note. Any idea why? The permit says total coverage will be reduced, but I

cannot tell by how much. If you don't know, I will reach out to Julie.

2. Is there a reason 103 sq. ft. (348 sq. ft. of verified coverage – 245 sq. ft. proposed coverage) of Class 1b land

coverage was not banked with TRP21-90103? The plans show 23 sq. ft. of banked coverage. It does not look

like any Class 1b coverage was relocated or retired.

3. Is there a reason 24 sq. ft. of Class 5 land coverage was not banked with TRP21-90103?

4. What Option under Level 4 did you review the project under?

5. There's a note on A3.3 that says "THE VISUAL ASSESSMENT FOR THE PROPOSED PROJECT WAS EVALUATED AS A PROJECT AREA TO

INCLUDE APN: 094-191-018." Could you please clarify what this note is for? I don't think it applies.

6. What type of residential bonus (affordable, moderate, or local achievable) do you want to use for this project?

7. Add cut/fill to the plans.

8. Provide a BMP Plan and Calc Sheet for the entire site, not just the garage.

9. Include a note on the plans that the bear box will be on a monopole elevated 18" above ground.

10. Include the location of utilities on plans.

11. Include the construction staging area on the plans.

12. The cross slope shown in the height calculations is 19%. The Code requires that you round to the nearest even

percentage. Please revise the height calculation on the plans.

13. Please make the below height finding.

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I will move forward with processing the permit once the above items have been addressed. If you have any questions,

feel free to contact me at (775) 589-5274 or [bcmcmahon@trpa.gov](mailto:bcmcmahon@trpa.gov).

Sincerely,

Brandy McMahan, AICP

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Local Government Coordinator

Permitting and Compliance Department

Tahoe Regional Planning Agency

P.O. Box 5310, Stateline, NV 89449

(775) 589-5274

[bcmcmahon@trpa.gov](mailto:bcmcmahon@trpa.gov)

From: Hanni Walsh <[hanni@evolvedesignworks.com](mailto:hanni@evolvedesignworks.com)>

Sent: Monday, August 21, 2023 11:04 AM

To: Brandy McMahan <[bcmcmahon@trpa.gov](mailto:bcmcmahon@trpa.gov)>

Subject: Re: FW: TRPA Case ERSP2023-0701

Okay, thanks Brandy. Can you apply for an achievable/affordable unit of use?

Hanni Walsh, PE

VP | Principal Designer

530.318.0001

PO Box 7586

3080 N. Lake Blvd. Suite 203

Tahoe City, CA 96145

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On Sun, Aug 20, 2023 at 3:20 PM Brandy McMahon <bmcmahon@trpa.gov> wrote:

Hi Hanni,

I started reviewing the plans and just realized that the proposed garage/ADU is in LCD Class 1a. You cannot transfer a

Residential Unit of Use to sensitive lands. See 51.5.3: Transfer of Existing Development.

Brandy

From: Hanni Walsh <hanni@evolvedesignworks.com>

Sent: Thursday, August 17, 2023 10:10 AM

To: Brandy McMahon <bmcmahon@trpa.gov>

Subject: Re: FW: TRPA Case ERSP2023-0701



Okay, I think this is the route we are going to go. I will confirm shortly. Thank you for the quick response!

Hanni Walsh, PE

VP | Principal Designer

530.318.0001

PO Box 7586

3080 N. Lake Blvd. Suite 203

Tahoe City, CA 96145

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On Thu, Aug 17, 2023 at 10:08 AM Brandy McMahon <bmcMahon@trpa.gov> wrote:

Hi Hanni,

You can transfer a Residential Unit of Use to the parcel for an ADU. You have to pay an application fee and will be

charged a mobility mitigation fee.

Brandy

From: Hanni Walsh <hanni@evolvedesignworks.com>

Sent: Thursday, August 17, 2023 10:06 AM

To: Brandy McMahon <bmcMahon@trpa.gov>

Subject: Re: FW: TRPA Case ERSP2023-0701

Hi Brandy,

The owner is currently reviewing options with her land use attorney. Would it be possible to purchase a PRUU for a non-restricted ADU? We would revise our application and pay the review fees. Please let me know if you see any issues with this option.

Thank you,

Hanni Walsh, PE

VP | Principal Designer

530.318.0001

8

PO Box 7586

3080 N. Lake Blvd. Suite 203

Tahoe City, CA 96145

On Tue, Aug 8, 2023 at 9:24 AM Brandy McMahan <bmcmahan@trpa.gov> wrote:

Hi Hanni,

I will send you comments after I have a chance to do a site visit and review the application. I did notice that you

want a residential bonus unit. Are you requesting a local achievable, moderate, or affordable bonus

unit? Information on bonus units is available at:

[https://www.trpa.gov/wpcontent/uploads/documents/Income\\_Limits\\_Rent\\_Sale-Guidance\\_FINAL.pdf](https://www.trpa.gov/wpcontent/uploads/documents/Income_Limits_Rent_Sale-Guidance_FINAL.pdf).

Thanks,

Brandy McMahan, AICP

Local Government Coordinator

Permitting and Compliance Department  
Tahoe Regional Planning Agency  
P.O. Box 5310, Stateline, NV 89449  
(775) 589-5274  
bmcmahon@trpa.gov

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From: Hanni Walsh <hanni@evolvedesignworks.com>  
Sent: Tuesday, August 8, 2023 9:14 AM  
To: Brandy McMahon <bmcmahon@trpa.gov>  
Cc: michael.brown@stoel.com; vickifigone@hotmail.com  
Subject: Re: FW: TRPA Case ERSP2023-0701

Hi Brandy,  
Thank you for the update. Please let me know if there is anything I need to revise.  
Thank you,  
Hanni Walsh, PE  
VP | Principal Designer  
530.318.0001  
PO Box 7586  
3080 N. Lake Blvd. Suite 203  
Tahoe City, CA 96145

On Mon, Aug 7, 2023 at

Moana Beach Property Owners Association, Inc.  
Moana Circle, Homewood, CA 96142

July 12, 2023

**Via Email:** [michael.brown@stoel.com](mailto:michael.brown@stoel.com)

Victoria Figone  
c/o Stoel Rives LLP  
Attn: Michael D. Brown, Esq.  
500 Capitol Mall, Suite 1600  
Sacramento, CA 95814

*Re: Reconsideration of Notice of Decision on Appeal for Proposed Project - 32 Moana Circle*

Dear Mr. Brown:

On May 9, 2023, Moana Beach Property Owners Association, Inc. ("Association") sent your client, Ms. Victoria Figone, as trustee of the Figone Family Trusts ("Owner"), its Notice of Decision on Appeal for Proposed Project – 32 Moana Circle ("Notice of Decision"). The Notice of Decision is enclosed with this letter.

### **Background/Reconsideration Process**

Owner had previously appealed the Architectural Committee's denial of her proposed new accessory structure (new garage in a new location) and a new second-story accessory dwelling unit project (collectively, the "Project") at 32 Moana Circle. In the Notice of Decision, the Board denied the appeal and upheld the decision of the Architectural Committee.

The Notice of Decision also proposed a process where the Board would agree to reconsider Owner's appeal/Project if Owner installed story poles to facilitate the Board's further review of the Project under the standards of the CC&Rs. The Association agreed to reimburse Owner for up to \$2,000 of the costs to install the story poles. On May 22, 2023, Owner responded to the Notice of Decision indicating an agreement to install story poles subject to three conditions.

Over the subsequent weeks, the Association worked diligently and reasonably to reach an agreement with Owner on the process and timing of the installation of the story poles, a site visit on neighboring properties owned by other members of the Association, and the proposed reconsideration meeting. After the parties reached an understanding on these issues, Owner installed the story poles and the Association facilitated access to three other properties as requested by Owner. Both Owner and the Association took photographs during these site visits.

## **Board Meeting**

On July 1, 2023, Owner submitted a letter to the Board concerning the Project. On July 5, 2023, the Association held an open meeting of the Board (four directors with one recused director) to reconsider Owner's appeal of the Project. In the first half of the meeting, the Board members in attendance observed the story poles and the Project at various locations at the three other uphill structures. One of the directors was unable to attend the July 5<sup>th</sup> meeting in person, but was able to observe the story poles from the other structures at an earlier date and to participate in the meeting via Zoom. In the second half of the meeting, interested members were allowed to address the Board concerning the Project. The Board received comments about the Project from members in the community, including from Owner.

Because Owner has threatened litigation against the Association, the Board adjourned to executive session to deliberate and decide the reconsideration of its prior decision on the appeal.

### **Standards for Architectural Review under CC&Rs**

The Restatement of and Amendment to Declaration of Subdivision Restrictions ("CC&Rs") for Moana Beach Subdivision, recorded August 24, 2009, as Document No. 2009-0074084 in the Official Records of Placer County, sets forth certain covenants, conditions and restrictions that apply to all lots within Moana Beach. Under Article III, Section 1 of the CC&Rs, "No structure shall be erected, constructed or maintained on any one or more of the lots, nor shall any alteration, additional and/or change by made to the exterior thereof without the prior written approval of the" Moana Beach Architectural and Planning Control Committee ("Architectural Committee").

Article III, Section 3 of the CC&Rs sets forth certain requirements for any such structure, or alteration, addition or change thereto, including that "the structure be particularly located with respect to topography and finish grade elevation in order to assure the maximum privacy and view for all structures . . . ." (Article III, Section 3(c), CC&Rs.) Further, all structures, alterations, additions and/or changes thereto shall be "aesthetically compatible with the natural surroundings of Moana Beach" and "all other aspects of planning and construction be consistent with the highest qualify over-all development of Moana Beach." (Article III, Sections 3(d) and 3(e), CC&Rs.)

### **Reconsideration Decision: Story Poles Confirm Project Does Not Comply with CC&Rs**

All of the non-recused directors on the Board visited the three uphill structures and viewed the story poles depicting this Project. The Association took photographs evidencing the views from these structures. The Board also considered the letters and photographs submitted by Owner. The Board reconsidered the Project, including the materials presented to the Board prior to and at the meeting, under the standards of the CC&Rs.

The Board has denied the reconsideration and has confirmed its prior Notice of Decision. The Board voted unanimously (4-0) finding that the Project (i) is not located with respect to topography and finish grade elevation to ensure maximum views for all other structures in the community; (ii)

is not aesthetically compatible with the natural surroundings; and (iii) is not consistent with the highest quality overall development of Moana Beach.

The CC&Rs require the Association to focus on the view impacts caused by new structures (particularly with respect to topography and finish grade elevation) on existing structures. The story poles confirm the Notice of Decision that Owner's Project will have a substantial negative impact on views from other structures in the community (i.e., the Project is not located with respect to topography and finish grade elevation so as to maximize the views). Of note and validating the Board's findings, the Board again received comments from other Owners at the Board meeting objecting to the proposed Project based on impacts on their views from their homes.

The Board also rejects the Owner's framing of the entire Project as an accessory dwelling unit. Owner's garage is a new accessory structure in a new location, and Owner does not qualify for automatic accessory dwelling unit approval under State law. Owner's Project is both a new accessory structure (garage) in a new location and an accessory dwelling unit subject to local discretionary approval standards.

Owner's accessory structure (garage) is not afforded the same accommodations set forth in State law and it is the inclusion of the garage that is causing the increased height, which in turn is impacting the views from other homes in the community in contravention of the CC&Rs. The Association has not "unreasonably" restricted the construction of an accessory dwelling unit as the Association is willing to consider other alternatives that would comply with the CC&Rs and allow Owner to construct an accessory dwelling unit. Many of the alternatives could be built at a reduced cost. The Association remains willing to approve an accessory dwelling unit, including under the alternatives set forth below.

Based on these findings, the Board voted unanimously to deny the reconsideration of, and to confirm in its entirety, the prior Notice of Decision.

### **Alternatives to Consider**

As previously outlined, the Board remains willing to consider alternative Project designs that would comply with the CC&Rs. These alternatives could include:

- Convert the existing garage into a one story accessory dwelling unit; garage conversions of existing garages are supported by the accessory dwelling unit law (even for non-conforming structures) but new garages are subject to local standards.
- Add a second story accessory dwelling unit to the current primary residence.
- Build a garage and a second-story accessory dwelling unit within the footprint of the current garage, and lower height to be consistent with Placer County Code.
- Reduce overall height of current Project to allow for maximum view from other structures. This could be achieved through excavation or by reducing garage height. If engineering challenges exist due to the slope of the driveway, Owner could consider reversing the location of the accessory dwelling unit to the lower floor, and moving the garage to the

upper floor. This design has been used elsewhere in the community as it reduces the overall height of a garage/ADU-type structure.

All of the above options are within the guidelines of accessory dwelling unit law, and many would reduce the overall cost of Owner's Project.

### **ADR Response**


The Association will respond to your July 1, 2023, letter concerning ADR at a later date. The Association is interested in pursuing ADR but is not currently in a position to respond to your letter on this topic. The Association will respond to your letter within thirty days of the date of your letter with its suggestion on how to conduct the ADR.

### **Conclusion**

For the reasons set forth above, the Board has denied reconsideration of Owner's appeal. The Project has been denied. Owner may consider other alternatives for her Project, including those outlined above, that are consistent with the Association's CC&Rs.

This letter relates to a decision on reconsideration of the Notice of Decision on Owner's appeal only and not the various claims and arguments advanced by Owner or her team, which the Association disputes; the Association reserves all rights, remedies and defenses to Owner's claims and arguments. Thank you.

Sincerely,

DocuSigned by:  
  
B68F6D139B754E6...

On Behalf of the Board of Directors

Enclosure (Notice of Decision)

April 7, 2023

Michael B. Brown  
500 Capitol Mall, Suite 1600  
Sacramento, CA 95814  
D. 1 530.582.2282  
michael.brown@stoel.com

**VIA OVERNIGHT MAIL  
AND VIA E-MAIL ([hanley@portersimon.com](mailto:hanley@portersimon.com))**

Brian C. Hanley, Esq.  
Porter Simon Law Offices  
40200 Truckee Airport Road, Suite 1  
Truckee, CA 96161

**Re: Appeal to Moana Beach Property Association of Architectural and Planning Control Committee's 11/11/2022 Rejection of Proposed Drawing/Plans for Accessory Dwelling Unit at 32 Moana Circle, Tahoma, CA**

Dear Mr. Hanley:

As you know, this firm represents Victoria Figone, trustee of the Figone Family Trusts ("Ms. Figone"), the owner of the property at 32 Moana Circle, Tahoma, California ("Property") within the Moana Beach Subdivision ("Subdivision"). This letter is written on behalf of Ms. Figone in support of her appeal to the board of the Moana Beach Property Association ("Association") with regard to the November 11, 2022 letter ("Denial Letter") from the Association's Architectural Planning Control Committee ("ACC"), which denied the submitted architectural drawings and plans ("ADU Submittal") for a new Accessory Dwelling Unit at the Property. (**Exhibit 1** [Denial Letter].) A copy of the ADU Submittal is attached hereto for your reference as **Exhibit 2**.

We write to respectfully request the board's consideration of this letter and all other prior correspondence<sup>1</sup> in this matter to support this appeal of the ACC's improper denial of the ADU Submittal.

We request that this letter be provided to the Association's Board and all members of the Association.

#### **A. Architectural Standards at Issue**

The Association's Restatement of and Amendment to Declaration of Subdivision Restrictions ("CC&RS") provide in pertinent part that prior to approving any structure, the Architectural

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<sup>1</sup> This correspondence includes without limitation letters and emails to the ACC and/or Association dated August 15, 2022, August 24, 2022, September 30, 2022, October 5, 2022, and October 19, 2022



Committee shall require “[t]hat the structure be particularly located with respect to topography and finish grade elevation in order to assure the maximum privacy and view for all structures....”

As discussed in more detail below, the proposed ADU is situated in approximately the same location on the Property as the current garage, and its location ensures “the maximum privacy and view of all structures.” Indeed, there are no “structures” that have views materially impacted by the proposed ADU. For example, the view of Lake Tahoe from 35 Moana Circle, the property directly uphill from the Property, will have better views of the lake following the completion of the project. Photographs showing the pre-project view and post-project view with the ADU on the Figone Property confirm this and have previously been provided to the ACC and the Association. (See **Exhibit 3** [pre-project view]; **Exhibit 4** [post-project view with improved view of Lake Tahoe].) See further discussion below on the lack of material impacts to any structure’s views in Section C below.

### **B. Prior Modifications to Plans to Address ACC and Association’s Concerns**

Ms. Figone retained architect Todd Mather to design improvements for her property at 32 Moana Circle. Mr. Mather initially prepared plans to remodel Ms. Figone’s residence from a one-story to two-story residence, and a new two-story garage with a living area above it. Ms. Figone subsequently modified the plans to only remodel the existing single-story residence and the two-story garage and living area.

As to the improvements to the garage, Ms. Figone’s architect prepared plans for an ADU unit and garage in the same general location as the original garage.<sup>2</sup> Those plans were submitted to the ACC, and on August 1, 2022 and September 15, 2022, the ACC denied the proposals based on the contention that the height of the proposed structure was a “15-foot increase on the height from your current garage” and that the height exceeded other detached garage/guest house in the community. (**Exhibits 5 and 6.**) The denial also alleged that the additional height of the project “will partially block views of at least three of the neighbors across the street.” Two of these neighbors, Jens Egerland (45 Moana Circle) and Jane Catterson (35 Moana Circle) were the Association’s Board President and member of the ACC, respectively. Ms. Figone discussed her proposed ADU with her neighbors, and Mr. Egerland informed Ms. Figone that the Association’s Board would never allow the proposed ADU because it would purportedly lower the value of their homes.

In the course of her discussion with Mr. Egerland, Ms. Figone also informed him that the Association should not be concerned with her plans for the two-story garage since she was no longer moving forward with a two-story residence. Mr. Egerland responded that the Association would never approve a two-story residence where her current one-story residence is located.

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<sup>2</sup> The first submittal on June 14, 2022 was not characterized as an ADU but was modified to do so in the second submittal on August 24, 2022. Furthermore, the proposed ADU cannot be constructed in the exact same footprint of the existing garage due to applicable building restrictions.

Yet, the Association has approved numerous two-story and multi-story units in the neighborhood, including on lakefront lots, which impact the views of other owners and block all views of the lake from many other “structures.” See Section E below regarding the ACC’s inconsistent and arbitrary enforcement of purported view restriction.

While disputing the merit of the ACC’s denial of the proposal, Ms. Figone incurred additional expense to have her architect redesign the proposal that significantly reduced the height of the proposed ADU by over five feet so that the height of the structure would be almost equal to the height of the neighboring garage and living area that had been constructed at 28 Moana Circle in approximately 2015. This ADU Submittal (i.e., the subject of this appeal) was submitted to the ACC on or about September 30, 2022.

Ms. Figone’s prior correspondence in support of the ADU Submittal to the ACC and you on September 30, 2022 and October 19, 2022 describe in detail the many steps taken by Ms. Figone to lower the roof line and pitch of her proposed ADU in what was referred to as Submittal No. 3 as follows:

- Submittal No. 3 reduces the overall height of the structure by 5’-3 1/4”. The original building was 35’-7 1/4” tall and this design on Submittal No. 3 is 30’-4” tall (from the low point per Tahoe Regional Planning Agency (“TRPA”) rules, not the driveway elevation). This is a 15% reduction in height.
- The design on Submittal No. 2 was at the TRPA’s maximum allowable height limit (and compliant with that limit). Submittal No. 3 is 24” below the maximum allowable height (by TRPA).
- Submittal No. 3 also lowers the elevation of the top of the concrete slab of the garage to 6,253.66’—the same height of the current garage slab. This reduction will increase the driveway slope to 12% from the county roadway to the front edge of the garage structure. Section 34.3.2 E of the TRPA Code of Ordinances provides that “[d]riveways shall not exceed ten percent slope, unless TRPA finds that construction of a driveway with a ten percent or less slope would require excessive excavation and that the runoff from a steeper driveway shall be infiltrated as required in Section 60.4. In no case shall the driveway exceed 15 percent slope.”
- The height of the garage doors has been reduced to lower the floor level of the residential level of the ADU. This reduction of the garage door height will result in Ms. Figone’s tall Sprinter van always parked on the driveway or on the public street’s shoulder since the Sprinter van will no longer fit in the reduced height garage.
- The pitch of the roofline was changed from a 6:12 that matched the architecture/design of the original home and garage to a 3:12. This reduced the overall height of the ADU structure.

- Lowering the garage further into the topography was also discussed and a minimum quote of in excess of \$100,000 was discussed to lower the garage slab making the Association's proposal an unreasonable increase in the cost to construct the ADU. That assumes the TRPA Codes will prohibit construction of this steeply pitched driveway. (**Exhibit 7** [October 19, 2022 Letter].)

As explained in the October 19, 2022 letter, Ms. Figone has done everything reasonably possible to reduce the height of the ADU in Submittal No. 3. Moreover, TRPA coverage rules prevent any placement of the ADU at any other location on the Property.

### C. Purported Justification for the Denial Letter

Denial of an architectural application requires a written explanation of why the application was denied. (Civ. Code, § 4765(a)(4).) The Association issued its denial of the ADU Submittal on November 11, 2022 and provided the following explanation why the application was denied:

We have reviewed your plans' consistency with current CC&Rs and determined the view considerations are reasonable given the importance of lake views for the entire community. Because your project substantially increases the finish grade elevation of the as-built environment and negatively affects the views of your neighbors and the entire community, both visually and financially, we are denying your application to build your project as currently proposed in the submitted plans.

#### (**Exhibit 1.**)

This explanation does not provide a good-faith basis to deny the application and misconstrues the alleged applicable standard. Furthermore, the ACC's denial of the application will be strictly construed against it because it is a general rule that restrictive covenants are construed strictly against the person seeking to enforce them, and any doubt will be resolved in favor of the free use of land. (*White v. Dorfman* (1981) 116 Cal.App.3d 892, 897.)

Here, the ACC improperly applied the view standard to the entire community as compared to only those structures that have views affected by the proposed ADU. Indeed, as shown in materials provided to the ACC, no views are adversely impacted. As the attached photographs show from the deck of the property directly uphill from the proposed ADU at 35 Moana Circle, the views will be improved with the proposed project due to the tree removal. (**Exhibit 3** [pre-project rendering]; **Exhibit 4** [post-project rendering showing improved view of Lake Tahoe].)

It was also previously asserted by the ACC that the view from the property at 25 Moana Circle could *potentially* be impacted by the project. That contention is also wholly without any support since the deck on the second floor of that structure is significantly higher than the proposed ADU

which is not even directly below that property.<sup>3</sup> The lack of any impacts to the view of the lake from the structure at 25 Moana Circle is also shown from photographs when that property was listed for sale in or about 2018. These photographs show how the lake views from that property (including from the deck) are not adversely impacted by the garage and living area on the lakefront parcel neighboring the Property at 28 Moana Circle. The proposed ADU for the Property is only 28 inches higher than the garage at 28 Moana Circle and is not even directly below 25 Moana Circle. Accordingly, there is no evidence that the proposed ADU will impact the views from the structure at 25 Moana Circle since it is much higher than the height of the proposed ADU and the garage directly below that property at 28 Moana Circle. (See **Exhibit 8** [Website Listing and Photographs].)

As to the other property owned by the Board's president at 45 Moana Circle. That property is not even directly above the proposed ADU and based on the site plan of the Subdivision, it does not even seem possible that the view would be impacted at all. (**Exhibit 9**.)

The Denial Letter further requests that Ms. Figone consider building the ADU without a garage and consider the use of story poles "to show how your structure will impact the community." These requests are unreasonable and again misconstrue the applicable standard to a vague and undefined "community." As to the request to remove the garage from the project, that is unreasonable because a garage is essential during the winter months at Lake Tahoe and would cause a significant diminishment in the value of the Property. As to the request for story poles, this not necessary because we have already provided photographs showing the lack of any material impacts to the views of the structure directly uphill from the project. Moreover, to the extent other properties were allegedly impacted, Ms. Figone requested that the Association provide her with photographs from the structures toward the lake so that Ms. Figone could have her architect prepare additional demonstrative exhibits to show the lack of any impacts to the view similar to what has been provided in Exhibits 3 and 4. No response was received to this request.

Lastly, another reason the request for story poles is unreasonable is that the construction of story poles would not be possible during the winter months and would require the removal of a ramp constructed for the remodel of Ms. Figone's residence below her current garage. Also, in our experience constructing a story pole structure would require permits from Placer County and the TRPA.

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<sup>3</sup> The Association's approval of the two-story structure on 25 Moana Circle is also relevant to show the ACC and Association's failure to enforce the view restriction with respect to other properties in the Subdivision. That approval and construction of the new residence in 2018 blocked the view of the lake for the property behind it at 15 Moana Circle.

**D. The Denial Letter Will Be Invalidated for Effectively Prohibiting or Unreasonably Restricting the Construction of an ADU**

While the Denial Letter will be set aside because it is not supported by a good-faith and reasonable determination in light of the minimal or non-existent view impacts to the neighboring structures, and the ACC's approval of other improvements that fully block views of Lake Tahoe from other structures, the denial of the project is also a violation of California Civil Code section 4741.

In California Government Code section 65852.150, the California Legislature found and declared that, among other things, California is facing a severe housing crisis and ADUs are a valuable form of housing that meets the needs of family members, students, the elderly, in-home health care providers, people with disabilities, and others. Therefore, ADUs are an essential component of California's housing supply including within the Tahoe Basin where an extreme housing shortage exists.<sup>4</sup> While the Association focuses upon its governing documents restated in 2009, the laws of California have changed. The California Legislature has declared that the Association's governing documents that "unreasonably increase the cost to construct, effectively prohibit the construction of, or extinguish the ability to otherwise construct, an accessory dwelling unit" are void and unenforceable. The view restrictions in the Association's CC&Rs relied upon by the ACC in its letters are "void and unenforceable" if they unreasonably increase the cost to construct an ADU or effectively prohibit construction of or extinguish the ability to otherwise construct Ms. Figone's proposed ADU.

As Ms. Figone informed you in her August 24, 2022 letter, these new California laws are explained in an "Accessory Dwelling Unit Handbook" published by the California Department of Housing and Community Development that can be found at <https://www.hcd.ca.gov/sites/default/files/2022-07/ADUHandbookUpdate.pdf>. Page 26 of that Handbook states:

**Can my local Homeowners Association (HOA) prohibit the construction of an ADU or JADU?**

No. Assembly Bill 670 (2019) and AB 3182 (2020) amended Section 4751, 4740, and 4741 of the Civil Code to **preclude** common interest developments from prohibiting or **unreasonably restricting** the construction or use, including the renting or leasing

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<sup>4</sup> Indeed, the dire condition of the housing market in the Lake Tahoe area is well documented. See following article links: [Tackling Tahoe's Housing Crisis|Tahoe Regional Planning Agency; TRPA](#); ['We need to step up': Tahoe officials declare housing crisis an emergency \(sfgate.com\)](#); [South Lake Tahoe addressing its housing crisis \(fox40.com\)](#); [Lake Tahoe's housing crisis is dividing region's residents \(sfgate.com\)](#); [Affordable housing crisis in Tahoe – Sierra Nevada Ally](#); and [South Lake Tahoe Addresses Affordable Housing Issue with \\$17 Million Grant - Active NorCal](#)

of, an ADU on a lot zoned for single-family residential use. Covenants, conditions and restrictions (CC&Rs) that **either effectively prohibit or unreasonably restrict** the construction or use of an ADU or JADU on such lots **are void and unenforceable or may be liable for actual damages and payment of a civil penalty**. Applicants who encounter issues with creating ADUs or JADUs within CC&Rs are encouraged to reach out to HCD for additional guidance.

(Emphasis added.)

The Denial Letter appears to suggest that the ACC believes even if an applicant now seeks ACC approval to construct an ADU on a lot zoned for single-family residential use in the Subdivision, the CC&Rs take precedence over these new California laws. The ACC letters repeatedly reference the “CC&Rs concerning views.” The ACC also states that the “inclusion of an ADU does not warrant automatic approval and the Committee may impose reasonable restrictions under the CC&Rs and applicable law.” The ACC’s decisions are contrary to the statutory definition of “reasonable restrictions” included in Civil Code section 4751(b):

**Civil Code § 4751. Accessory Dwelling Units.**

(a) ...

(b) This section does not apply to provisions that impose reasonable restrictions on accessory dwelling units or junior accessory dwelling units. For purposes of this subdivision, **“reasonable restrictions” means restrictions that do not unreasonably increase the cost to construct, effectively prohibit the construction of, or extinguish the ability to otherwise construct, an accessory dwelling unit** or junior accessory dwelling unit consistent with the provisions of Section 65852.2 or 65852.22 of the Government Code.

Here, Ms. Figone has already modified the proposed ADU to reduce its height to the comparable level of the neighboring garage that had previously been approved by the ACC and Association. Any further changes requested by the ACC are not possible due to the applicable Code and/or would unreasonably increase its cost including the requests for story-poles. Accordingly, the ACC’s denial of the ADU Submittal is void for this reason as well.

**E. Inconsistent and Arbitrary Enforcement of Architectural View Standard**

“It is a settled rule of law that homeowners’ associations must exercise their authority to approve or disapprove an individual homeowner’s construction or improvement plans in conformity with the declaration of covenants and restrictions, and in good faith.” (*Cohen v. Kite Hill Cmty. Ass’n*)

(1983) 142 Cal.App.3d 642, 650.) A decision to enforce the restrictions, including a refusal to approve architectural plans, must be reasonable, in good faith, and not exercised in a capricious or arbitrary manner. (*Ibid.*) The court in *Cohen*, recognized the potential for abuse with respect to the enforcement of restrictions and stated:

With power, of course, comes the potential for abuse. Therefore, the Association must be held to a high standard of responsibility: “The business and governmental aspects of the association and the association’s relationship to its members clearly give rise to a special sense of responsibility upon the officers and directors.... ***This special responsibility is manifested in the requirements of fiduciary duties and the requirements of due process, equal protection, and fair dealing.***”

(*Id.* at 651, emphasis added [quoting *Concepts of Liability in the Development and Administration of Condominium and Home Owners Associations* (1976) 12 Wake Forest L. Rev. 915, 921].)

Here, the evidence establishes that the ACC has acted in an unreasonable and arbitrary manner in light of the accommodations Ms. Figone has made to the proposed ADU to reduce its height to approximately the same height as the neighboring garage that was previously approved by the Association. The denial is also unreasonable and arbitrary due to the fact that the Association has previously approved remodels and construction that block all or almost all of the views of the lake from surrounding structures. For example, the house at 28 Moana Circle increased the height of its garage, blocking views. The large two-story residence approved by the Association at 25 Moana Circle blocks the views of 15 Moana Circle. The Association also approved large estate-sized, two-story lakefront residences at 48 Moana Circle and 52 Moana Circle that also block the views of the lake.

The view restriction is also not enforceable because of the changed circumstances in the Subdivision that would render such enforcement inequitable. (See *Wolff v. Fallon* (1955) 44 Cal.2d 695.) For example, there are approximately 29 parcels with structures in the Subdivision and nine on the lake. Of the remaining non-littoral parcels, over half of the structures have no view of the lake, and as described above, many of the approvals for the massive improvements on littoral parcels (e.g., 48 and 52 Moana Circle) blocked off all lake views of the non-littoral structures. In fact, the non-littoral properties with the best lake views in the Subdivision are those three properties for which the ACC has utilized as providing support for its Denial Letter, even though evidence has been provided that the views from those structures will not be materially impacted. Indeed, what is particularly offensive about the course of these events is that the owners of two of those properties, 35 and 45 Moana Circle, are on the ACC and Association’s board. This self-dealing provides further support for the bad faith and unreasonable denial of the proposed ADU improvements.

**F. The Association’s Failure to Produce Any Documents Requested by Ms. Figone to Support Its Denial and Resulting Violation of Ms. Figone’s Due Process Rights**

Ms. Figone has requested on multiple occasions documents relating to the ACC and Association’s standards for enforcing the purported view restriction. She also has requested documents relating to the approvals of “alterations, additions, or changes, to any members residences since 2002.” Other than producing the CC&Rs and bylaws, the Association has not produced one document or scrap of evidence to support the Denial Letter or that its decision is reasonable and consistent with those decisions that have been previously made. As we know from the numerous approvals that have been made for improvements that block all lake views, we suspect there is no evidence to support its decision. Nevertheless, those approvals are relevant to support Ms. Figone’s claims to overturn and invalidate the ACC’s decision denying the ADU Submittal, and Ms. Figone has a due process right to have this evidence to support her appeal. Those issues will be raised in court as well to the extent the Association upholds the denial.

**G. The Association Will Be Liable for Ms. Figone’s Attorneys’ Fees in an Action to Declare the Denial Letter and Any Denial of the Appeal Invalid**

To the extent the appeal is denied, Ms. Figone will be forced to file a legal action to enforce her right to construct the proposed ADU. Pursuant to Civil Code section 5975, Ms. Figone will recover her attorneys’ fees in such action when she prevails.

**H. Conclusion**

Ms. Figone respectfully requests that the appeal be granted and that the Association approve the ADU Submittal. Thank you.

Sincerely,



Michael B. Brown

Attachments – Exhibits 1-9

cc: Vicky Figone, Trustee  
Todd G. Mather, AIA



# EXHIBIT 1

Moana Circle Beach Architectural and Planning Control Committee  
Moana Circle, Homewood, CA 96142

November 11, 2022

Vicki Figone  
32 Moana Circle  
Homewood, CA 96142

Dear Vicki,

Thank you for submitting your updated garage/ADU plans for our review. The new plans while approximately five feet lower, still encroach on neighboring lake view corridors.

Under Article III, Section 4 of the CC&Rs, the Architectural Committee may waive one or more of the Section 3 requirements with notice to the Board and to affected homeowners. We have reviewed your plans' consistency with current CC&Rs and determined the view considerations are reasonable given the importance of lake views for the entire community. Because your project substantially increases the finish grade elevation of the as-built environment and negatively affects the views of your neighbors and the entire community, both visually and financially, we are denying your application to build your project as currently proposed in the submitted plans.

A few ideas that the Committee would take under consideration, would be to build the garage/ADU in the same footprint as the current garage and be no higher than the neighbor to the right of your home. This would keep the structure in the same location which is already hidden by trees and therefore would not substantially block neighborhood views. We would also consider forgoing the parking requirement and you build an ADU only, with some storage underneath but no formal garage, the height requirement would be the same, no higher than the neighbor to the right. If you are willing to consider these ideas and use story poles, as you originally agreed to do, to show how your structure will impact the community, we would open to reconsidering.

The Committee is not denying your application based on the building of an ADU. Our denial is based on the application of the CC&Rs' reasonable view considerations when reviewing any proposed new structures or modifications to existing structures. If you would like to reconsider your design and submit an alternative design that will maintain reasonable views for all, we are prepared to reconsider your application.

If you would like to appeal our decision, you may appeal to the Moana Beach Property Owners Association's Board of Directors by submitting an appeal in writing to John Abel

(jabel@axiantgroup.com) within fifteen (15) days of the date of this letter. (Jens Egerland has recused himself on this matter as he is directly affected by your project.) Upon your appeal, the Board may reconsider the Architectural Committee's decision. If you do not timely appeal, then the Architectural Committee's decision shall be final.

By the Moana Beach Architectural and Planning Control Committee

Amy Boaman  
Carolyn Goetz  
Mike Augustine

# EXHIBIT 2

# Figone ADU & Garage

32 Moana Circle  
Tahoma CA 96142  
Placer County APN 098-191-018

Vicki Figone  
35 Creekview Circle  
Larkspur CA 94939  
415 377 8817  
vickifigone@hotmail.com

REVISIONS

PERMIT NUMBER	
JOB NUMBER	1521.2
FILE NUMBER	1521.2_A1X
ISSUE DATE	19 September 2022
SUBJECT	HOA Review #3
SCALE	1"=10'-0" UNO

TITLE

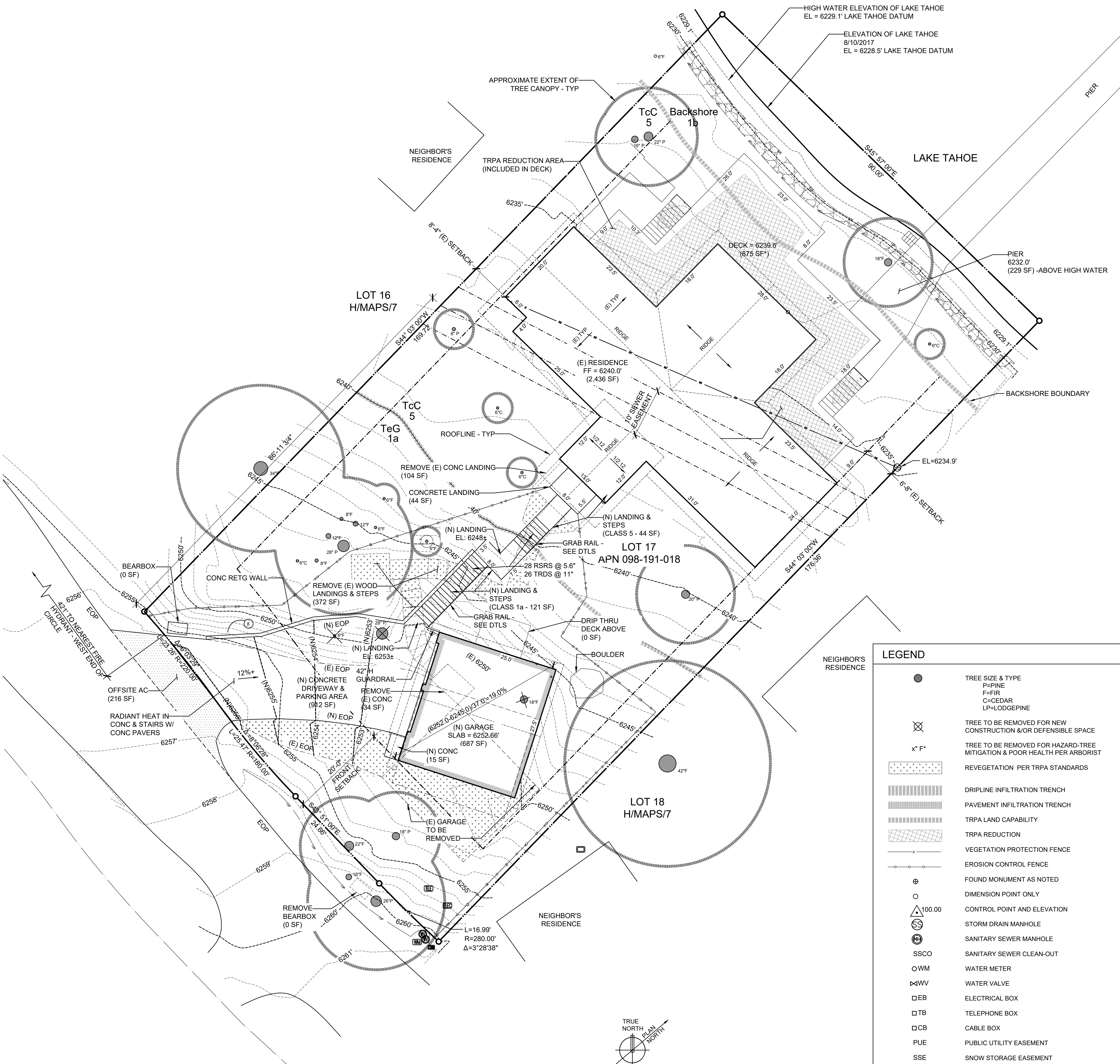
## SITE PLAN

# A1.2

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN CONSENT.

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LEGAL COMMITTEE ITEM NO. 3 & AGENDA ITEM NO. VIII.A



### ALLOWABLE LAND COVERAGE

TOTAL PARCEL AREA = 14,885 SF  
SITE ASSESSMENT: TRPA# LCAP2019-0214, LCAP2019-0215(LCV)

CAPABILITY	% ALLOW	AREA	ALLOWED
CLASS 1a	1%	6,172 SF	62 SF
CLASS 1b	1%	1,332 SF	13 SF
CLASS 5	25%	7,381 SF	1,845 SF

TOTAL ALLOWABLE COVERAGE: 1,920 SF

### VERIFIED EXISTING LAND COVERAGE

SITE ASSESSMENT: TRPA# LCAP2019-0214, LCAP2019-0215(LCV)

ONSITE	CLASS 1a	CLASS 1b	CLASS 5	TOTAL
RESIDENCE	0	0	2,412	= 2,412 SF
DECK & STAIRS W/ TRPA REDUCTION	0	191	416	= 607 SF
PIER-ABOVE HIGH WATER	0	157	72	= 229 SF
WOOD LANDINGS & STEPS	333	0	39	= 516 SF
GARAGE	516	0	0	= 876 SF
CONCRETE DRIVEWAY	876	0	0	= 10 SF
A/C DRIVEWAY	10	0	104	= 104 SF
CONC LANDING **	0	0	0	= 0 SF

TOTAL ONSITE COVERAGE = 5,126 SF  
OFF SITE  
A/C DRIVEWAY = 216 SF  
TOTAL OFF SITE COVERAGE = 216 SF  
\*\* CONC LANDING NOT INCLUDED IN SITE ASSESSMENT COVERAGE VERIFICATION BUT NOTED ON MAP

### EXISTING LAND COVERAGE (HOUSE REMODEL-TRP21-90103)

ONSITE	CLASS 1a	CLASS 1b	CLASS 5	TOTAL
RESIDENCE	0	0	2,412	= 2,412 SF
RESIDENCE ADDITION	0	0	24	= 24 SF
DECK & STAIRS W/ TRPA REDUCTION	0	88	787	= 875 SF
PIER-ABOVE HIGH WATER	0	157	72	= 229 SF
WOOD LANDINGS & STEPS	333	0	49	= 382 SF
CONC LANDING	0	0	44	= 44 SF
GARAGE	516	0	0	= 516 SF
CONCRETE DRIVEWAY	876	0	0	= 876 SF
A/C DRIVEWAY	10	0	0	= 10 SF

TOTAL ONSITE COVERAGE = 5,368 SF  
\* PERVIOUS DECK REDUCTION FOR CLASS 5 LOT (369 SF MAX) FIRST 500 SF(\*100%) = 369 SF  
TOTAL ADJUSTED ONSITE COVERAGE = 4,999 SF  
OFF SITE  
A/C DRIVEWAY = 216 SF  
TOTAL OFF SITE COVERAGE = 216 SF

### PROPOSED LAND COVERAGE

ONSITE	CLASS 1a	CLASS 1b	CLASS 5	TOTAL
RESIDENCE	0	0	2,412	= 2,412 SF
RESIDENCE ADDITION	0	0	24	= 24 SF
DECK & STAIRS W/ TRPA REDUCTION	0	88	787	= 875 SF
PIER-ABOVE HIGH WATER	0	157	72	= 229 SF
(N) WOOD LANDINGS & STEPS	121	0	44	= 165 SF
CONC LANDINGS	0	0	44	= 44 SF
(N) CONC STOOP	15	0	0	= 15 SF
(N) GARAGE	687	0	0	= 687 SF
(N) CONCRETE DRIVEWAY	912	0	0	= 912 SF

TOTAL ONSITE COVERAGE = 5,363 SF  
\* PERVIOUS DECK REDUCTION FOR CLASS 5 LOT (369 SF MAX) FIRST 500 SF(\*100%) = 369 SF  
TOTAL ADJUSTED ONSITE COVERAGE = 4,994 SF  
OFF SITE  
A/C DRIVEWAY = 216 SF  
TOTAL OFF SITE COVERAGE = 216 SF

- ### SURVEYOR NOTES
- SURVEY PERFORMED BY TERRAGRAPHIC LAND SURVEYING, INC.; DATED 08/10/2017; JOB NUMBER 17085.
  - CONTOUR INTERVAL EQUALS 1'.
  - THE ELEVATION DATUM FOR THIS SURVEY WAS ASSUMED. ELEVATION = 6234.9' BENCHMARK = TOP OF SANITARY SEWER MANHOLE RIM.
  - SPOT ELEVATIONS ARE ACCURATE TO 0.2'± SCALED FEATURE LOCATIONS ARE ACCURATE TO 0.5'±
  - EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS MAP, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND USE REGULATIONS; AND ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
  - LEGEND IS GENERAL. SOME SYMBOLS MAY NOT BE APPLICABLE TO THIS SURVEY MAP.

### FIRE SEVERITY ZONE

STATE RESPONSIBILITY AREA VERY HIGH FIRE HAZARD SEVERITY ZONE

### LEGEND

- TREE SIZE & TYPE  
P=PINE  
F=FIR  
C=CEDAR  
LP=LOGS/PINE
- ⊗ TREE TO BE REMOVED FOR NEW CONSTRUCTION &/OR DEFENSIBLE SPACE
- x" F" TREE TO BE REMOVED FOR HAZARD-TREE MITIGATION & POOR HEALTH PER ARBORIST
- ▨ REVEGETATION PER TRPA STANDARDS
- ▨ DRIPLINE INFILTRATION TRENCH
- ▨ PAVEMENT INFILTRATION TRENCH
- ▨ TRPA LAND CAPABILITY
- ▨ TRPA REDUCTION
- ▨ VEGETATION PROTECTION FENCE
- ▨ EROSION CONTROL FENCE
- ⊕ FOUND MONUMENT AS NOTED
- DIMENSION POINT ONLY
- ⊕ 100.00 CONTROL POINT AND ELEVATION
- ⊕ STORM DRAIN MANHOLE
- ⊕ SANITARY SEWER MANHOLE
- SSCO SANITARY SEWER CLEAN-OUT
- OWM WATER METER
- WV WATER VALVE
- EB ELECTRICAL BOX
- TB TELEPHONE BOX
- CB CABLE BOX
- PUE PUBLIC UTILITY EASEMENT
- SSE SNOW STORAGE EASEMENT
- MPE MULTI-PURPOSE EASEMENT
- ⊕ CHRISTY BOX

DEMOLITION NOTES

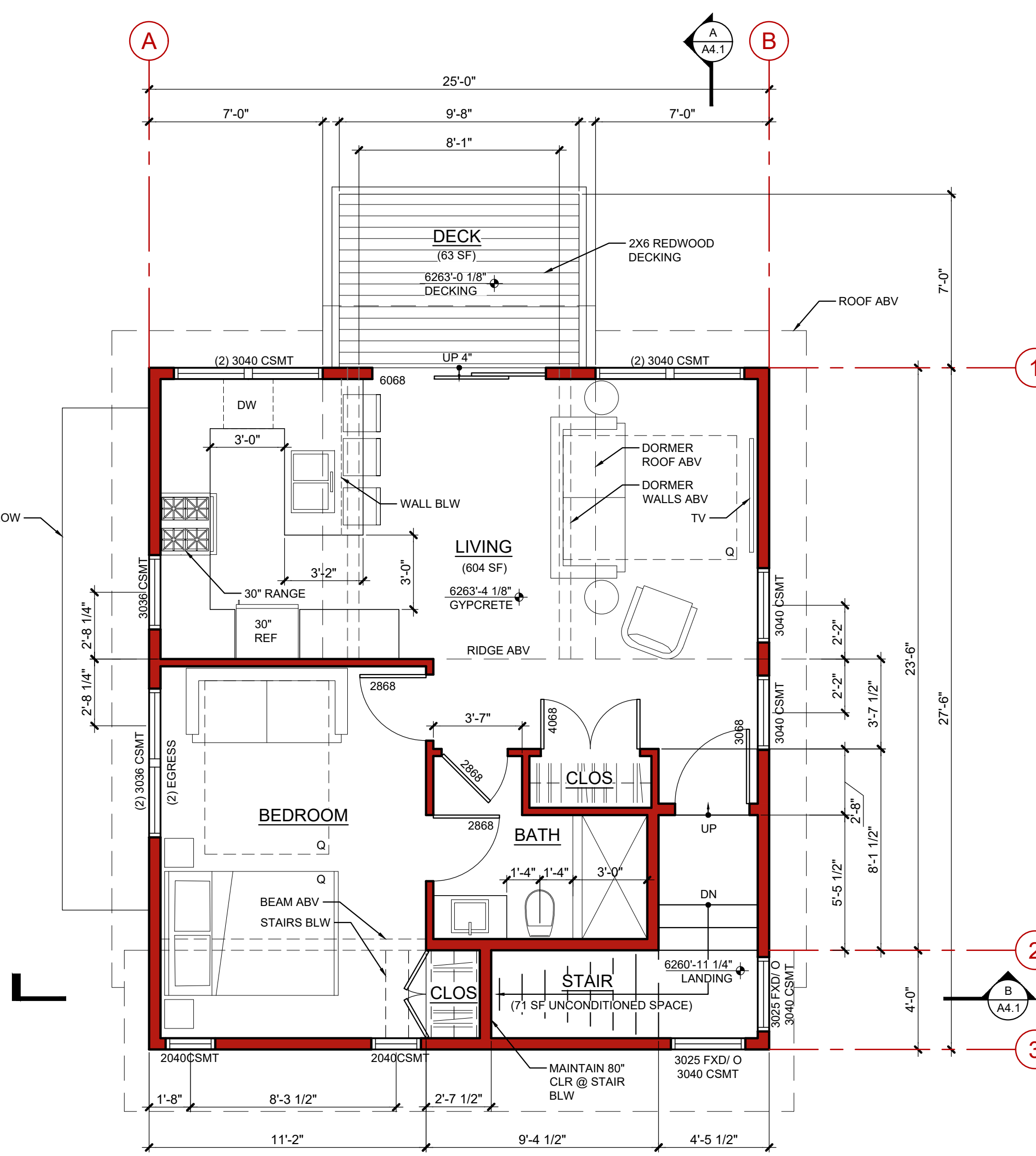
- 1) CONDUCT SELECTIVE DEMOLITION AND DEBRIS REMOVAL OPERATIONS TO INSURE MINIMUM INTERFERENCE WITH ROADS, STREETS, WALKS, EXITS AND OTHER ADJACENT OCCUPIED AND USED FACILITIES.
2) OWNER ASSUMES NO RESPONSIBILITY FOR CONDITION OF AREAS TO BE SELECTIVELY REMODELED.
3) IF MATERIALS SUSPECTED OF CONTAINING HAZARDOUS MATERIALS ARE ENCOUNTERED, DO NOT DISTURB. IMMEDIATELY NOTIFY ARCHITECT AND OWNER.
...
15) TRANSPORT DEMOLISHED MATERIALS OFF OF OWNER'S PROPERTY AND LEGALLY DISPOSE OF THEM.

GENERAL NOTES

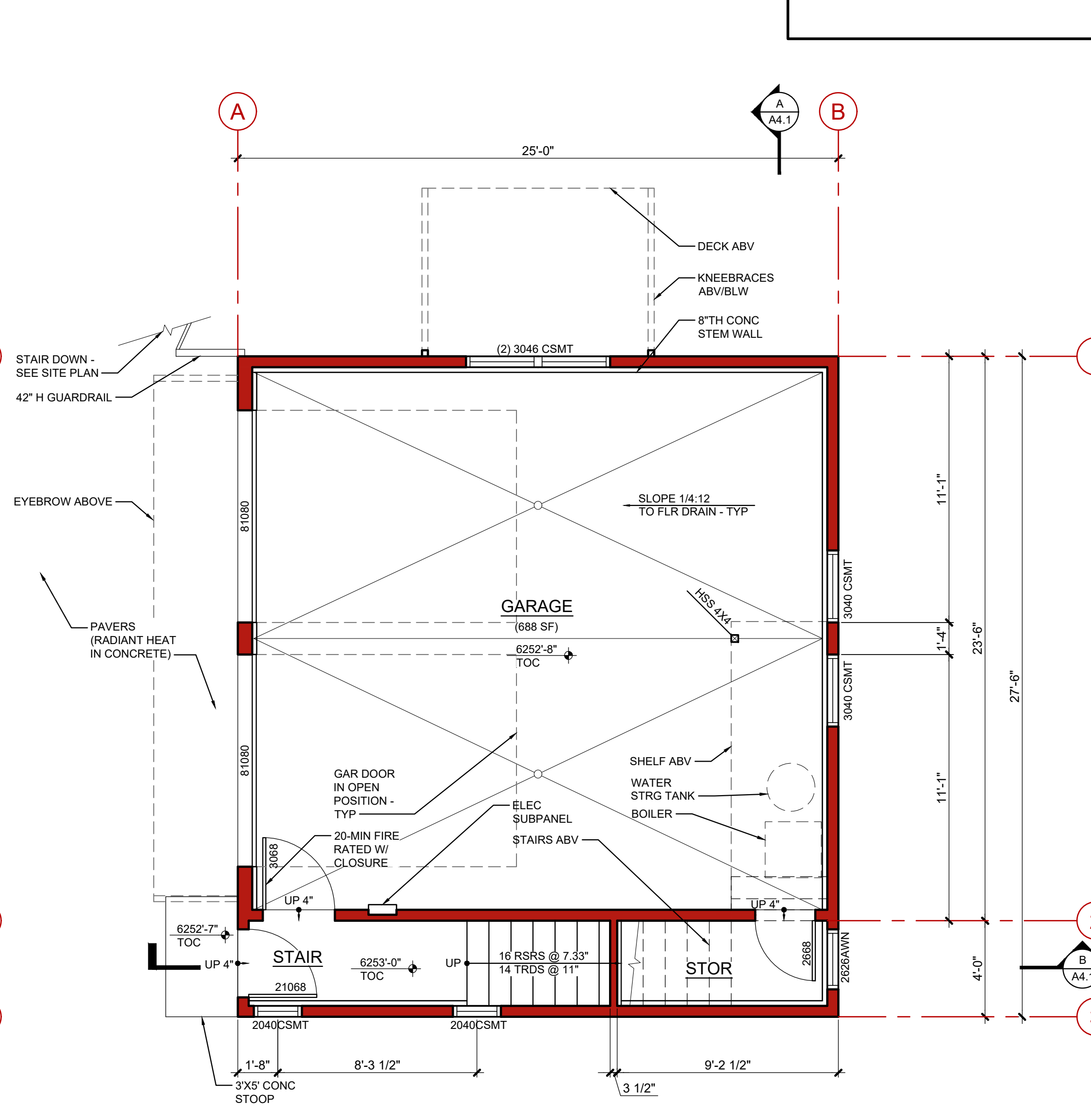
- 1) STAIRWAYS SERVING AN OCCUPANT LOAD LESS THAN 50 SHALL HAVE A WIDTH OF NOT LESS THAN 36 INCHES. CRC SECTION R311.7.1. STAIRWAYS SHALL HAVE A MINIMUM HEADROOM CLEARANCE OF 80 INCHES MEASURED VERTICALLY FROM A LINE CONNECTING THE EDGE OF THE NOSINGS. SUCH HEADROOM SHALL BE CONTINUOUS ABOVE THE STAIRWAY TO THE POINT WHERE THE LINE INTERSECTS THE LANDING BELOW. ONE TREAD DEPTH BEYOND THE BOTTOM RISER. THE MINIMUM CLEARANCE SHALL BE MAINTAINED THE FULL WIDTH OF THE STAIRWAY. CRC SECTION R311.7.2. WITHIN DWELLING UNITS, THE MAXIMUM RISER HEIGHT SHALL BE 7-3/4". THE MINIMUM TREAD DEPTH SHALL BE 10 INCHES. CRC SECTIONS R311.7.4.1 AND R311.7.4.2.
2) GUARDRAILS AND HANDRAILS SHALL BE STRUCTURED TO WITHSTAND A 200# LATERAL LOAD.
...
13) OPENINGS FROM A PRIVATE GARAGE DIRECTLY INTO A ROOM USED FOR SLEEPING PURPOSES SHALL NOT BE PERMITTED. R302.5.1.

AREA SUMMARY

Table with 2 columns: Description and Area (SF). Rows include Proposed Conditioned Square Footage (Lower Floor: 27 SF, Upper Floor: 615 SF, Total: 642 SF) and Proposed Unconditioned Square Footage (Garage/Storage: 646 SF, Deck: 63 SF, Upper Stair/Landing: 71 SF, Total: 780 SF).



UPPER - ACCESS DWELLING UNIT



LOWER - GARAGE

PO Box 7675 Tahoe City CA 96145
530 414 4662 TGMArchitect.com

Figone ADU & Garage

32 Moana Circle
Tahoma CA 96142
Placer County APN 098-191-018

Vicki Figone
35 Creekview Circle
Larkspur CA 94939
415 377 8817
vickifigone@hotmail.com

REVISIONS

Table with columns for Description, Date, and Author. Contains several empty rows for revision tracking.

Table with columns for Permit Number, Job Number, File Number, Issue Date, Subject, Scale, and Title. Values include 1521.2, 1521.2\_A2X, 19 September 2022, HOA Review #3, 1/4" = 1'-0" UNO, and TITLE.

FLOOR PLANS

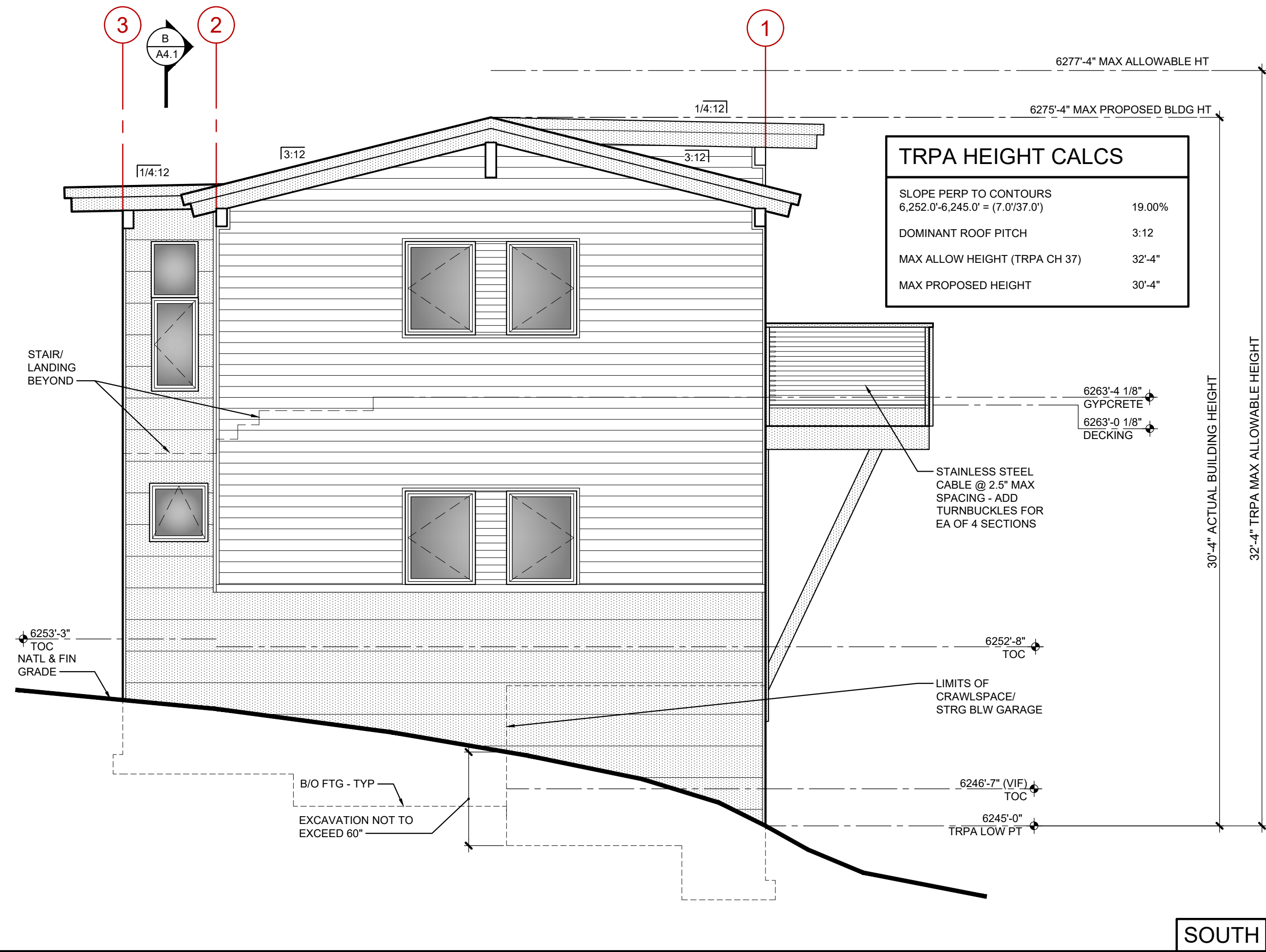
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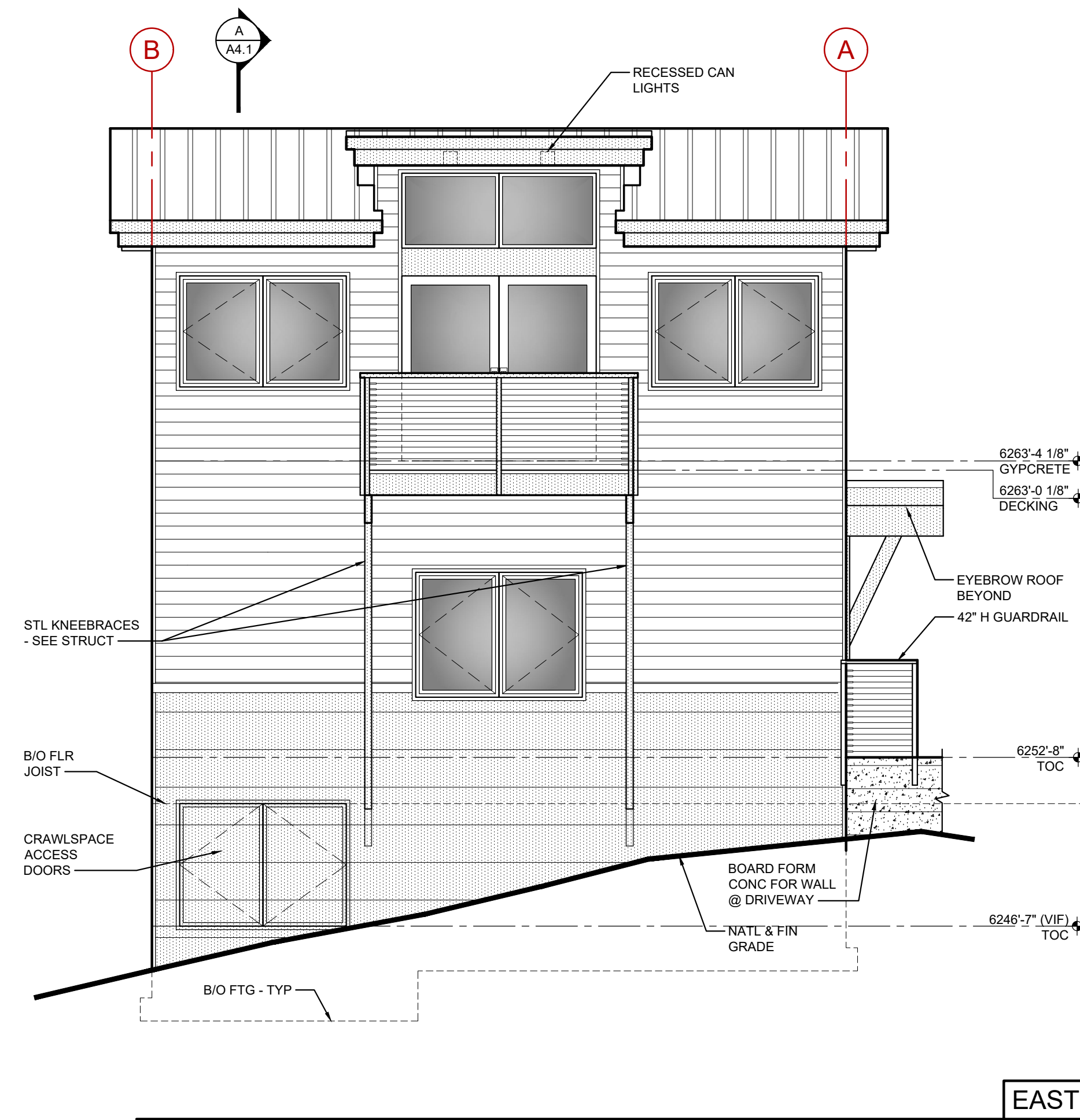
Figone ADU & Garage

32 Moana Circle  
Tahoma CA 96142  
Placer County APN 098-191-018

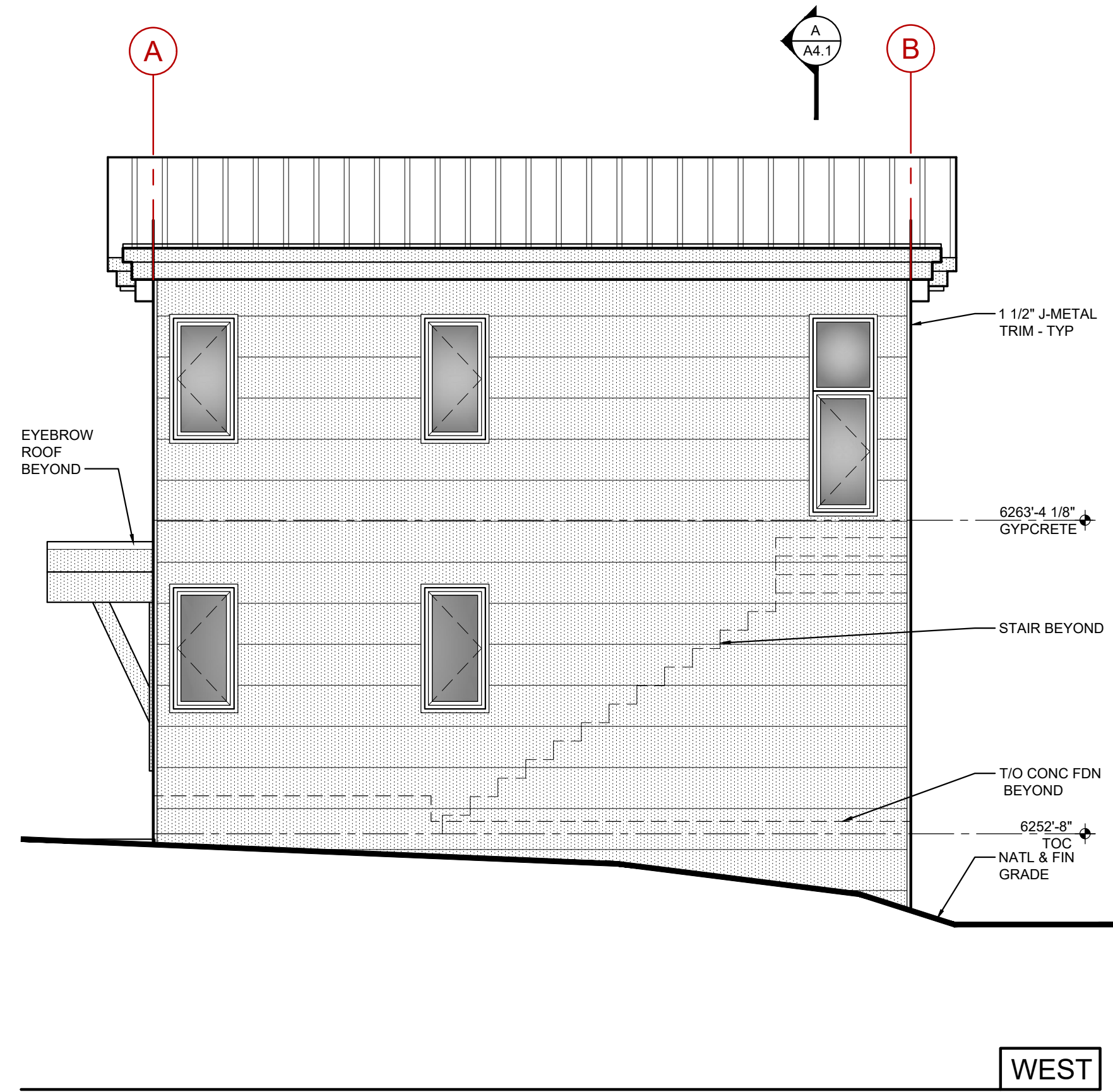
Vicki Figone  
35 Creekview Circle  
Larkspur CA 94939  
415 377 8817  
vickifigone@hotmail.com



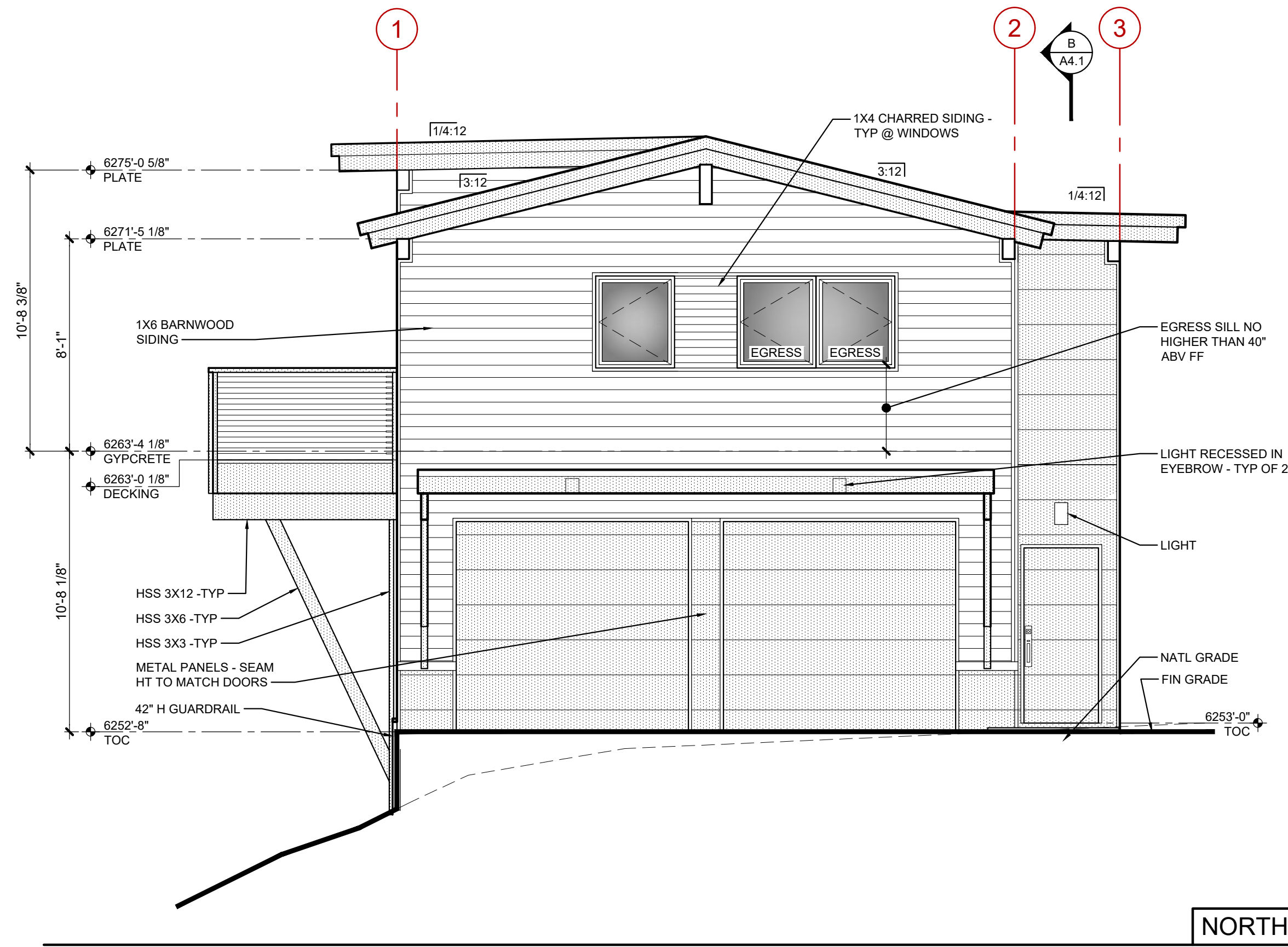
SOUTH



EAST



WEST



NORTH

REVISIONS


PERMIT NUMBER	
JOB NUMBER	1521.2
FILE NUMBER	1521.2_A3X
ISSUE DATE	19 September 2022
SUBJECT	HOA Review #3
SCALE	1/4" = 1'-0" UNO

TITLE

BUILDING ELEVATIONS

A3.1

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN CONSENT.

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# Figone ADU & Garage

32 Moana Circle  
Tahoma CA 96142  
Placer County APN 098-191-018

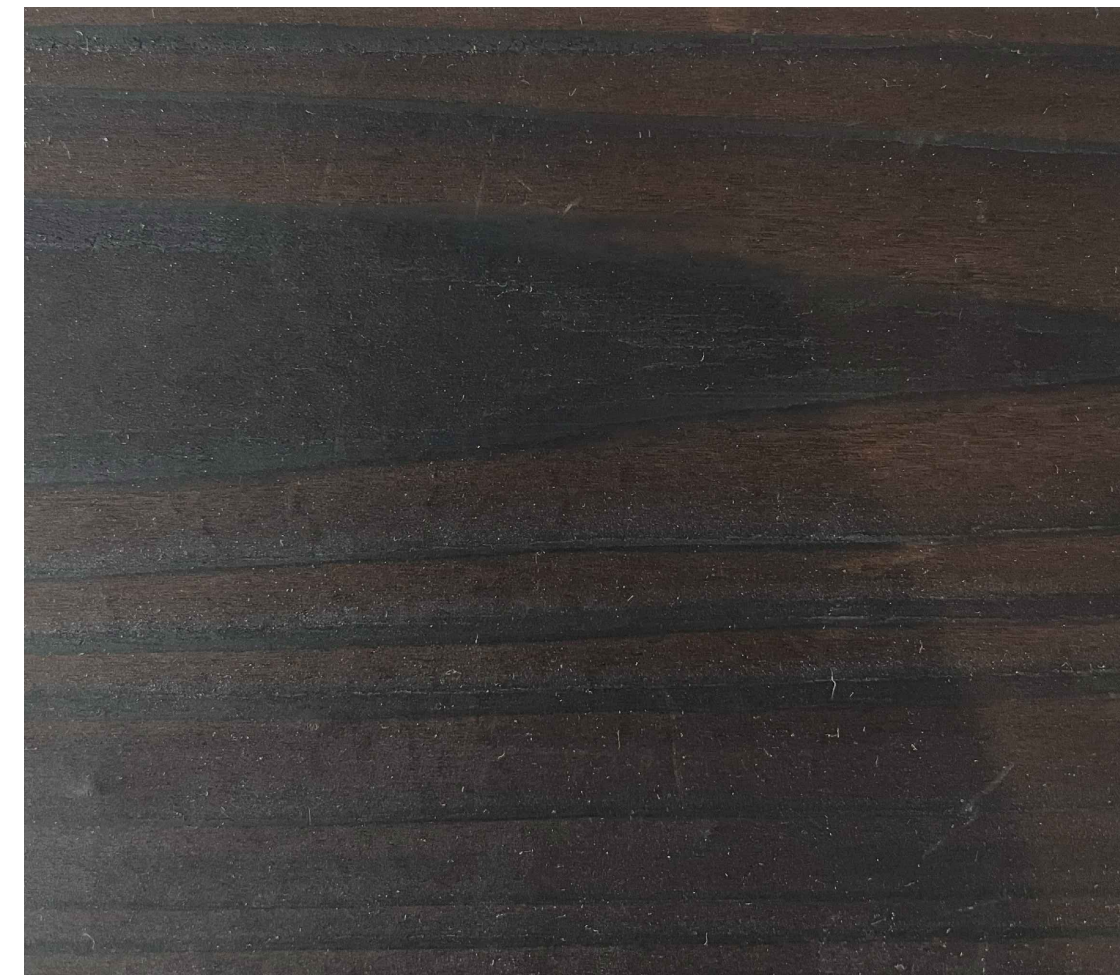
Vicki Figone  
35 Creekview Circle  
Larkspur CA 94939  
415 377 8817  
vickifigone@hotmail.com



1) WOOD SIDING (1X6)



2) METAL PANEL SIDING & TRIM DETAIL. COLOR IS NOT AS PROPOSED - SEE SCHEDULE.



6) WOOD SIDING (1X4)

### EXTERIOR COVERINGS NOTES

- 1) EXTERIOR WALLS/COVERINGS SHALL COMPLY WITH THE REQUIREMENTS OF CRC SECTION R703. WALL COVERINGS SHALL HAVE AN ASSEMBLY INSTALLED IN ACCORDANCE WITH ITS LISTING AND THE MANUFACTURER'S INSTALLATION INSTRUCTIONS. WHEN REQUIRED, EXTERIOR WALL COVERINGS SHALL ALSO FULLY COMPLY WITH WUI-CODE CRC SECTION R337.7.
- 2) EXTERIOR WALL COVERINGS, BACKING MATERIALS AND THEIR ATTACHMENTS SHALL MEET OR EXCEED WATER AND WIND RESISTANCE AS DESCRIBED AND IN ACCORDANCE WITH CRC SECTION R703.1.1, R703.1.2 AND R703.2.
- 3) EXTERIOR WALL COVERINGS SHALL MEET OR EXCEED THE THICKNESS AND ATTACHMENT/FASTENER REQUIREMENTS AS DESCRIBED AND IN ACCORDANCE WITH CRC SECTION R703.3.
- 4) PROVIDE CORROSION-RESISTANT FLASHINGS AS DESCRIBED AND IN ACCORDANCE WITH CRC SECTION R703.4.
- 5) INSTALL HORIZONTAL AND VERTICAL WOOD AND HARDWOOD SIDING IN ACCORDANCE WITH CRC SECTION R705.
- 6) WATER-RESISTIVE BARRIERS SHALL BE INSTALLED OVER WOOD-BASED SHEATHING AS REQUIRED AND DESCRIBED AND IN ACCORDANCE WITH CRC SECTION R703.7.3.

### HEIGHT CALCULATIONS

SEE SHEET A3.1

### EXTERIOR FINISH SCHEDULE

- 1) WOOD SIDING: 1X6 TRESTLEWOOD NATURE AGED CEDAR T&G W/1/4"X1/4" CHANNEL; OFSM #8140-2041-0001
- 2) PAINTED STEEL METAL ROOFING, METAL PANEL SIDING, FLASHINGS, CORNER TRIM, WINDOW & DOOR TRIM, WATERTABLE, FASCIA/SHINGLE MOULD CLADDING: BERRIDGE POWDERCOAT KYNAR 500 LOW GLOSS "AGED BRONZE"
- 3) LIGHTING FIXTURES/TRIMS: PAINTED TO MATCH METAL PANEL. SCONCES: HINKLEY "KUBE" - SEE SPEC ON SHEET A3.2
- 4) WINDOWS: ANDERSEN "BLACK"
- 5) SOFFITS: 1X6 DOLLY VARDEN CLEAR VERT GRAIN CEDAR T&G - FINE LINE - NAT'L STAIN
- 6) WOOD SIDING: 1X4 CYPRESS T&G DELTA MILLWORKS, BURNED & BRUSHED - NAT'L FINISH - OFSM #8140-2041-0001

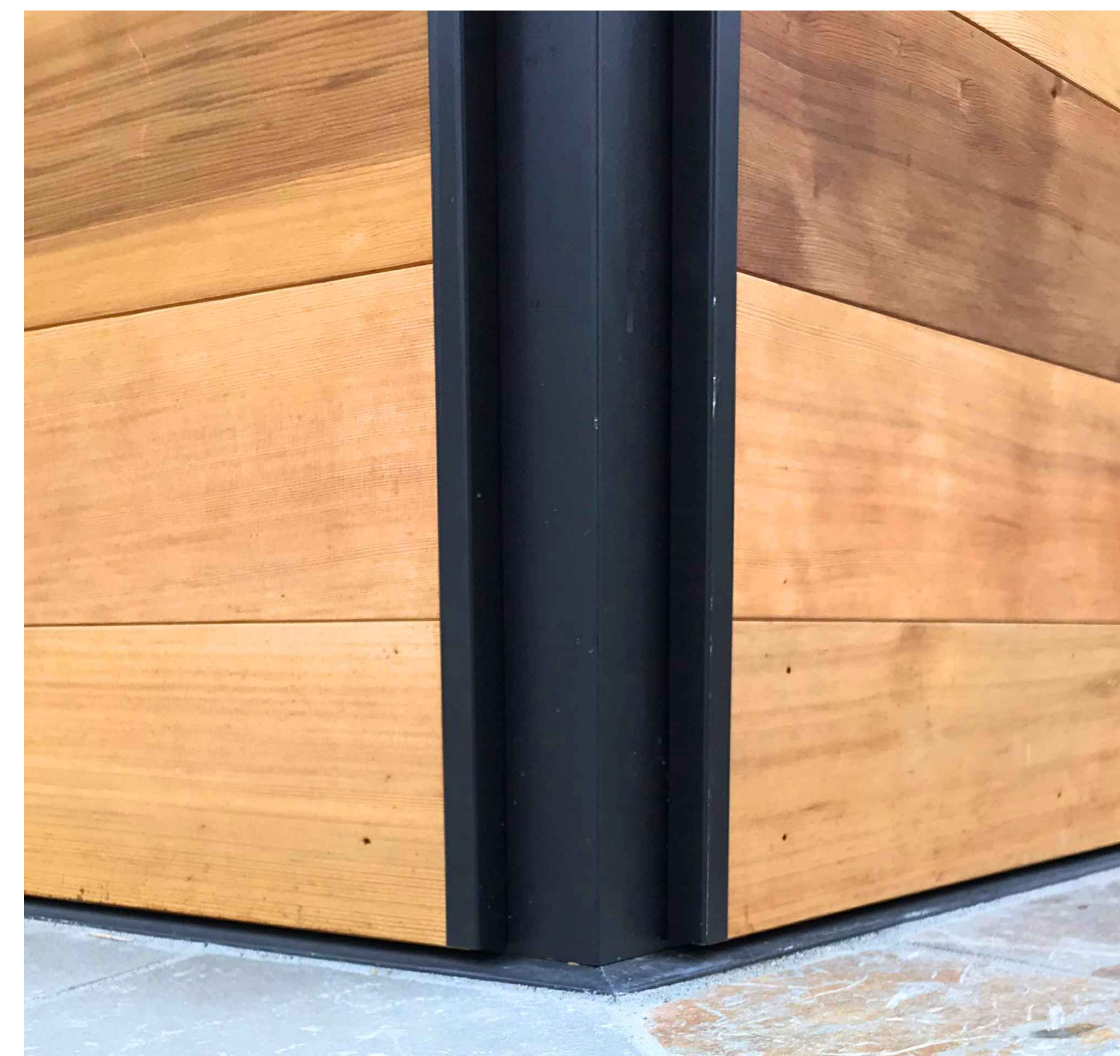
### EXTERIOR FINISH LEGEND

#### TRPA DESIGN STANDARDS:

- 1) COLOR: THE COLOR OF THE STRUCTURE, INCLUDING ANY FENCES ON THE PROPERTY, SHALL BE COMPATIBLE WITH THE SURROUNDINGS. SUBDUED COLORS IN THE EARTH TONE AND WOOD TONE RANGES SHALL BE USED FOR THE PRIMARY COLOR OF THE STRUCTURE. HUES SHALL BE WITHIN THE RANGE OF NATURAL COLORS THAT BLEND, RATHER THAN CONTRAST, WITH THE EXISTING VEGETATION AND EARTH HUES. APPROPRIATE EARTH TONES ARE CONSIDERED TO BE SHADES OF DARK REDDISH BROWN, DARK BROWN, AND DARK GREEN.
- 2) ROOFS: ROOFS SHALL BE COMPOSED OF NON-GLARE EARTH TONE OR WOOD TONE MATERIALS THAT MINIMIZE REFLECTIVITY. ALL EXPOSED METAL ROOFING MATERIALS, INCLUDING FLASHING AND CHIMNEY CAPS SHALL BE PAINTED OR PRE-WEATHERED TO MINIMIZE REFLECTIVITY. GLOSS RATING (G.R.), AROUND OR BELOW 10. GC SHALL CONFIRM ROOFING G.R. COMPLIANCE W/ TRPA.
- 3) EXTERIOR LIGHTING: ALL EXTERIOR LIGHTING SHALL BE CONSISTENT WITH TRPA CODE OF ORDINANCES, CHAPTER 30, SECTION 30.8, EXTERIOR LIGHTING STANDARDS.

### ROOF NOTES

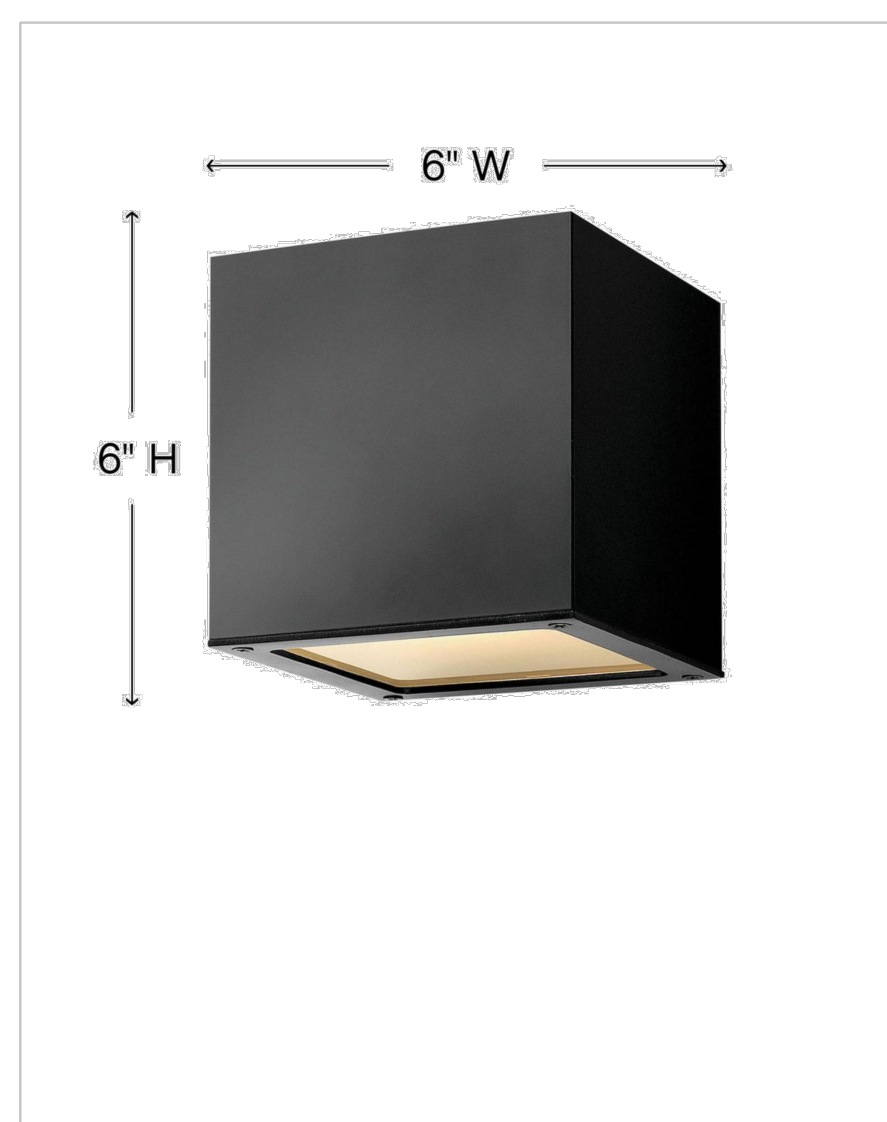
- 1) ROOFS SHALL COMPLY WITH THE REQUIREMENTS OF CRC SECTION R337 AND R902. ROOFS SHALL HAVE A ROOFING ASSEMBLY INSTALLED IN ACCORDANCE WITH ITS LISTING AND THE MANUFACTURER'S INSTALLATION INSTRUCTIONS. CRC SECTION R337.5.2.
- 2) ROOF COVERING MATERIAL SHALL BE METAL, NON-COMBUSTIBLE, OR SHALL BE LISTED AS CLASS "A" FIRE RETARDANT MATERIAL. CERTIFICATE OF COMPLIANCE SHALL BE FILED WITH THE BUILDING DEPARTMENT.
- 3) WHEN PROVIDED, VALLEY FLASHINGS SHALL BE NOT LESS THAN 0.019-INCH CORROSION-RESISTANT METAL INSTALLED OVER A MINIMUM 3/8-INCH-WIDE UNDERLAYMENT CONSISTING ON ONE LAYER OF NO. 72 ASTM CAP SHEET RUNNING THE FULL LENGTH OF THE VALLEY. CRC SECTION R337.5.3. CBC SECTION 705A.3.
- 4) ALL ROOFS, REGARDLESS OF COVERING, WITH A PITCH OF LESS THAN 8:12 SHALL BE PROTECTED AGAINST LEAKAGE FROM ICE BUILD UP. ICE GUARD SHALL BE INSTALLED WITH AN APPROVED CEMENTING MATERIAL SO THAT THE MEMBRANE AND ROOF SHEATHING ARE SOLID MAPPED TOGETHER EXTENDING FROM THE EAVE, INCLUDING THE OVERHANG, UP THE ROOF TO A POINT 5 FEET INSIDE THE EXTERIOR WALL LINE OF THE BUILDING. PROTECTION ALSO REQUIRED AT RAKE WALLS AND VALLEYS, 30" ALONG EACH SIDE. THIS SHALL BE COMPLETED IN ADDITION TO UNDERLAYMENT OTHERWISE REQUIRED.
- 5) EAVES AND SOFFITS SHALL MEET THE REQUIREMENTS OF CRC SECTION R337.7.5 OR SHALL BE PROTECTED BY IGNITION-RESISTANT MATERIALS OR NON-COMBUSTIBLE CONSTRUCTION ON THE EXPOSED UNDERSIDE.
- 6) ROOF GUTTERS: NOT USED
- 7) NOT USED.
- 8) VENTS: (E) ROOF VENTILATION TO REMAIN AND/ OR BE REPAIRED.
- 9) HOT OR COLD MOP UNDERLAYMENT ROOFING IS REQUIRED AS NOTED IN CRC SECTION R905.7.1
- 10) ALL PLUMBING VENT, B-VENTS, CHIMNEYS, AND MISC. OBSTRUCTIONS PROJECTING THROUGH A ROOF OF 3:12 SLOPE OR GREATER, SHALL BE PROTECTED FROM DAMAGE BY SLIDING SNOW OR ICE, EXCEPT FOR THOSE PROJECTIONS WITHIN 36" OF THE RIDGE. THIS SHALL BE ACCOMPLISHED BY USING FORMED METAL GUARDS CRICKETS, SADDLES, OR OTHER METHODS APPROVED BY THE CHIEF BUILDING OFFICIAL.



2) 3-PIECE METAL CORNER TRIM DETAIL. COLOR IS NOT AS PROPOSED. WOOD SIDING IS NOT PROPOSED - SEE SCHEDULE.



2) METAL ROOFING, METAL FASCIA & SHINGLE MOULD DETAIL. COLOR IS NOT AS PROPOSED. 5) SOFFITS WOOD SIDING IS NOT AS PROPOSED. SEE SCHEDULE.



### KUBE

1769SK  
SMALL UP/DOWN LIGHT WALL MOUNT  
LANTERN  
A collection of sleek designs, Kube's contemporary style featuring solid aluminum construction provides a chic, minimalist statement to complement a variety of exteriors.

DETAILS	
FINISH:	Satin Black
MATERIAL:	Extruded Aluminum
GLASS:	Etched Lens

DIMENSIONS	
WIDTH:	6"
HEIGHT:	6"
WEIGHT:	4 lbs.
BACK PLATE:	4.5" Sq.
EXTENSION:	6.8"
TOP TO OUTLET:	3"

LIGHT SOURCE	
LIGHT SOURCE:	Integrated LED
LED NAME:	(2) LC1-60
WATTAGE:	15w LED *Included
VOLTAGE:	120v
COLOR TEMP:	3000,0000k
LUMENS:	1200
CRI:	96
INCANDESCENT EQUIVALENCY:	2-50w
DIMMABLE:	Yes, on any Incandescent, MLV, ELV, or C-L dimmer.

SHIPPING	
CARTON LENGTH:	8.5"
CARTON WIDTH:	9"
CARTON HEIGHT:	10"
CARTON WEIGHT:	4.5 lbs.

#### PRODUCT DETAILS:

- Suitable for use in wet (interior direct splash and outdoor direct rain or sprinkler) locations as defined by NEC and CEC. Meets United States UL Underwriters Laboratories & CSA Canadian Standards Association Product Safety Standards
- Meets California Energy Commission 2016 Title regulations/JA8
- This fixture will cast light up and down.
- 2 year finish warranty
- LED components carry a 5-year limited warranty
- Bold lines and a clean, minimalist style complement contemporary architecture
- Striking black finish enhances design

HINKLEY

HINKLEY  
33000 Pin Oak Parkway  
Avon Lake, OH 44012

PHONE: (440) 653-5500  
Toll Free: 1 (800) 446-5539

hinkley.com

REVISIONS	

PERMIT NUMBER	
JOB NUMBER	1521.2
FILE NUMBER	1521.2_A3X
ISSUE DATE	19 September 2022
SUBJECT	HOA Review #3
SCALE	1/4" = 1'-0 UNO

# BUILDING MATERIALS & FINISHES

# A3.2

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN CONSENT.

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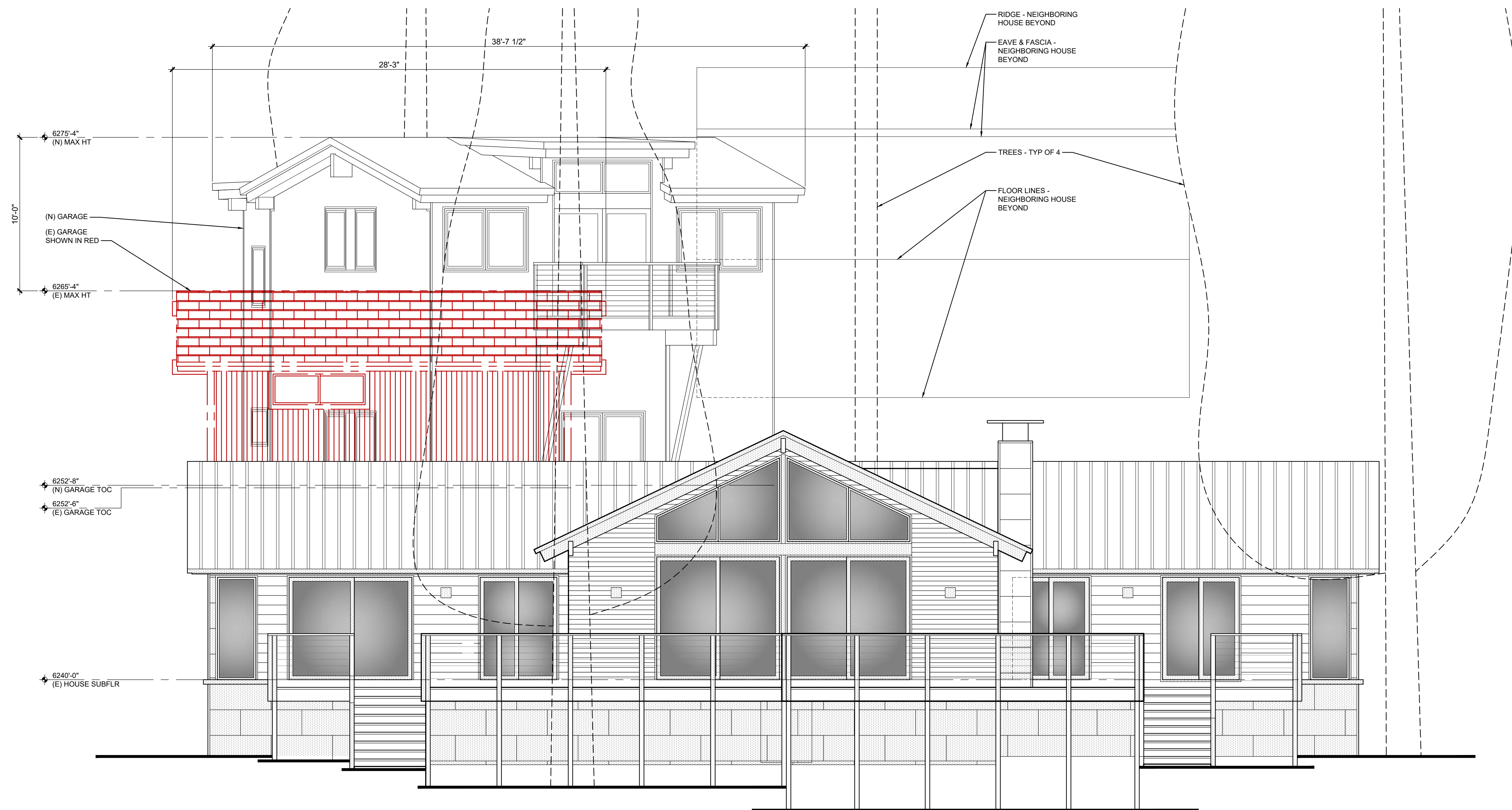
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## Figone ADU & Garage

32 Moana Circle  
Tahoma CA 96142  
Placer County APN 098-191-018

Vicki Figone  
35 Creekview Circle  
Larkspur CA 94939  
415 377 8817  
vickifigone@hotmail.com



REVISIONS

PERMIT NUMBER	
JOB NUMBER	1521.2
FILE NUMBER	1521.2_A3X
ISSUE DATE	19 September 2022
SUBJECT	HOA Review #3
SCALE	1/4" = 1'-0 UNO

TITLE

**TRPA  
ELEVATION  
EXHIBIT**

# A3.3

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN CONSENT.

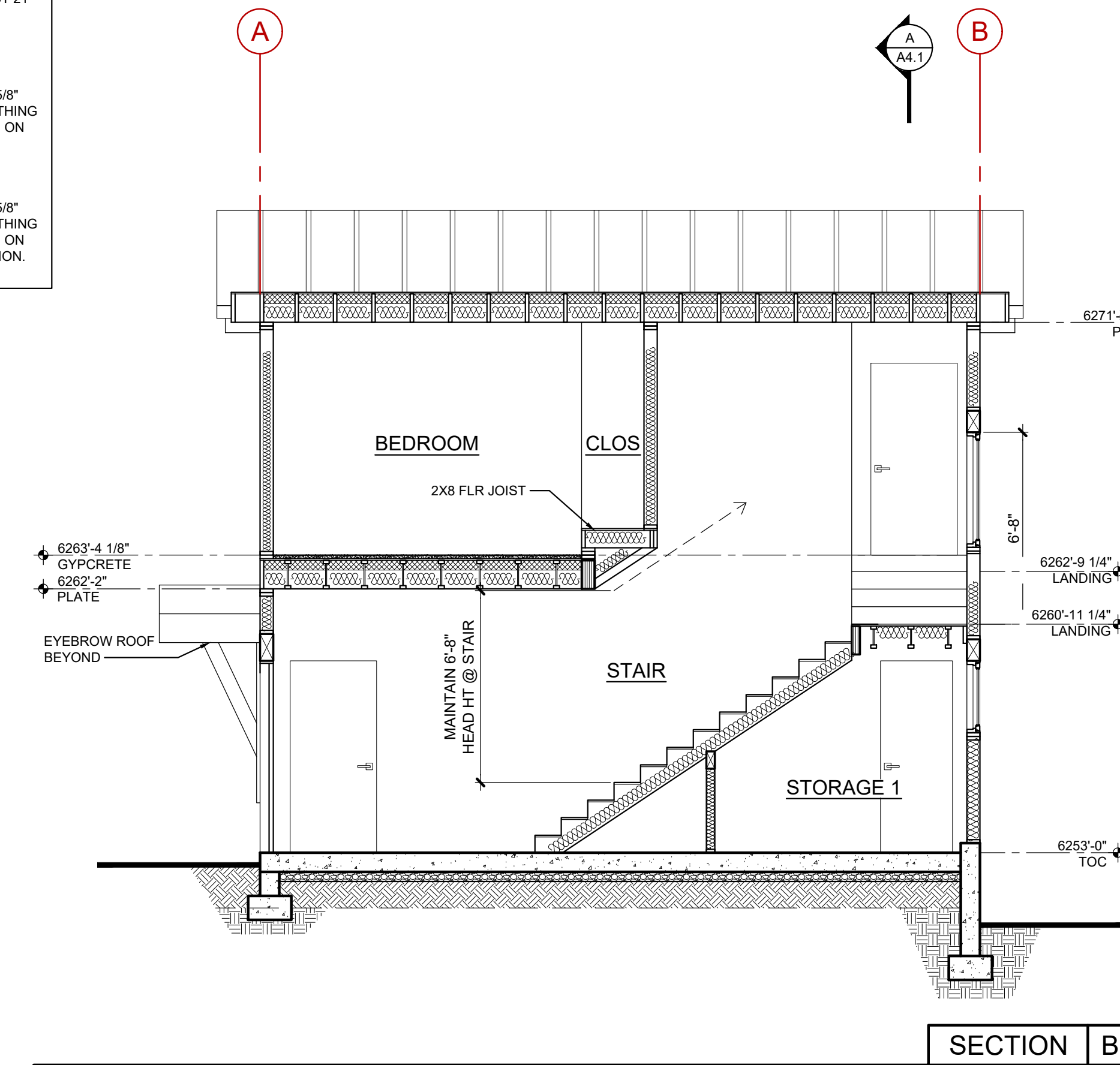
© 2022 TGM, INC

# Figone ADU & Garage

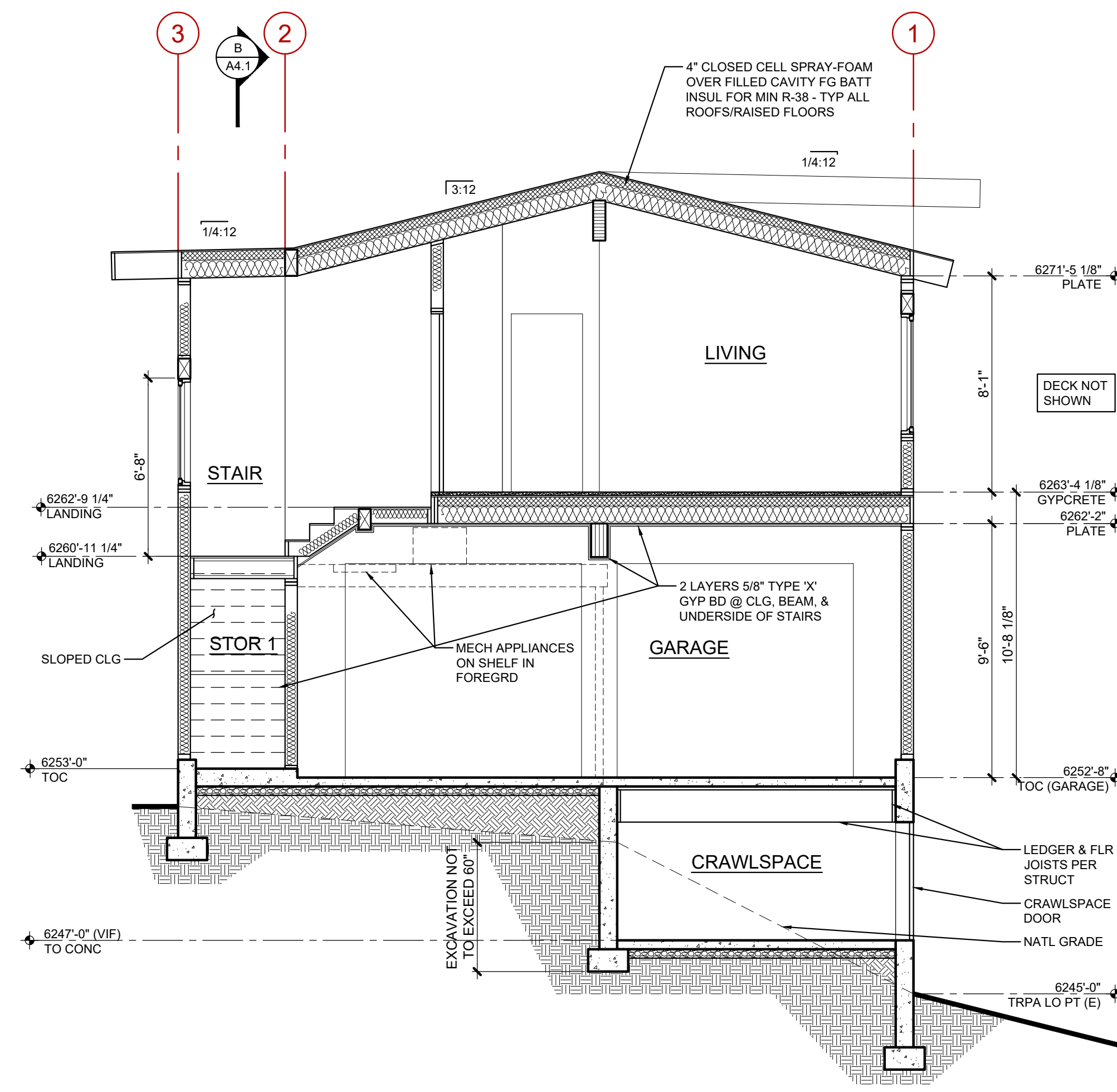
32 Moana Circle  
Tahoma CA 96142  
Placer County APN 098-191-018

Vicki Figone  
35 Creekview Circle  
Larkspur CA 94939  
415 377 8817  
vickifigone@hotmail.com

- NOTES:**
1. PROVIDE AN ICE BARRIER UNDERLAYMENT @ THE ROOFING EXTENDING FROM THE EDGES OF ALL ROOF SURFACES TO A POINT AT LEAST 21" INSIDE THE EXTERIOR WALL LINE OF THE BUILDING
  2. ROOF EAVES & SOFFITS SHALL BE NON-COMBUSTIBLE MATERIAL/ IGNITION RESISTANT MATERIAL OR ONE LAYER OF 5/8" TYPE 'X' EXTERIOR RATED GYPSUM SHEATHING APPLIED BEHIND AN EXTERIOR COVERING ON THE UNDERSIDE OF THE EAVE OR SOFFIT.
  3. FLOOR PROJECTIONS SHALL BE NON-COMBUSTIBLE MATERIAL/ IGNITION RESISTANT MATERIAL OR ONE LAYER OF 5/8" TYPE 'X' EXTERIOR RATED GYPSUM SHEATHING APPLIED BEHIND AN EXTERIOR COVERING ON THE UNDERSIDE OF THE FLOOR PROJECTION.



SECTION B



SECTION A

REVISIONS


PERMIT NUMBER	
JOB NUMBER	1521.2
FILE NUMBER	1521.2_A4X
ISSUE DATE	19 September 2022
SUBJECT	HOA Review #3
SCALE	1/4" = 1'-0 UNO

TITLE

# BUILDING SECTIONS

# A4.1

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN CONSENT.

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# EXHIBIT 3



# EXHIBIT 4



# EXHIBIT 5

Moana Circle Beach Architectural and Planning Control Committee  
Moana Circle, Homewood, CA 96142

August 1, 2022

Vicki Figone  
32 Moana Circle  
Homewood, CA 96142

Dear Vicki,

Thank you for submitting your garage/guest house plans for our review. Thank you also for arranging our in-person meeting with you and your architect Todd Mather on July 7, 2022 and making your contractor available on July 29, 2022 to hold up a pole, provided by a neighbor, so we could gauge the height difference between your current garage and the proposed garage/guest house.

The Restatement of and Amendment to Declaration of Subdivision Restrictions (“CC&Rs”) for Moana Beach Subdivision, recorded August 24, 2009, as Document No. 2009-0074084, sets forth certain covenants, conditions and restrictions that apply to all lots within our community. Under Article III, Section 1 of the CC&Rs, “No structure shall be erected, constructed or maintained on any one or more of the lots, nor shall any alteration, additional and/or change be made to the exterior thereof without the prior written approval of the” Moana Beach Architectural and Planning Control Committee (“Architectural Committee”). Under Article II, Section 1 of the CC&Rs, guest houses also require the approval of the Architectural Committee. Article III, Section 3 of the CC&Rs sets forth certain requirements for any such structure, or alteration, addition or change thereto, including that “the structure be particularly located with respect to topography and finish grade elevation in order to assure the maximum privacy and view for all structures . . .” (See Section 3(c), CC&Rs.)

Under Article III, Section 4 of the CC&Rs, the Architectural Committee may waive one or more of the Section 3 requirements with notice to the Board and to affected homeowners. We have reviewed your plans and discussed them with neighbors whose views are directly affected by the proposed garage/guest house. Because your project substantially increases the finish grade elevation of the as-built environment and negatively affects the views of your neighbors, we are denying your application to build your project as currently proposed in the submitted plans.

Your new project is a 15-foot increase in the height from your current garage and also rotated slightly. The height of the project exceeds other detached garage/guest houses in our community, which is not consistent with the neighborhood and the consideration of the impact



of new structures on other views in the community. The additional height and placement of the project will partially block views of at least three of the neighbors across the street.

You declined our offer to review the project with professional contractor story poles to determine if adjustments could be made to the project to make it approvable. We note that when another homeowner desired to build a similar project, that homeowner lowered the overall height of the garage/guest house by excavating the lower level. This may be something for you and your architect to consider and address in light of the CC&Rs concerning views in order to achieve your project objectives in compliance with the requirements of the CC&Rs.

If you would like to appeal our decision, you may appeal to the Moana Beach Property Owners Association's Board of Directors by submitting an appeal in writing to Jens Egerland ([jensegerland@me.com](mailto:jensegerland@me.com)) within fifteen (15) days of the date of this letter. Upon your appeal, the Board may reconsider the Architectural Committee's decision. If you do not timely appeal, then the Architectural Committee's decision shall be final.

By the Moana Beach Architectural and Planning Control Committee

Amy Boaman  
Carolyn Goetz  
Mike Augustine

# EXHIBIT 6

Moana Circle Beach Architectural and Planning Control Committee  
Moana Circle, Homewood, CA 96142

September 15, 2022

Vicki Figone  
32 Moana Circle  
Homewood, CA 96142

*Re: Denial of Garage/ADU Plans*

Dear Vicki,

Thank you for submitting your garage/ADU plans for our review.

The Restatement of and Amendment to Declaration of Subdivision Restrictions (“CC&Rs”) for Moana Beach Subdivision, recorded August 24, 2009, as Document No. 2009-0074084, sets forth certain covenants, conditions and restrictions that apply to all lots within our community. Under Article III, Section 1 of the CC&Rs, “No structure shall be erected, constructed or maintained on any one or more of the lots, nor shall any alteration, additional and/or change by made to the exterior thereof without the prior written approval of the” Moana Beach Architectural and Planning Control Committee (“Architectural Committee”).

Under Article II, Section 1 of the CC&Rs, guest houses also require the approval of the Architectural Committee. Article III, Section 3 of the CC&Rs sets forth certain requirements for any such structure, or alteration, addition or change thereto, including that “the structure be particularly located with respect to topography and finish grade elevation in order to assure the maximum privacy and view for all structures . . .” (See Section 3(c), CC&Rs.)

Under Article III, Section 4 of the CC&Rs, the Architectural Committee may waive one or more of the Section 3 requirements with notice to the Board and to affected homeowners. We have reviewed your plans’ consistency with current CC&Rs and determined the view considerations are reasonable given the importance of lake views on the entire community. Because your project substantially increases the finish grade elevation of the as-built environment and negatively affects the views of your neighbors and the entire community, we are denying your application to build your project as currently proposed in the submitted plans.

We note that when another homeowner desired to build a similar project, that homeowner lowered the overall height of the garage/ADU by excavating the lower level. To achieve your project objectives in compliance with the requirements of the CC&Rs, this may be something for you and your architect to consider and address in light of the CC&Rs concerning views.

We also note that this submission is substantially similar to your prior submission, which was denied for these same reasons under the CC&Rs. The Committee also noticed that you added an Accessory Dwelling Unit (ADU) on this submission. The inclusion of an ADU does not warrant automatic approval and the Committee may impose reasonable restrictions under the CC&Rs and applicable law.

Please understand that Committee's denial of your plans is not related to the inclusion of an ADU as these new plans continue to raise the same view-related concerns that resulted in the prior denial. The Committee is willing to approve your project with an ADU provided your project otherwise is brought into compliance with the generally applicable view considerations applicable under the CC&Rs to all lots. As we have previously notified you, we believe that a project could be brought into compliance under the CC&Rs with an alternative design that will maintain views of other lots in a manner consistent with the CC&Rs, and we are prepared to consider redesigned plans, including the ADU, that satisfy the CC&Rs, including the view-related concerns.

If you would like to appeal our decision, you may appeal to the Moana Beach Property Owners Association's Board of Directors by submitting an appeal in writing to Jens Egerland ([jensegerland@me.com](mailto:jensegerland@me.com)) within fifteen (15) days of the date of this letter. Upon your appeal, the Board may reconsider the Architectural Committee's decision. If you do not timely appeal, then the Architectural Committee's decision shall be final.

By the Moana Beach Architectural and Planning Control Committee

Amy Boaman  
Carolyn Goetz  
Mike Augustine

# EXHIBIT 7

**McDONALD**  **CARANO**

**William A.S. Magrath II, Partner**  
[wmagrath@mcdonaldcarano.com](mailto:wmagrath@mcdonaldcarano.com)

**Reply to: Reno**

October 19, 2022

**VIA EMAIL ONLY ( [hanley@portersimon.com](mailto:hanley@portersimon.com) )**

Brian C. Hanley, Esq.  
Porter Simon Law Offices  
40200 Truckee Airport Road, Suite 1  
Truckee, CA 96161

Re: Owner: Victoria Figone, Trustee the Figone Family Trust  
Property: 32 Moana Circle, Tahoma, CA, 96142 (APN 098-191-018) (“Property”)  
Submission of Plans to the Moana Beach Architectural and Planning  
Control Committee of the Moana Beach Property Owner’s Association  
 (“Association”) seeking approval for a new Accessory Dwelling Unit at  
32 Moana Circle, Tahoma, CA.

Dear Mr. Hanley:

I have received your letters dated October 5 and 14, 2022. Thank you for your letters. In your October 5th letter you were critical that my September 30, 2022, letter requested production of certain requested documents within five (5) calendar days or requested a response that the requested documents did not exist. You cited CA Civil Code Section 5210(b)(1) to state that the Association has ten (10) business days to make the requested records available to the requesting party. I responded to you that same day and informed you that my September 30, 2022 request for records represented a **third request** for the identical records. Ms. Figone, a member of the Association, had previously requested the identical records in her letters to Jens Egerland on August 15 and August 24 and that **the Association had failed to comply with CA Civil Code Section 5210(b)(1)**. Now, you have forwarded a copy of the CC&Rs and Bylaws of the corporation with your October 14, 2022, letter but **have not forwarded any additional documents** specifically requested in Ms. Figone’s two letters and my September 30, 2022, letter. We take this to be an admission that the Association does not possess any of the specific documents Ms. Figone and I requested.

You and I have different opinions on the impact of California’s new ADA laws and specifically CA Civil Code Section 4741. Perhaps a Court will have to soon consider our differing views on this new law. One thing is clear, the California Legislature has changed the face of land planning with its unambiguous Legislative intent supporting the construction of Accessory Dwelling Units (“ADUs”) and adoption of the amendments to the Davis Sterling Act,

[mcdonaldcarano.com](http://mcdonaldcarano.com)

100 West Liberty Street • Tenth Floor • Reno, Nevada 89501 • P: 775.788.2000  
2300 West Sahara Avenue • Suite 1200 • Las Vegas, Nevada 89102 • P: 702.873.4100



**LEGAL COMMITTEE ITEM NO. 3 &  
AGENDA ITEM NO. VIII.A**

including CA Civil Code Section 4741. Your letter advocates that associations have authority to make subjective determinations, including consideration of codes, covenants, and restrictions, found in the chain of title of the properties on Moana Circle. Citing case law that predates the new California ADU statutes, you argue that the Association can continue its past experience of enforcing “reasonable restrictions” found in the Association’s CC&Rs. You then discuss whether the CC&Rs requirements “unreasonably restrict” the construction of an ADU (section 4751(a)), which in turn requires an analysis of whether the Association’s CC&Rs requirements “unreasonably increase the cost to construct” the ADU proposed by Ms. Figone. (Section 4751(b)).

As you know, the California Legislature drafted this new law, CA Civil Code Section 4741, and included specific definitions and penalties in that law that will declare “**void and unenforceable**” any CC&R, including the MBPOA view restrictions, that “effectively prohibit or unreasonably restricts” the construction and use of an accessory dwelling unit. From the tenor of your recent letter, including attacks on Ms. Figone’s intent to construct an ADU, it appears that the Association intends to “roll the dice” and risk its view limitations being declared “void and unenforceable.” You also argue that “reasonableness requires looking at all attendant facts and circumstances.” But this ignores the express language of this new statute which specifically defines “reasonable restrictions” by stating that “**reasonable restrictions means restrictions that do not unreasonably increase the cost to construct**” an ADU or “**effectively prohibit the construction of an ADU**” or “**extinguish the ability to otherwise construct an accessory dwelling unit**”. The new statute is only two paragraphs long. CC § 4571 is part of California’s Davis Sterling Act and states:

**Civil Code § 4751. Accessory Dwelling Units.**

(a) Any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that either effectively prohibits or unreasonably restricts the construction or use of an accessory dwelling unit or junior accessory dwelling unit on a lot zoned for single-family residential use that meets the requirements of Section 65852.2 or 65852.22 of the Government Code, **is void and unenforceable.**

(b) This section does not apply to provisions that impose reasonable restrictions on accessory dwelling units or junior accessory dwelling units. For purposes of this subdivision, “reasonable restrictions” means restrictions that do not unreasonably increase the cost to construct, effectively prohibit the construction of, or extinguish the ability to otherwise construct, an accessory dwelling unit or junior accessory dwelling unit consistent with the provisions of Section 65852.2 or 65852.22 of the Government Code.

*(Added by Stats. 2019, Ch. 178, Sec. 2. Effective. January 1, 2020.) (Emphasis added)*

The Association's Architectural Committee has written two letters rejecting prior submissions by Ms. Figone and in both letters, has suggested that Ms. Figone redesign her ADU unit by lowering it into the topography to reduce the impact of this structure on neighbors, including the Association's President, who has personally told Ms. Figone that the Association will never approve a two-story residence where her current one-story residence is located. Yet, the Association has approved numerous two-story and multi-story units in the neighborhood, including on lakefront lots, which impact the views of other owners. The house at 28 Moana Circle increased the height of its garage blocking views. The large two-story residence approved by the Association at 25 Moana Circle blocks the views of 15 Moana Circle. The Association has approved large estate sized two-story lakefront residences at 48 Moana Circle and 52 Moana Circle. The Association will have to be prepared to defend each of these multi-story residences, all of which block views, to prove that the application of the "view limitation" now applied to Ms. Figone's property is not applied arbitrarily or capriciously or intended to protect the views of the Association's President or a former member of the Architectural Committee. As my prior letter states, the Association must act promptly to protect all records, including electronically stored information ("ESI") on private computers, tablets, and smart phones, of all current and past Board and Architectural Committee members. I am sure you have advised the Board and Committee members that any destruction or deletion of any ESI can result in strong penalties.

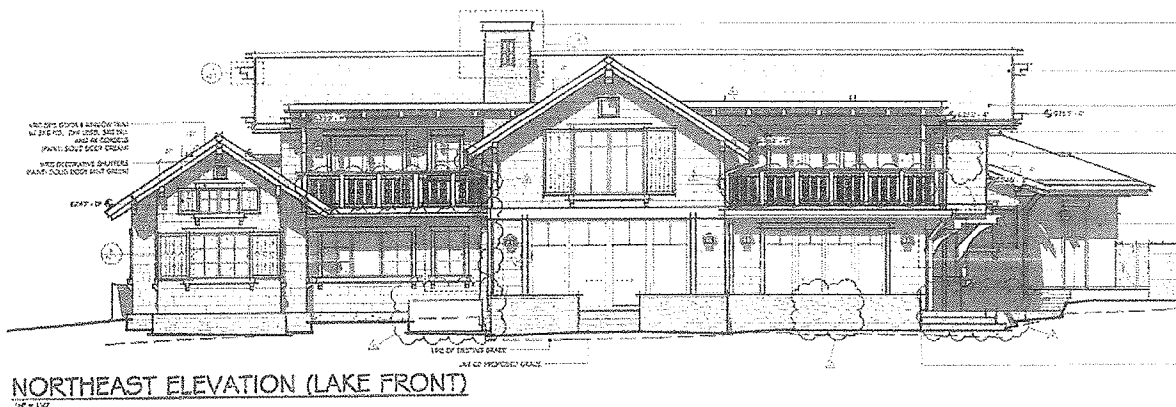
I would like to discuss some specific sections of your October 14 letter. Your letter spends an inordinate amount of time discussing Ms. Figone's initial proposal to park her Sprinter van in a new garage built as part of this proposed ADU. That proposal was made because of the neighbor directly across the street, known to all Moana Circle neighbors to frequently and loudly complain about many topics, including vehicles parked on the public roadway in front of her home. This particular neighbor has come to Ms. Figone's home and knocked loudly on the front door, waking up the family at early hours in the morning, to demand that vehicles parked in the County roadway during the summer months "be moved" and instructing Ms. Figone to make sure her family and guests never park on this neighbor's side of the public roadway. Ms. Figone's Sprinter van was the subject of many complaints from this neighbor. This neighbor has come to Ms. Figone's home to complain about a motor home parked on Ms. Figone's driveway. This neighbor has repeatedly interrupted the quiet enjoyment of Ms. Figone and her family during dinner parties, and other times, and is a nuisance to Ms. Figone. Now, that same individual, who I understand served on the Architectural Committee that denied Ms. Figone's first submittal of her ADU, has likely loudly voiced her concern that any new ADU unit may block a portion of her view, even though her home's view across and over Ms. Figone's main residence is unimpeded by the new ADU. Because of this continued harassment, Ms. Figone initially designed her garage so her Sprinter van could park inside. Ms. Figone discussed this tall garage and her desire to avoid any contact with this nuisance neighbor with Jens Egerland. Your October 14 letter protests that Ms. Figone is "steadfastly seeking" an "extra-tall thirteen-foot garage" to



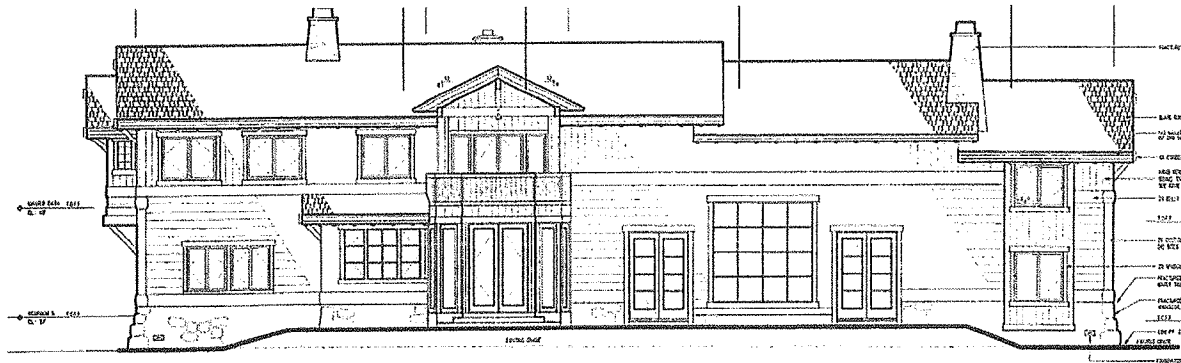
*Brian C. Hanley, Esq.  
Porter Simon Law Offices  
By Email Only  
October 19, 2022  
Page 4*

accommodate her Sprinter van. But if you had read my September 30, 2022, letter which described in detail the changes in Submittal No. 3 or looked at Submittal No. 3, you would know that, in an attempt to accommodate the Association’s view concerns, Ms. Figone has deleted the “extra tall thirteen-foot garage” in her Submittal No. 3.

What surprised me most about your October 14 letter was your personal attack on Ms. Figone. You attack her as someone who is seeking to “do whatever is best for her” and you sarcastically demean her lawful decision to add a kitchen in her second submittal. You write that she “added a kitchen to the project to (apparently cynically) **take advantage** of the new housing opportunities.” You further defame Ms. Figone by stating that she “is admittedly not intending to effectuate” the legislature’s desire to create new housing opportunities. Where is this “admission?” Have you met Ms. Figone? Or are you misreading a statement from an unidentified neighbor that she is attempting to build an ADU because it is “best” for her. As a California citizen, she has a right to build an ADU. You then further demean her and state that she has “conducted herself consistently” for her own benefit and in a manner contrary to the community’s long-standing view preservation principles. Should she simply sit back and ignore the Association’s President’s brazen statement to Ms. Figone that the Association will “never” allow a two-story main residence on the Figone property? The President’s residence is across the street and one lot north. He already has a garage built across the street (36 Moana Circle) from him that partially blocks his views. But, because Ms. Figone’s main residence and proposed ADU can be seen from his property (if he ignores his direct views of the lake), he told her that she cannot design a two-story remodel on her lot because it will not be approved. Here is an elevation of the 2-story lakefront residence built 3 lots north of Ms. Figone.



Here is an elevation of the Mozart lakefront residence built 4 lots north of Ms. Figone’s property..



Despite the fact that the Association has approved other two-story additions on lakefront lots, Ms. Figone was told by the Association’s President not to propose a 2-story residence because it will not be approved. This confirms the arbitrary actions of the Association and subjective favoritism in the Association’s approval process. Now, the Association’s continuing refusal to allow Ms. Figone to replace an aged garage and one bedroom unit with a small two-story ADU on her property, designed using only half the square footage allowed for ADU’s by Placer County, continues to diminish the value of Ms. Figone’s property. In addition to that, your letter on behalf of the Association attacks her personally because she “added a kitchen to the project to (apparently cynically) take advantage of new laws concerning ADUs.” Ms. Figone and every Association member has the right under these new California laws to build an ADU and Ms. Figone’s addition of the kitchen to her drawings was intended to make sure her proposed garage/guesthouse qualifies as an ADU.

The decision to delete the kitchen and add an office in Ms. Figone’s first submittal comes from erroneous advice Ms. Figone indirectly received from Jan Brisco, a TRPA consultant, who advised Ms. Figone’s architect, Todd Mather, AIA, to submit the first set of drawings with an “office” instead of a kitchen. Ms. Brisco erroneously informed Mr. Mather that Ms. Figone would encounter substantial extra fees from local governments to seek approval of an ADU. Ms. Brisco was wrong and later withdrew because of a conflict of interest. In Ms. Figone’s Submittal No. 2, the proposed plans showed a kitchen and completely independent unit which meets California’s definition of an ADU. But your letter attacks Ms. Figone’s motives by accusing her of “taking advantage” of California’s new laws. Are you suggesting Ms. Figone is not protected by these new laws? As Ms. Figone told Jens Egerland, Ms. Figone is the trustee of two irrevocable trusts that own this Tahoe property which provide that her two adult children are the beneficial owners of the Moana Circle residence. Ms. Figone intends to build this ADU so she can use it as a separate residence since she plans to move full time to Lake Tahoe. California’s Department of Housing and Community Development have authored the “ADU Handbook” which states on page 4:

“ADUs also give homeowners the flexibility to **share independent living areas with family members** and others, **allowing seniors to age in place** as they require more care, thus helping extended families stay together while maintaining privacy.”

Ms. Figone seeks that independent living area near her family members and, like all California property owners, is protected by these new laws that protect her from unreasonable restrictions that unreasonably increase the cost to construct an ADU or effectively prohibit or extinguish the ability to otherwise construct her proposed ADU. All Californians and the Association better get ready – this new law protects everyone in California, including Ms. Figone, and the Association will likely soon see more ADUs proposed for the single-family lots in your subdivision.

Your attack on Ms. Figone also ignores Ms. Figone’s contribution to the community and housing shortage with her Tahoe residence. She has allowed local workers to live in her garage unit for extended long-term rentals rent free. Just ask the owners/chefs at local restaurants like Chambers Landing, Sunnyside, Homewood, Squaw Valley/Palisades Tahoe, or Swiss Lakewood. Without Ms. Figone’s assistance, some of those restaurant’s employees could not afford to live in the Tahoe Basin and provide service to these businesses. Ms. Figone did not rent her garage unit to these employees. They were allowed to live there rent free. She can do the same with her ADU.

I encourage you and the Association’s directors to again read my September 30, 2022, letter which described in detail the many steps taken by Ms. Figone to lower the roof line and pitch of her proposed ADU in Submittal No. 3.

- Submittal No. 3 reduces the overall height of the structure by 5’-3 ½”. The original building was 35’-7 ½” tall and this design on Submittal No. 3 is 30’-4” tall (from the low point per TRPA rules, not the driveway elevation). **This is a 15% reduction in height.**
- The design on Submittal No. 2 was at the TRPA’s maximum allowable height limit (and compliant with that limit. Submittal No. 3 is 24” below the maximum allowable height (by TRPA).
- Submittal No. 3 also lowers the elevation of the top of the concrete slab of the garage to 6,253.66’ – the same height of the current garage slab. This reduction will increase the driveway slope to 12% from the county roadway to the front edge of the garage structure. Section 34.3.2 E of the TRPA Code of Ordinances provides that **“Driveways shall not exceed ten percent slope, unless TRPA finds that construction of a driveway with a ten percent or less slope would require excessive excavation and that the runoff from a steeper driveway shall be infiltrated as required in Section 60.4. In no case shall the driveway exceed 15 percent slope.”**

- The height of the garage doors has been reduced to lower the floor level of the residential level of the ADU. This reduction of the garage door height will result in Ms. Figone's tall Sprinter van always parked on the driveway or on the public street's shoulder since the Sprinter van will no longer fit in the reduced height garage.
- The pitch of the roofline was changed from a 6:12 that matched the architecture/design of the original home and garage to a 3:12. This reduced the overall height of the ADU structure.
- Lowering the garage further into the topography was also discussed and a minimum quote of in excess of \$100,000 was discussed to lower the garage slab making the Association's proposal an unreasonable increase in the cost to construct the ADU. That assumes the TRPA Codes will prohibit construction of this steeply pitched driveway.

Ms. Figone has done everything reasonably possible to reduce the height of the ADU proposed in Submittal No. 3 except agree to bear unreasonable costs to construct. TRPA coverage rules prevent any placement of the ADU at any other location on the property. Any other demand by the ACC "**effectively prohibits the construction of and extinguishes the ability to otherwise construct**" the ADU and makes the ACC's demand *per se* unreasonable under Civil Code § 4751(a).

In your October 14 letter, you stated the limitations of your letter but confirmed that the Association has not yet made a decision on Ms. Figone's revised Submittal No. 3, discussed above. You also stated that "Your client's recent submission and assertions about the legal effect of Civil Code Section 4751 **will be taken under consideration** by the Architectural Committee in rendering its next decision." Ms. Figone requests that her two letters to Mr. Jens Egerland on August 15 and 22, 2022, my September 30, 2022, letter to the Association Board, and this letter, be submitted to the Architectural Committee in their entirety.

Ms. Figone has received an email from the MBPOA giving her notice of a "**open regular meeting of the MBPOA Board of Directors**" which will be held at 4:00 pm on Wednesday, October 19, 2022, via teleconference (Zoom). **Can you please confirm that all members of the MBPOA have consented in writing to the receipt of notices from the Association, like the one sent on Saturday, October 15, 2022, by electronic means?** Without that written consent, the meeting has not been properly noticed under the Bylaws.

*Brian C. Hanley, Esq.*  
*Porter Simon Law Offices*  
*By Email Only*  
*October 19, 2022*  
*Page 8*

Thank you. I will attempt to call you to discuss this matter further.

Sincerely,



William A.S. Magrath II

WASM/cd

cc: Vicky Figone, Trustee  
Todd G. Mather, AIA

# EXHIBIT 8



**\$3,400,000**

Last Sold Price

**4 4.5 3,435**

Beds Baths \$990 / Sq. Ft.

**25 Moana Circle**

Homewood, CA 96141

☆ Save

➦ Share

LISTING UPDATED: 02/23/2019 01:17 PM

### Property Details for 25 Moana Circle

Status	Sold
MLS #	20182823
Days on Compass	4
Taxes	-
HOA Fees	-
Condo/Co-op Fees	-
Compass Type	Single Family
MLS Type	Residential / Single Family

Year Built	2018
Lot Size	-
County	<a href="#">Placer County</a>
Architecture	Mountain
Area	MOANA BEACH-5NR
Community	Westshore LK TH
Furnished	None
Garage	Two
Garage/ Parking	Attached
Setting	Street
View	Lake

## Location

[Compass](#) ▶ [CA](#) ▶ [Homewood](#) ▶ [Tahoma](#) ▶ [96141](#) ▶ 25 Moana Circle

Listing Courtesy of Coldwell Banker, Jan Chamberlain, DRE #01413886

Sold By Coldwell Banker, Lenny Novick, DRE #00561304

## Description

Luxury new home currently under construction designed by Sandbox located a stone's throw from Lake Tahoe. Spacious home features fabulous Lakeviews from large deck, great room and two master suite bedrooms. Private sandy beach a few doors down with pier and buoy field to keep your boat ready for those Tahoe excursions. All bedrooms are en suite, main master is luxurious with a fireplace and spa bathroom including a steam shower. Upstairs has recreation/media room. You will love the upgraded, luxury...

[Continue Reading](#) ▾

Listed by Jan Chamberlain · DRE #01413886 · Coldwell Banker

## Building Information for 25 Moana Circle

Stories	2
Year Built	2018
Building Size	-
Lot Size	192















# EXHIBIT 9



117958954.1 0079588-00001





Hanni Walsh, PE  
VP | Principal Designer  
530.318.0001  
hanni@evolvedesignworks.com

PROJECT NO. 2022.062

June 5, 2023

Tahoe Regional Planning Agency  
P.O. Box 5310  
Stateline, NV 89449

**Re: Figone Garage & ADU**  
**APN: 098-191-018**  
32 Moana Circle  
Tahoma, California 96142  
Placer County

Dear Project Review Committee:

**Project Description**

The proposed project intends to demolish the existing garage and rebuild a new detached (2) car garage with an ADU above. This is a deed-restricted ADU. The ADU is 618 sf of living space with (1) bedroom, (1) bathroom, a living room, and kitchen. The garage is 687 sf of unconditioned space. The proposed garage is accessed by a new fire department approved driveway. Proposed changes to coverage and permanent BMP's are shown on the proposed site plan, A1.2.

Attached please find the following items:

1. Single Family Dwelling Application Form
2. Project Description
3. Structural Cost Estimate
4. Applicable Findings Rationale
5. Fire Department Approved Site Plan
6. Proposed Site Plan, Floor Plans & Elevations
7. Scenic Contrast Rating Worksheet
8. BMP Calculations
9. Material Samples
10. Approved Scenic Aspect Photo

Please feel free to give me a call if you have any questions or need any additional information.

Sincerely,

A handwritten signature in blue ink that reads "Hanni Walsh".

Hanni Walsh, PE  
VP | Principal Designer

**Photos for Figone Scenic Assessment**

32 Moana Circle  
Tahoma, California  
APN 098-191-018



Photo 1 – 300' offshore



Photo 2 – 300' offshore

 **APPROVED**  
SCENIC VANTAGE POINT  
TRPA FILE # **APN 098-191-018**  
BY Bridget R. Cornell DATE 01/04/2021  
Executive Director/Designee  
Tahoe Regional Planning Agency





Attachment C

Opposition to Statement of Appeal, dated May 3, 2024

May 3, 2024

Michael B. Brown  
500 Capitol Mall, Suite 1600  
Sacramento, CA 95814  
D. 1 530.582.2282  
michael.brown@stoel.com

**VIA E-MAIL (GSTMICHEL@TRPA.GOV)**

Tahoe Regional Planning Agency  
Governing Board  
c/o Graham St. Michel, Associate Attorney  
P.O. Box 5310  
Stateline, NV 89449

**Re: Opposition to Statement of Appeal of Figone Garage / Accessory Dwelling Unit (ADU) Project - TRPA Project File Number ERSP2023-0701**

Dear Honorable Members of the Governing Board and Mr. St. Michel:

This Opposition to the Egerland, Meyer, and Catterson’s (collectively, “Appellants”) Written Statement of Appeal is respectfully submitted on behalf of Victoria Figone (“Ms. Figone”), trustee of the Figone Family Trusts. Ms. Figone is the owner of the property at 32 Moana Circle, Tahoma, California (the “Property”) and applicant for a garage/accessory dwelling unit (“ADU”) project, TRPA Project File Number ERSP2023-0701 (the “Project”).

TRPA’s findings are supported by substantial evidence and the appeal raises no issue sufficient to overturn staff approval. As such, we respectfully ask the Governing Board to deny Appellants’ appeal and affirm staff’s approval.

## **I. Background Facts**

### **a. Ms. Figone’s Plans to Improve the Property**

Ms. Figone is the Trustee of family irrevocable trusts that own a lakefront property within the Moana Beach Subdivision. The Property has been in Ms. Figone’s family for over 50 years. Ms. Figone began the process of improving the Property for her family in 2020. Ms. Figone has since worked tirelessly with architects, the Moana Beach Property Owners Association (“HOA”) and, as pertinent here, TRPA staff on her application to build living space above her garage (the “ADU”).

The Property is currently a one-story residence with 2,204 square feet of living space and a 687 square foot detached garage. The Project proposes to add a deed restricted ADU with 618 square feet of living space with one bedroom, one bathroom, a living room, and kitchen. (Evolve Design Works letter to Project Review Committee, dated June 5, 2023.) The garage is 687 square foot of unconditioned, detached space. (*Id.*) Thus, with the ADU, the total living space of the Property will be 2,822 square feet.

### **b. HOA’s Illegal Attempts to Block Improvement**

Appellants are property owners within the Moana Beach Subdivision. Appellants allege that the Project will adversely impact their properties on “economic, aesthetic, and environmental grounds,” yet provide no facts to support their position and misrepresent both the record and required findings in their Statement of Appeal. The proposed improvements of the Project would have no material impact to Appellants’ views. Moreover, private views are not part of TRPA’s review and approval process. There is a separate proceeding in the Placer County Superior Court between Ms. Figone and the HOA and its board members regarding the HOA’s improper and arbitrary denial of Ms. Figone’s proposed improvements based on the opposition by insider board and architectural review committee members.<sup>1</sup>

TRPA need not engage with Appellant’s HOA-related claims, as these claims are being separately adjudicated in court and are not part of TRPA’s purview. To the extent Appellants attempt to bring the HOA dispute into this TRPA appeal, such attempts are improper and should be disregarded.

### **c. Ms. Figone’s Process with TRPA**

Ms. Figone submitted a single-family dwelling project application to TRPA on April 20, 2023. Ms. Figone worked closely with TRPA staff on design development to ensure the proposed plans complied with TRPA’s Code. TRPA made proper findings as required by the Agency’s ordinances and rules in approving the Project. In addition, TRPA properly made a complete Site Assessment and coverage findings.

TRPA approved the Project and issued the permit on January 25, 2024 subject to standard conditions of approval and special conditions.

## **II. Standard of Review**

In general, when challenging the approval of a project, it is the appellant’s burden to demonstrate that there is insufficient evidence in the record to justify the agency’s action. (*See Citizens for a Megaplex-Free Alameda v. City of Alameda*, 149 Cal.App.4th 91, 112-13 (2007).) As with all substantial evidence challenges, an appellant challenging an agency’s findings for insufficient evidence “must lay out the evidence favorable to the other side and show why it is lacking. Failure to do so is fatal.” (*Tracy First v. City of Tracy*, 177 Cal.App.4th 912, 934-35 (2009).)

Appellant’s Statement of Appeal fails to demonstrate why TRPA’s findings were insufficient. The Statement of Appeal erroneously bases its arguments on TRPA Code Chapter 21.2.2 but, as further explained below, Chapter 21.2.2 does not apply to the Project since the Project is not a “special use.” Appellants also cite information regarding the HOA’s denial of the Project which is not pertinent to TRPA’s review or findings, and which is being adjudicated in a separate

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<sup>1</sup> The HOA’s denial is also illegal, as California law prohibits a HOA from prohibiting or unreasonably restricting ADUs on a lot zoned for single-family residential use. (Civ. Code, § 4751.)

forum. Finally, Appellants argue without bases that there is misrepresentation in the application materials and on scenic impact. Ms. Figone worked closely with TRPA staff on her application materials which were complete and accurate. A baseline scenic assessment was approved on September 5, 2021 and a separate scenic assessment for the Project was prepared on June 6, 2023. TRPA staff included a condition in the permit requiring scenic mitigation maintenance for the project, ensuring compliance with TRPA’s scenic standards in perpetuity.

TRPA’s staff decision is supported by substantial evidence and should be upheld by the Governing Board.

### III. Argument

#### a. The Project is Not Subject to Special Use Findings in Chapter 21.2.2

The main basis stated in Appellants’ Statement of Appeal, and the sole basis tied to TRPA’s Code regarding the project approvals, relates to Code section 21.2.2. Code section 21.2.2 identifies the findings that are required for approval of special uses. These findings are not required for the Project, as the ADU that TRPA permitted is an allowed land use, not a special land use.

TRPA Code section 21.2.1 states:

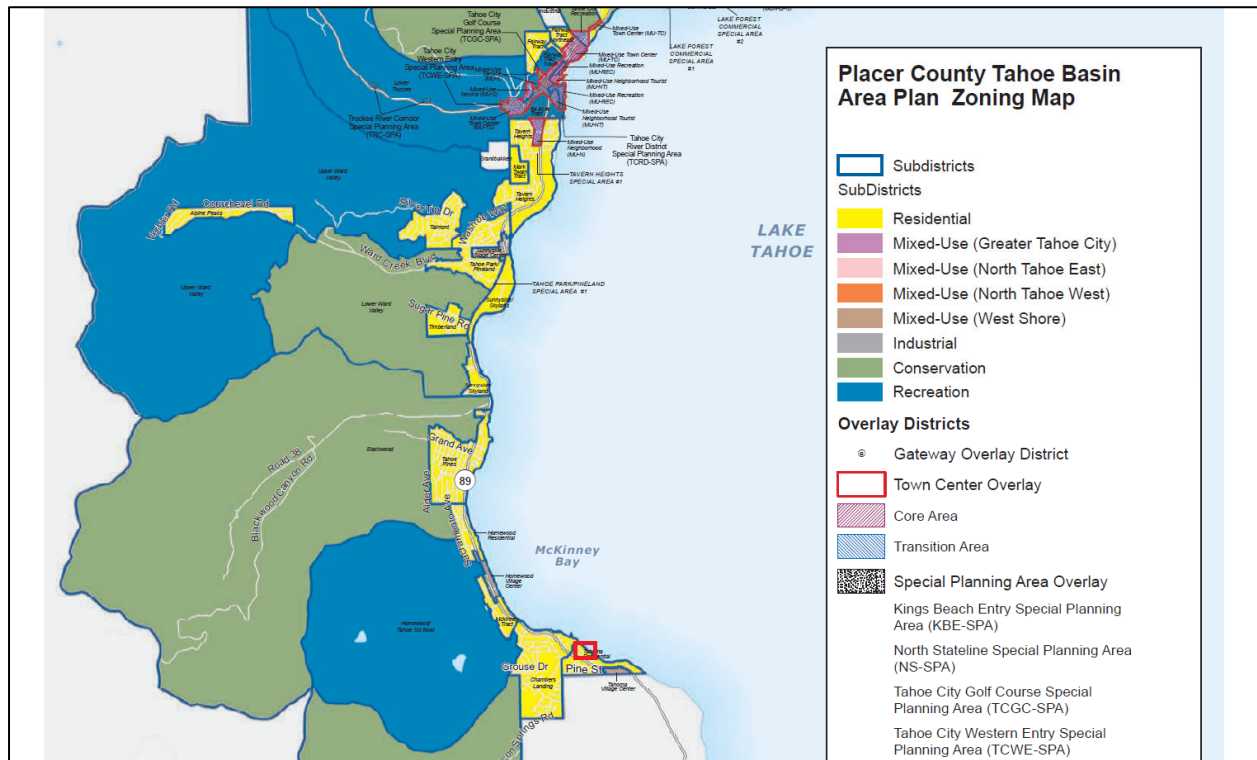
- Uses listed in applicable local plans, redevelopment plans, or specific or master plans as “allowed” (“A”) are appropriate uses for the specified area, and projects and activities pursuant to such uses may be permitted. Allowed uses are assumed to be compatible with the direction of the Regional Plan and the surrounding uses.

(TRPA Code, § 21.2.1 (emphasis added).)

In contrast, uses that are listed in applicable local plans, redevelopment plans, or specific or master plans as “special” (“S”) may be permitted only with certain additional findings. Specifically, “[t]o allow a special use, TRPA shall conduct a public hearing according to the procedures in the TRPA Rules of Procedure,” and make findings consistent with 21.2.2 subsections A, B, and C. (TRPA Code, § 21.2.2.)

Ms. Figone’s Property is located in the Tahoma Residential Subdistrict of the Tahoe Basin Area Plan (“TBAP”). (Exhibit A, TBAP Zoning Map.) As shown in the below excerpt of the Area Plan Land Use Diagram (Figure 4-5), the Property (depicted with the red box) is in the yellow Residential zone of the TBAP.





According to the TBAP Implementing Regulations, single family residential are allowed in the Residential zone, as well as multi-person dwellings if 100% of the units are deed restricted to affordable, moderate, or achievable housing per TRPA Code of Ordinances Chapter 90. (TBAP Implementing Regulations, Table 2.03.BB-1.)

TRPA Code section 21.3.2 states that ADUs “shall be considered an accessory use to the primary use it serves and may be permitted where the primary use is a permissible use.” (TRPA Code, § 21.3.2.) The primary use of the Project is a single-family residence, a permissible use under the TBAP. As such, the ADU is a permissible use, and the Project does not necessitate special findings under Code section 21.2.2.

Appellants arguments related to Finding 21.2.2.A, 21.2.2.B, and 21.2.2.C are baseless and must be dismissed. These special findings are not required for the Project since the Project is a permissible use, rather than a special use, under applicable local plans.

b. If Chapter 21.2.2 Findings Were Required, the Project Complies and is an Appropriate Use for the Parcel

Even if Code section 21.2.2 findings were required, which they are not, the Project would be an appropriate use for the parcel as it will not disturb health and safety or the general welfare or not alter or detrimentally affect the purposes of the TBAP.

i. The Project Complies with Finding 21.2.2.A

Finding 21.2.2.A requires the project to be of such a nature, scale, density, intensity, and type to be an appropriate use for the parcel and surrounding area. (TRPA Code, § 21.2.2.A.)

Of the approximately 29 residential properties within the Moana Circle Subdivision, depicted on the site map below, 24 to 25 have two story residences. Ms. Figone's existing residence, highlighted in yellow in the below site map, is single-story. Ms. Figone considered adding a second story, consistent with other residences in the neighborhood, but decided to proceed with the smaller improvement of a second story garage and ADU. The Project's improvements are consistent with and on a smaller scale than other recent development within the subdivision.



Several lakefront residences that neighbor Ms. Figone's are much larger than Ms. Figone's Property. For example, 48 Moana Circle is located three lots north of the Figone Property. The owners at 48 Moana Circle completed a large remodel and addition of over double the size of the prior residence to an approximately 4,654 sq. ft. two-story residence and garage in or around 2015. As a further example, the improvements at 52 Moana Circle included a large two-story residence and two-car garage that doubled the size of the residence to over 6,040 square feet of living area. In addition, in 2010, TRPA issued a permit for the replacement of a detached garage with living quarters for 28 Moana Circle, another lakefront property in the Moana Beach Subdivision that is located directly across the street from one of the Appellants. (TRPA File No. ERSP 2010-1065.) Finally, TRPA recently approved the teardown of an existing single-family

dwelling and rebuild of a new single-family dwelling on 56 Moana Circle that will result in 10,120 square feet of coverage. (TRPA File No. ERSP 2022-0609.)

In contrast, Ms. Figone's Project proposes a 618 sq. ft. ADU with one bedroom, one bathroom, a living room and kitchen. The Project proposes 4,994 square feet of coverage, less than the 5,022 square feet of coverage allowed for the parcel. (Evolve Design Works Findings, dated January 10, 2024.) With the additional 618 square feet of living space, Ms. Figone's Property will be a total of 2,822 square feet of living space, a fraction of the living space in other Moana Bay lakefront residences.

Ms. Figone's Property will be a comparable size or smaller than Appellants' properties. Appellant Meyer's property at 25 Moana Circle is a two-story residence with 3,435 square feet of living space with an 876 square foot garage. Appellant Catterson's property at 35 Moana Circle is a two-story residence with 2,030 square feet and a 370 square foot garage. Appellant Egerland's property at 45 Moana Circle is a single-story residence with 2,934 square feet and a 336 square foot garage.

The Project complies with Finding 21.2.2.A, as it is a consistent nature, scale, density, intensity, and type to the surrounding area.

ii. The Project Complies with Finding 21.2.2.B

Finding 21.2.2.B requires the project to not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons in the neighborhood or general welfare of the region, and requires the applicant to take reasonable steps to protect against any such injury and to project the land, water, and air resources of the applicant's property and that of surrounding property owners. (TRPA Code, § 21.2.2.B.)

While Appellants repeatedly raise concerns about their private views, the "hindrance of private views" are not considered a significant environmental impact. (*Sierra Club v. Tahoe Reg'l Planning Agency*, 916 F. Supp. 2d 1098, 1150 (E.D. Cal. 2013) (citing *Mira Mar Mobile Cmty. v. City of Oceanside*, 119 Cal. App. 4th 477, 494 (2004) ("neither state nor local law protects private views from private lands and the rights of one private landowner cannot prevail over the rights of another private landowner")); see also *Mira Mar*, 119 Cal.App.4th at 492 ("California landowners do not have a right of access to air, light and view over adjoining property." (citing *Wolford v. Thomas*, 190 Cal. App. 3d 347, 358 (1987)).) Appellants' arguments regarding their private views are both factually false, as the Project will not detrimentally impact views, and irrelevant to the current proceeding.

iii. The Project Complies with Finding 21.2.2.C

Finding 21.2.2.C requires the project to not change the character of the neighborhood, or detrimentally affect or alter the purpose of the applicable local plan, and specific or master plan, as applicable. (TRPA Code, § 21.2.2.C.)

The mountain architecture style of the residence and associated landscaping blends with the character of the existing neighborhood of similar sized and designed single-family residences. (Evolve Design Works Findings, dated January 10, 2024.) The TBAP states that the Tahoe Residential Subdistrict “should continue to be residential, maintaining the existing character of the neighborhood.” (TBAP Implementing Regulations 2.03 BB.) The Project is consistent with the local plan’s goals and purposes and, as such, complies with Finding 21.2.2.C.

In sum, while the Project does not need to comply with TRPA Code section 21.2.2, as it is a permissible land use, it complies with all three special findings. The Governing Board should accordingly reject Appellants’ baseless arguments to the contrary.

c. The Project Complies with Placer County and TRPA Code for ADUs

TRPA Code states that ADUs “shall be considered an accessory use to the primary use it serves and may be permitted where the primary use is a permissible use.” (TRPA Code, § 21.3.2.) Further, “[u]p to two accessory dwelling units per parcel shall be considered accessory uses where the primary use is a single-family or multi-family use and is a permissible use.” (*Id.*)

Ms. Figone complied with TRPA’s procedures for permitting the Project, as she completed a single-family residential application through TRPA, worked with TRPA staff on the submittal, and received a lawful permit from TRPA. (See *Accessory Dwelling Units in East Placer County*, Placer County and TRPA, <https://www.placer.ca.gov/DocumentCenter/View/55810/Assessory-Dwelling-Units-in-Placer-County-Tahoe?bidId=>.)

Appellants argue that Ms. Figone “appears to misuse the ADU designation” in order to circumvent HOA CC&Rs and TRPA rules. Appellants cite no evidence or support for this contention. Indeed, Ms. Figone has the right as a California citizen to build an ADU on her property. California’s ADU laws protect all homeowners, including Ms. Figone. Appellants further misconstrue Ms. Figone’s changes to the Project to imply deviousness when, in fact, Ms. Figone did so to clarify the scope of the Project, minimize impacts, such as reducing the overall height of the structure, and ensure compliance with TRPA’s rules. Appellants’ arguments that Ms. Figone has misrepresented facts or tried to “take advantage” of ADU laws are unfounded.

As Ms. Figone’s property is a permissible single-family residence, the proposed improvement of adding one ADU is consistent with TRPA’s Code and processes. Condition 3.D of the permit requires a TRPA deed restriction restricting the ADU to Achievable Area Median Income Housing and prohibiting the use of the ADU as a vacation rental, consistent with the TBAP

Implementing Regulations. TRPA staff's careful and thoughtful review of the Project should be upheld.

d. Scenic Mitigation

Appellants' final argument is that the scenic photos are outdated and the scenic assessment is from an older project approved in 2021. Again, this contention is baseless.

A baseline scenic assessment was approved on September 5, 2021. This assessment was prepared and approved prior to removal of the lakefront tree, and thus, the lakefront tree was included as part of the baseline and any visual impacts associated with the project must account for the loss of the tree and any associated screening.

A separate scenic assessment for the proposed project was prepared on June 6, 2023, after the removal of the lakefront tree. This assessment took into account the removal of the lakefront tree and the contrast rating was scored based on the current conditions. The contrast rating for the proposed project is 25, which allows up to 1,190 square feet of visible mass. The project as approved proposes only 1,158 square feet of visible mass, 32 sf less visible mass than allowed. The project conditions of approval require post project visible mass elevation drawings on photos taken from 300 feet offshore to ensure scenic compliance. Indeed, removal of the tree actually increases the view to the lake for surrounding homeowners which cuts against Appellants' argument.

Condition 6 of the Project requires maintenance of scenic mitigation in perpetuity. Ms. Figone intends to comply with Condition 6 and all conditions of the permit. TRPA properly reviewed scenic mitigation and Appellants raise no substantial evidence to the contrary.

**IV. Conclusion: TRPA Committed No Errors in Approving the Project**

Appellants cite a variety of alleged bases in their Statement of Appeal, but each is baseless and should be rejected by the Governing Board. TRPA has not committed any procedural errors in processing Ms. Figone's permit.

Based on the foregoing, Ms. Figone respectfully requests that the Board uphold the determination of TRPA approving the Project.

Yours very truly,



Michael B. Brown

cc: Katherine Huston, TRPA ([khuston@trpa.gov](mailto:khuston@trpa.gov))

Attachment D

Emails between Brandy McMahon, TRPA Principal Planner, and Evolve Design Works (Ms. Figone's consultants).

**From:** Brandy McMahon <bcmcmahon@trpa.gov>  
**Sent:** 5/3/2024 2:25:39 PM  
**To:** Graham St. Michel <gstsmichel@trpa.gov>  
**Subject:** FW: TRPA Case ERSP2023-0701  
**Attachments:** [image001.jpg](#), [32 Moana Cir - Findings 2024.01.10.pdf](#), [32 Moana Circle - revised TRPA Plan Set 2024.01.10.pdf](#)

FYI

Brandy McMahon, AICP  
Principal Planner  
Permitting & Compliance Department  
(775) 589-5274  
[bcmcmahon@trpa.gov](mailto:bcmcmahon@trpa.gov)



[trpa.gov](http://trpa.gov) | [facebook](#) | [twitter](#) | [instagram](#)

Parcel and permit information can be found at [LTInfo.org](http://LTInfo.org).

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---

**From:** Sevilla Santana <sevilla@evolvedesignworks.com>  
**Sent:** Wednesday, January 10, 2024 11:29 AM  
**To:** Brandy McMahon <bcmcmahon@trpa.gov>  
**Cc:** Hanni Walsh <hanni@evolvedesignworks.com>  
**Subject:** Re: TRPA Case ERSP2023-0701

Hi Brandy,

1. I have revised sheet A3.3 with the correct APN.
2. The BMP plan for the entire site is shown on page C1.1.
3. I recalculated the slope of the driveway - the 12.5% slope calculation was incorrect. I have recalculated the slope of the driveway to be 10% based on the proposed driveway. I have addressed the finding and included it in this email.
4. I have confirmed the tree was removed and revised the scenic assessment accordingly. See sheet A3.3.

I have attached the revised TRPA Set, and findings.

**Sevilla Santana**  
Staff Engineer  
[sevilla@evolvedesignworks.com](mailto:sevilla@evolvedesignworks.com)  
530.807.7578

PO Box 7586  
3080 N. Lake Blvd. Suite A  
Tahoe City, CA 96145

On Tue, Jan 9, 2024 at 8:32 AM Brandy McMahon <bcmcmahon@trpa.gov> wrote:

Dear Sevilla,

I reviewed the revised plans and have the following comments/questions:

1. The note on A3.3 that reads "THE VISUAL ASSESSMENT FOR THE PROPOSED PROJECT WAS EVALUATED AS A PROJECT AREA TO INCLUDE APN: 094-191-018" needs to be revised to reference APN: 098-191-018 (the subject site). *I will condition this change be made in the permit.*

LEGAL COMMITTEE ITEM NO. 3 &  
AGENDA ITEM NO. VIII.A

2. I still need a BMP plan for the entire site, not just the proposed ADU/garage.
3. A driveway with a 12.5% slope is proposed. Please address the attached finding and email me a copy.
4. In one of the public comment letters, it says "the photos for the scenic assessment are from 2021. The landscape has changed a bit, including the removal of a large tree in front of the main house, which could perhaps affect the scenic assessment." TRPA approved a tree removal permit (ref. TREE2022-0984). Please confirm that the tree that was removed is not included in the scenic assessment.

I will move forward with issuing the conditional permit once the above items have been addressed.

Sincerely,

Brandy McMahon, AICP  
Local Government Coordinator  
Permitting & Compliance Department  
(775) 589-5274  
[bcmcmahon@trpa.gov](mailto:bcmcmahon@trpa.gov)



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---

**From:** Sevilla Santana <[sevilla@evolvedesignworks.com](mailto:sevilla@evolvedesignworks.com)>  
**Sent:** Tuesday, January 2, 2024 3:41 PM  
**To:** Brandy McMahon <[bcmcmahon@trpa.gov](mailto:bcmcmahon@trpa.gov)>  
**Subject:** Re: TRPA Case ERSP2023-0701

Hi Brandy,

I am following up on this email. Any update with the status of the TRPA permit for 32 Moana Circle.

Let me know if you have any questions.

Thanks,

**Sevilla Santana**  
Staff Engineer  
[sevilla@evolvedesignworks.com](mailto:sevilla@evolvedesignworks.com)  
530.807.7578

□ PO Box 7586  
3080 N. Lake Blvd. Suite A  
Tahoe City, CA 96145

On Mon, Dec 11, 2023 at 2:47 PM Sevilla Santana <[sevilla@evolvedesignworks.com](mailto:sevilla@evolvedesignworks.com)> wrote:

Hi Brandy,

I know this is delayed, but I am following up with the project at 32 Moana Circle. The attached files address your questions/comments sent to Hanni 8/29.

Let me know if you have any questions.

Thanks!

**Sevilla Santana**  
Staff Engineer  
[sevilla@evolvedesignworks.com](mailto:sevilla@evolvedesignworks.com)  
530.807.7578

□ PO Box 7586  
3080 N. Lake Blvd. Suite A  
Tahoe City, CA 96145



January 10, 2024

Tahoe Regional Planning Agency  
P.O. Box 5310  
Stateline, NV 89449

**Re: Figone Garage & ADU**  
**APN: 098-191-018**  
32 Moana Circle  
Tahoma, California 96142  
Placer County

### **Applicable Findings**

#### Findings Necessary to Approve Any Project

4.4.1.A-C Finding Rationale: The proposed single-family residential project is consistent with the TRPA Goals and Policies and the TRPA Code of Ordinances. The rebuilt single-family residence will not impact environmental threshold carrying capacities. Temporary and permanent BMP's are proposed and shown on the proposed site plan.

#### Permissible Uses

21.2.2.A-C Finding Rationale: The proposed single-family residential project is consistent with residential zoning designation. This project will not be injurious or disturbing to the welfare of persons or property in the neighborhood or region. Through implementation of BMPs, LID, and green building principles there should be no impact to the resources on the property or surrounding area. Temporary and permanent BMP's are proposed in conjunction with this project as shown on the civil plan set and will protect water and air quality. Due to the mountain architecture style of the residence and associated landscaping the project fits in with the character of the neighborhood and the greater Tahoe region.

#### Land Coverage

30.4.1 Finding Rationale: A site assessment was completed September 20, 2019 by TRPA – LCAP2019-0214. The TRPA identified that the total verified existing coverage on the parcel is 1,735 SF of class 1a area, 348 SF of 1b area, and 3,043 SF of Class 5 area, with a total of 5,022 SF. The project proposes 4,994 SF of coverage, which is less than the allowable 5,022 SF of coverage.

#### 33.3.1 Grading Standards – Seasonal Limitations

Finding Rationale – All grading will be done between May 1st and October 15th.

#### 33.3.6 Excavation Limitations – Groundwater Interception

Finding Rationale – The proposed project does not interfere or intercept ground water. The proposed excavations and foundations are required to comply with local building codes for minimum depth below natural grade.

#### 34.3.1 Driveways

Finding Rationale – The proposed driveway was approved for fire safe access by the North Tahoe Fire Protection District and conforms to the general standards for driveways in the Tahoe Basin and Placer County. The proposed complies with Section 34.3.1 and has two parking spots available.

#### 34.3.2. E. Slope of Driveways

Finding rationale – The slope of the proposed driveway is 10%. The proposed slope complies with section 34.3.2.

#### 37.4.1 Height Standards for Buildings

Finding Rationale – The maximum allowable height is 32'-1", citing a 3:12 roof pitch and 18% slope across the building footprint. The proposed maximum height is 30'-4". The proposed project is in compliance with the height standards set forth by Section 37.4.

#### 37.5.1. Approval of Building Heights Greater Than 26

##### A. Additional Height for Roof Pitch of Up to 5:12

Finding Rationale – The proposed maximum building height is 30'-4", citing a 3:12 roof pitch. When viewed from major arterials, scenic turnouts, public recreation areas, or the waters of Lake Tahoe, from a distance of 300 feet, the additional height does not cause the proposed building to extend above the forest canopy, or a ridgeline. The proposed project is in compliance with the height standards set forth by Section 37.5.1.A and 37.7.1.

#### 60.4.6. BMP Infiltration Requirements

Finding Rationale - Permanent BMPs proposed with this project include drip line trenches, drip line armoring, and dry wells. The infiltration facilities are designed to accommodate a twenty year, one-hour storm. Temporary construction BMPs include soil protection/erosion prevention(silt fence and fiber rolls) and tree protection. These measures are in conformance with the current TRPA Handbook of Best Management Practices.

#### 61.1.6.c Minimum Standards for Tree Removal

Finding Rationale - The proposed trees to be removed comply with the minimum standards of tree removal and the removal methods outlined in Table 61.1.6-4.

#### 66.3.3.E.2 Scenic Quality Review in the Shoreland

Finding Rationale: The proposed project complies with Level 4 Scenic Review. A comprehensive assessment of the parcel was prepared which resulted in the cumulative contrast rating of 24. The subject project proposes 992 square feet of total visible lakefront façade. This is within the maximum allowable visible area of 1,035 square feet based on the composite contrast score of 24 points.



Hanni Walsh, PE  
VP | Principal Designer  
530.318.0001  
[hanni@evolvedesignworks.com](mailto:hanni@evolvedesignworks.com)  
PROJECT NO. 2022.062

Please feel free to give me a call if you have any questions or need any additional information.

Sincerely,

A handwritten signature in blue ink that reads "Hanni Walsh". The signature is fluid and cursive, with the first and last names clearly legible.

Hanni Walsh

# Figone ADU & Garage

stamp

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project number	2022.062	
drawn by	-	checked by -
ISSUES & REVISIONS		
no.	description	date
A	NTDFP LAR	2023.03.23
1	TRPA Submittal	2023.06.05

project location

## GOVERNING AGENCIES, ORGANIZATIONS, & UTILITIES

PLACER COUNTY BUILDING DEPT.  
 (TAHOE BUILDING DIVISION OFFICE)  
 775 N. LAKE BLVD.  
 P.O. BOX 5036  
 TAHOE CITY, CA. 96145  
 PHONE: 530.581.6200  
 FAX: 530.581.6204

PLACER COUNTY ENVIRONMENTAL HEALTH  
 775 N. LAKE BLVD., SUITE 203  
 TAHOE CITY, CA. 96145  
 PHONE: 530.581.6240  
 envhealthtahoec@placer.ca.gov

TAHOE CITY PUBLIC UTILITY DISTRICT  
 221 FAIRWAY DRIVE  
 TAHOE CITY, CA 96145  
 PHONE: 530.583.3796  
 http://www.tahoe-city-pud.com

MEEKS BAY FIRE PROTECTION DISTRICT  
 8041 EMERALD BAY ROAD  
 MEEKS BAY, CALIFORNIA  
 P.O. BOX 189  
 TAHOMA, CALIFORNIA 96142  
 PHONE (530) 525-7548  
 FAX (530) 525-4502

LIBERTY ENERGY  
 701 NATIONAL AVE.  
 P.O. BOX 107  
 TAHOE VISTA, CA 96148  
 PHONE: 800.782.2506  
 http://www.liberty-energy.com/pages/home.php

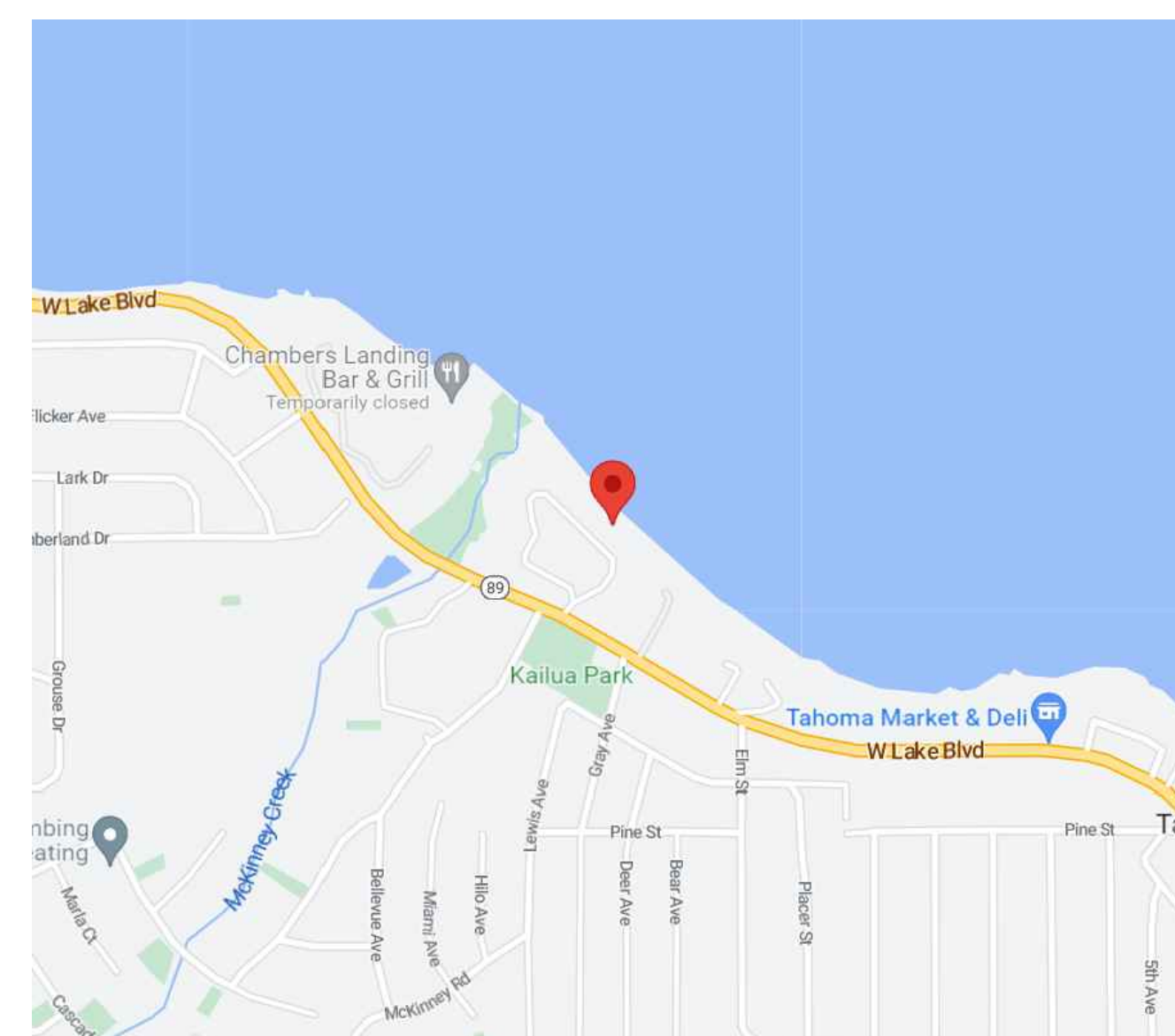
SOUTHWEST GAS CORPORATION  
 (LOCAL CUSTOMER ASSISTANCE LOCATION)  
 10682 PIONEER TRAIL  
 TRUCKEE, CA 96161-0218  
 PHONE: 877.860.6020  
 http://www.swgas.com/contactus/nnvcontacts.php

## PROJECT CONTACT INFORMATION

OWNER  
 Vicki Figone  
 35 Creek View Circle  
 Larkspur, California  
 415.377.8817  
 vickifigone@hotmail.com

ENGINEER OF RECORD & DESIGNER  
 EVOLVE DESIGN WORKS  
 HANNI WALSH, PE  
 PO BOX 7586  
 TAHOE CITY, CA 96145  
 530.318.0001  
 hanni@evolvedesignworks.com

## VICINITY MAP / PROJECT LOCATION



## APPLICABLE CODES

2022 CALIFORNIA BUILDING CODE (2022 CBC)  
 2022 CALIFORNIA ELECTRICAL CODE (2022 CEC)  
 2022 CA ENERGY CODE  
 2022 CALIFORNIA MECHANICAL CODE (2022 CMC)  
 2022 CALIFORNIA PLUMBING CODE (2022 CPC)  
 2022 CALIFORNIA RESIDENTIAL CODE (2022 CRC)  
 2022 CALIFORNIA FIRE CODE (2022 CFC)  
 NTFDP ORDINANCE 02-2022, MBFPD ORDINANCE 22-01  
 2022 CALIFORNIA GREEN BUILDING CODE (2022 CALGREEN)  
 2022 BUILDING ENERGY EFFICIENCY STANDARDS

### CODE ANALYSIS

Occupancy: R-3, CBC 310.5  
 Type of Construction: Type VB, CBC 602.5

## SPACE CALCULATIONS

<b>UNCONDITIONED</b>		
GARAGE/STORAGE	687 SQ. FT.	
DECK	67 SQ. FT.	
UPPER STAIR/LANDING	69 SQ. FT.	
<b>CONDITIONED</b>		
UPPER FLOOR (LIVING)	618 SQ. FT.	

## DEFERRED SUBMITTALS

1. FIRE SPRINKLERS

## PROJECT SCOPE

REMOVE (E) GARAGE. NEW GARAGE WITH ADU ABOVE. NEW DRIVEWAY AND PARKING AREA.

## SHEET INDEX

COVER SHEET	0.0
<b>CIVIL</b>	
SITE PLAN	A1.2
BMP PLAN	C1.1
BMP DETAILS	C1.2
<b>ARCHITECTURAL</b>	
FLOOR PLANS	A2.1
BUILDING ELEVATIONS	A3.1
BUILDING MATERIAL AND FINISHES	A3.2
TRPA SCENIC ELEVATION	A3.3
BUILDING SECTIONS	A4.1

New Garage & ADU for:

Vicki Figone  
 32 Moana Circle  
 Tahoma California  
 Placer County 098-191-018

description

**Cover Sheet**

sheet

**0.0**

# Figone ADU & Garage

32 Moana Circle  
Tahoma CA 96142  
Placer County APN 098-191-018

Vicki Figone  
35 Creekview Circle  
Larkspur CA 94939  
415 377 8817  
vickifigone@hotmail.com

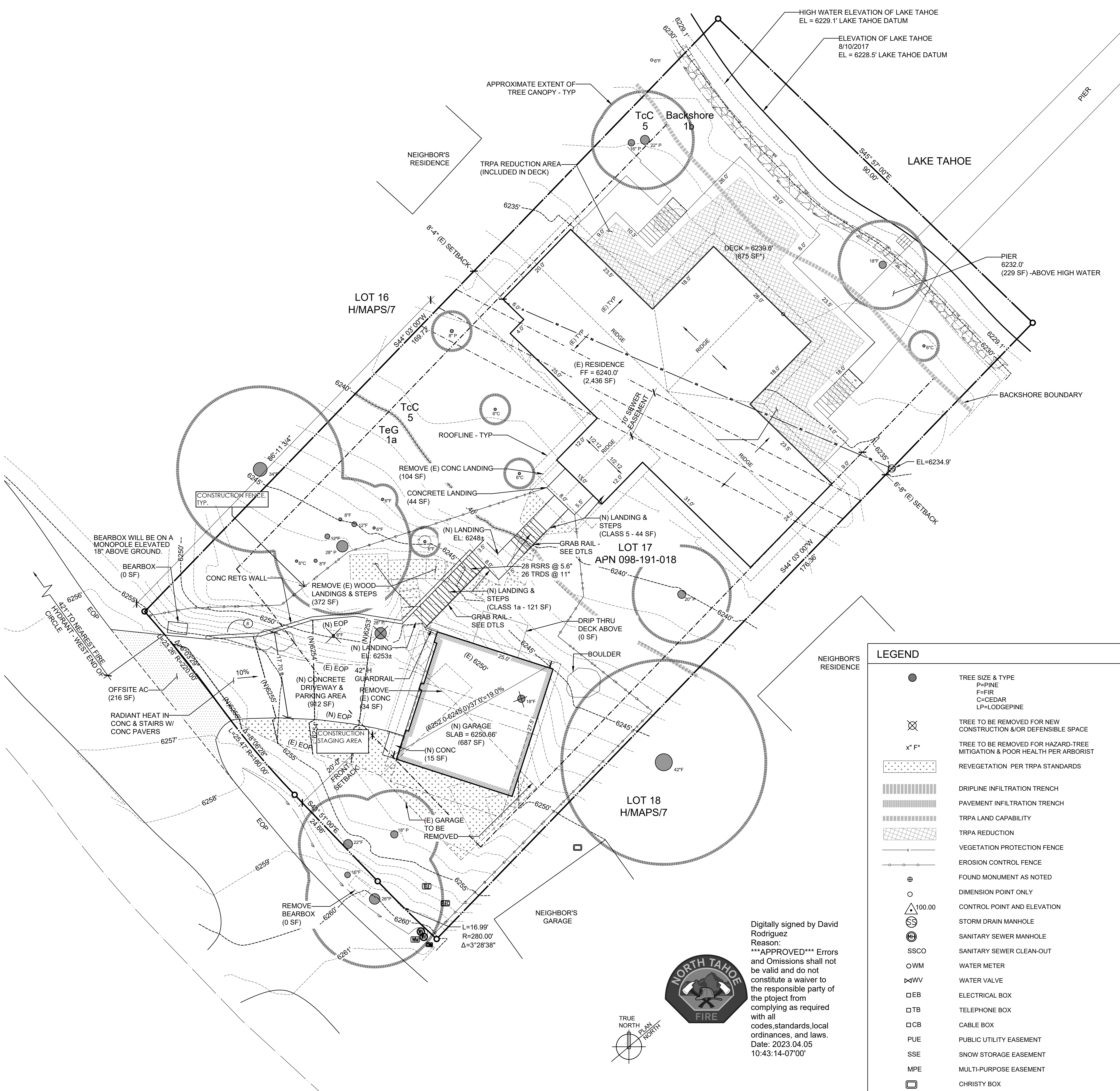
REVISIONS

NO.	DESCRIPTION	DATE

PERMIT NUMBER	1521.2
JOB NUMBER	1521.2_A1X
FILE NUMBER	21 January 2023
ISSUE DATE	HOA Review #3
SUBJECT	SCALE 1"=10'-0" UNO
SCALE	TITLE

## SITE PLAN A1.2

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### ALLOWABLE LAND COVERAGE

TOTAL PARCEL AREA = 14,885 SF  
SITE ASSESSMENT: TRPA# LCAP2019-0214, LCAP2019-0215(LCV)

CAPABILITY	% ALLOW	AREA	ALLOWED
CLASS 1a	1%	6,172 SF	62 SF
CLASS 1b	1%	1,332 SF	13 SF
CLASS 5	25%	7,381 SF	1,845 SF
TOTAL ALLOWABLE COVERAGE:			1,920 SF

### VERIFIED EXISTING LAND COVERAGE

SITE ASSESSMENT: TRPA# LCAP2019-0214, LCAP2019-0215(LCV)

ONSITE	CLASS 1a	CLASS 1b	CLASS 5	TOTAL
RESIDENCE	0	0	2,412	= 2,412 SF
DECK & STAIRS W/ TRPA REDUCTION	0	191	416	= 607 SF
PIER-ABOVE HIGH WATER	0	157	72	= 229 SF
WOOD LANDINGS & STEPS	333	0	39	= 372 SF
GARAGE	516	0	0	= 516 SF
CONCRETE DRIVEWAY	876	0	0	= 876 SF
A/C DRIVEWAY	10	0	0	= 10 SF
TOTAL ONSITE COVERAGE 1,735 348 3,043 = 5,022SF				
OFF SITE				
A/C DRIVEWAY				= 216 SF
TOTAL OFF SITE COVERAGE = 216 SF				

\*\* CONC LANDING NOT INCLUDED IN SITE ASSESSMENT COVERAGE VERIFICATION BUT NOTED ON MAP

### EXISTING LAND COVERAGE (HOUSE REMODEL-TRP21-90103)

ONSITE	CLASS 1a	CLASS 1b	CLASS 5	TOTAL
RESIDENCE	0	0	2,412	= 2,412 SF
RESIDENCE ADDITION	0	0	24	= 24 SF
DECK & STAIRS W/ TRPA REDUCTION	0	88	787	= 875 SF
PIER-ABOVE HIGH WATER	0	157	72	= 229 SF
WOOD LANDINGS & STEPS	333	0	49	= 382 SF
CONC LANDING	0	0	44	= 44 SF
GARAGE	516	0	0	= 516 SF
CONCRETE DRIVEWAY	876	0	0	= 876 SF
A/C DRIVEWAY	10	0	0	= 10 SF
TOTAL ONSITE COVERAGE 1,735 245 3,388 = 5,368 SF				
* PVIOUS DECK REDUCTION FOR CLASS 5 LOT (369 SF MAX) FIRST 500 SF(100%) 0 0 369 = <369 SF>				
TOTAL ADJUSTED ONSITE COVERAGE 1,735 245 3,019 = 4,999 SF				
OFF SITE				
A/C DRIVEWAY				= 216 SF
TOTAL OFF SITE COVERAGE = 216 SF				

### PROPOSED LAND COVERAGE

ONSITE	CLASS 1a	CLASS 1b	CLASS 5	TOTAL
RESIDENCE	0	0	2,412	= 2,412 SF
RESIDENCE ADDITION	0	0	24	= 24 SF
DECK & STAIRS W/ TRPA REDUCTION	0	88	787	= 875 SF
PIER-ABOVE HIGH WATER	0	157	72	= 229 SF
(N) WOOD LANDINGS & STEPS	121	0	44	= 165 SF
CONC LANDING	0	0	44	= 44 SF
(N) CONC STOOP	15	0	0	= 15 SF
(N) GARAGE	687	0	0	= 687 SF
(N) CONCRETE DRIVEWAY	912	0	0	= 912 SF
TOTAL ONSITE COVERAGE 1,735 245 3,383 = 5,363 SF				
* PVIOUS DECK REDUCTION FOR CLASS 5 LOT (369 SF MAX) FIRST 500 SF(100%) 0 0 369 = <369 SF>				
TOTAL ADJUSTED ONSITE COVERAGE 1,735 245 3,014 = 4,994 SF				
OFF SITE				
A/C DRIVEWAY				= 216 SF
TOTAL OFF SITE COVERAGE = 216 SF				

- ### SURVEYOR NOTES
- SURVEY PERFORMED BY TERRAGRAPHIC LAND SURVEYING, INC.; DATED 08/10/2017. JOB NUMBER 17085.
  - CONTOUR INTERVAL EQUALS 1'.
  - THE ELEVATION DATUM FOR THIS SURVEY WAS ASSUMED. ELEVATION = 6234.9' BENCHMARK = TOP OF SANITARY SEWER MANHOLE RIM.
  - SPOT ELEVATIONS ARE ACCURATE TO 0.2± SCALED FEATURE LOCATIONS ARE ACCURATE TO 0.5±
  - EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS MAP, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND USE REGULATIONS; AND ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
  - LEGEND IS GENERAL. SOME SYMBOLS MAY NOT BE APPLICABLE TO THIS SURVEY MAP.

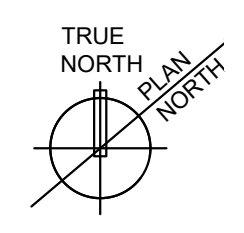
### FIRE SEVERITY ZONE

STATE RESPONSIBILITY AREA VERY HIGH FIRE HAZARD SEVERITY ZONE

### LEGEND

- TREE SIZE & TYPE  
P=PINE  
F=FIR  
C=CEDAR  
LP=LODGEPINE
- ⊗ TREE TO BE REMOVED FOR NEW CONSTRUCTION &/OR DEFENSIBLE SPACE
- \* F" TREE TO BE REMOVED FOR HAZARD-TREE MITIGATION & POOR HEALTH PER ARBORIST
- ▨ REVEGETATION PER TRPA STANDARDS
- ▨ DRIPLINE INFILTRATION TRENCH
- ▨ PAVEMENT INFILTRATION TRENCH
- ▨ TRPA LAND CAPABILITY
- ▨ TRPA REDUCTION
- ▨ VEGETATION PROTECTION FENCE
- ▨ EROSION CONTROL FENCE
- ⊕ FOUND MONUMENT AS NOTED
- DIMENSION POINT ONLY
- △ 100.00 CONTROL POINT AND ELEVATION
- ⊙ STORM DRAIN MANHOLE
- ⊙ SANITARY SEWER MANHOLE
- ⊙ SSCO SANITARY SEWER CLEAN-OUT
- OWM WATER METER
- ⊙ WV WATER VALVE
- EB ELECTRICAL BOX
- TB TELEPHONE BOX
- CB CABLE BOX
- ⊙ PUE PUBLIC UTILITY EASEMENT
- ⊙ SSE SNOW STORAGE EASEMENT
- ⊙ MPE MULTI-PURPOSE EASEMENT
- ⊙ CB CHRISTY BOX

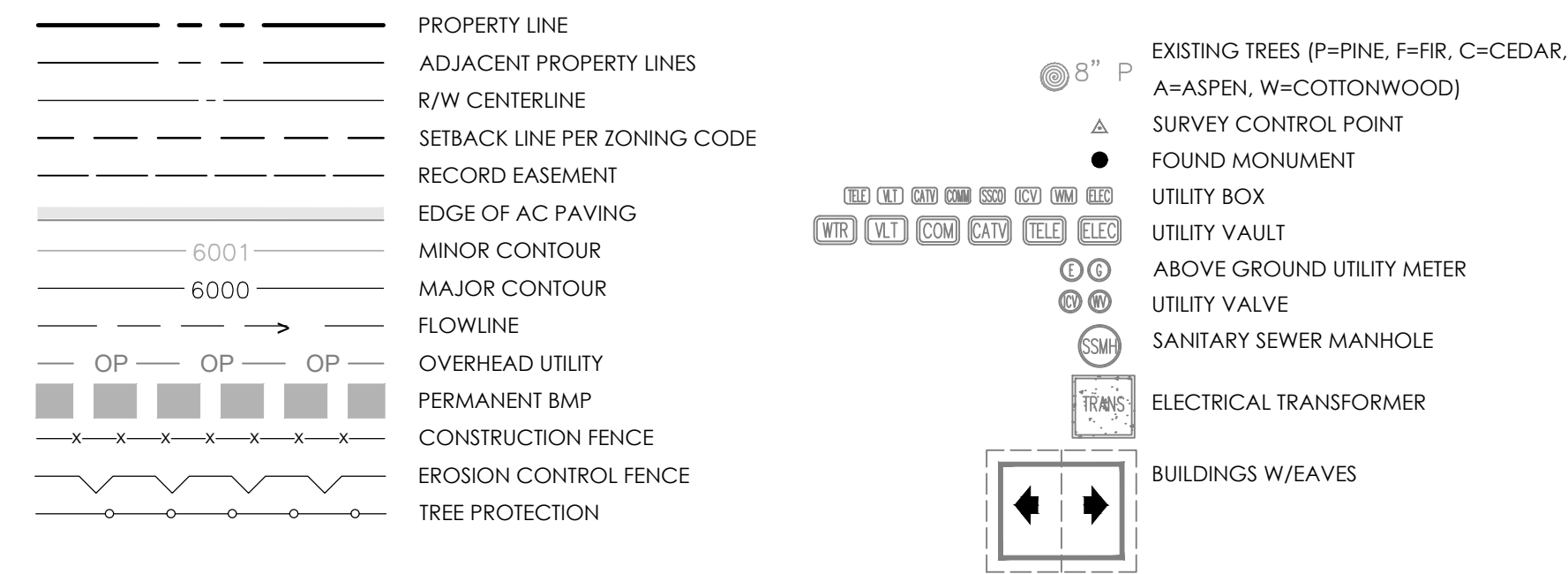
Digitally signed by David Rodriguez  
Reason:  
\*\*\*APPROVED\*\*\* Errors and Omissions shall not be valid and do not constitute a waiver to the responsible party of the project from complying as required with all codes, standards, local ordinances, and laws.  
Date: 2023.04.05  
10:43:14-07'00'



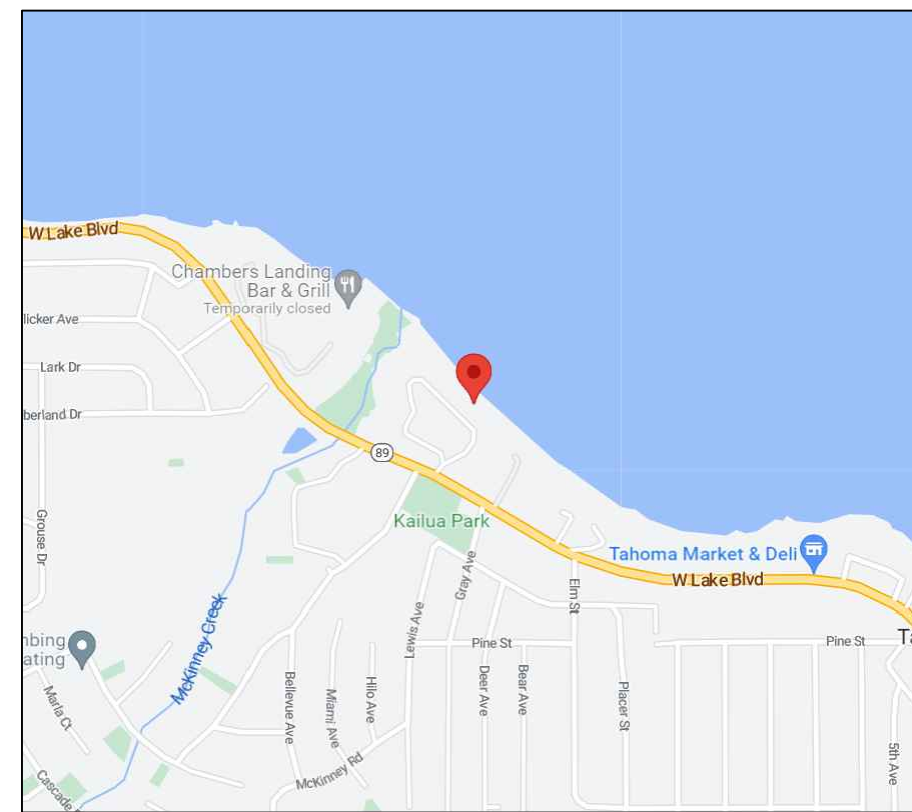
**TRPA NOTES**

- ALL COVERAGE REMOVED AND AREAS DISTURBED BY CONSTRUCTION SHALL BE REVEGETATED IN ACCORDANCE WITH THE TRPA HANDBOOK OF BEST MANAGEMENT PRACTICES AND LIVING WITH FIRE, LAKE TAHOE BASIN, SECOND EDITION.
- DUST CONTROL MEASURES SHALL BE IN PLACE DURING CONSTRUCTION. BROADCAST MULCH SHALL NOT BE PERMITTED AS A DUST CONTROL MEASURE WITHIN 35 FEET OF STRUCTURES.
- A 3" LAYER OF 3/4" CRUSHED GRAVEL SHALL BE PLACED BENEATH ALL RAISED DECKS.
- SEE SHEET C1.2 FOR TRPA BMP DETAILS
- STRAW BALES ARE NO LONGER ACCEPTABLE FOR TEMPORARY EROSION CONTROL OR MULCH MATERIAL IN THE LAKE TAHOE BASIN. THE USE OF STRAW HAS CONTRIBUTED TO THE SPREAD OF NOXIOUS WEEDS THROUGHOUT THE BASIN. THE USE OF ALTERNATIVES TO STRAW BALES, SUCH AS PINE NEEDLE BALES, FILTER FABRIC, COIR LOGS AND PINE NEEDLE OR WOOD MULCHES FOR EROSION CONTROL PURPOSES IS REQUIRED.
- ALL AREAS OF REMOVED COVERAGE AND AREAS DISTURBED BY CONSTRUCTION SHALL BE RE-VEGETATED IN ACCORDANCE WITH TRPA'S BMP HANDBOOK & 'LIVING WITH FIRE' TAHOE BASIN, LATEST EDITION.
- EXCAVATIONS AND CUTS GREATER THAN 5 FEET DEEP NOT PERMITTED - TRPA SOILS/HYDROLOGY APPROVAL IS REQUIRED.

**LEGEND**

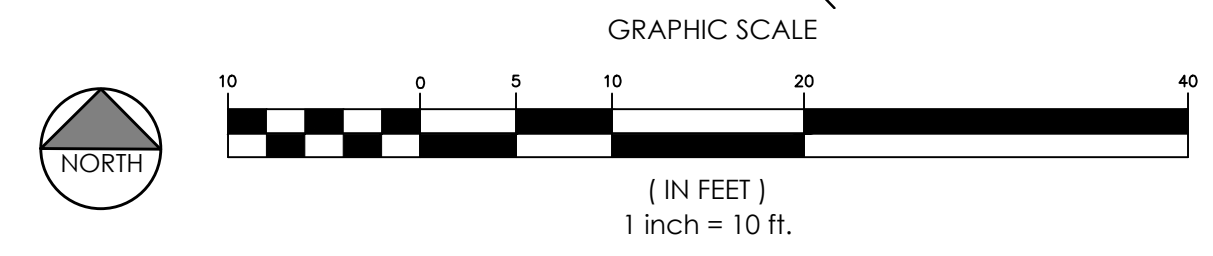
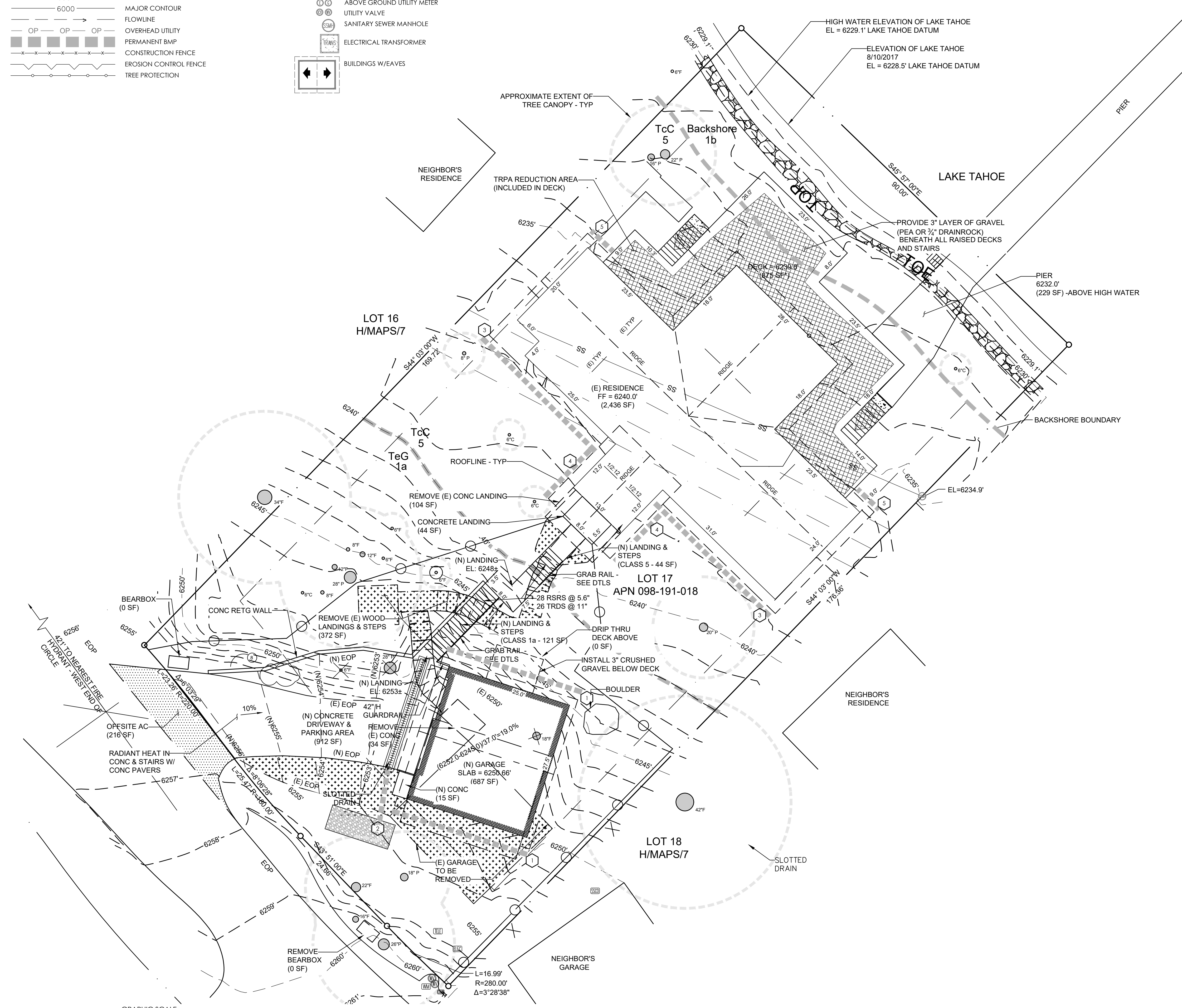


**VICINITY MAP (N.T.S.)**



**BMP CALCULATIONS**

ROOF	DRIVE	HOUSE ROOF	HOUSE ROOF	HOUSE ROOF	HOUSE ROOF
2	0	2	2	2	2
434	900	588	171	72	
434	900	588	171	72	
<b>36.2</b>	<b>75.0</b>	<b>49.0</b>	<b>14.3</b>	<b>6.0</b>	
1.0	2.0	3.0	4.0	5.0	
30.0	13.0	30.0	12.0	6.5	
24	60	24	24	24	
10	24	12	10	16	
4.0	4.0	4.0	4.0	4.0	
40%	40%	40%	40%		
1.9	4.8	2.2	0.7	0.3	
<b>45.4</b>	<b>79.2</b>	<b>50.5</b>	<b>18.1</b>	<b>6.2</b>	
1.9	4.8	2.2	0.7	0.6	
0.0	0.0	0.0	0.0	0.0	
<b>9.2</b>	<b>4.2</b>	<b>1.5</b>	<b>3.9</b>	<b>0.2</b>	



**SITE PLAN**

SCALE: 1" = 10'

stamp

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project number	2022.062
drawn by	checked by

**ISSUES & REVISIONS**

no.	description	date
1	TRPA Submittal	2023.06.05

project location

New Garage & ADU for:  
**Vicki Figone**  
**32 Moana Circle**  
**Tahoma California**  
**Placer County 098-191-018**

**BMP Plan**

sheet

**C1.1**

C:\Users\sew\OneDrive\Design Works Dropbox\EDW 2022 PROJECTS\2022\062\Figone Garage\DRAWINGS\3.0 PERMIT\2022\062 Figone BMP Plan 2023.05.17.dwg, 6/5/2023 10:17:35 AM, DWG To PDF.pc3

**FIBER ROLL SILT BARRIER** TRPA BMP-517

NOTES:

- FIBER ROLL SHALL NOT BE MADE FROM STRAW. FIBER ROLLS SHALL BE BOUND BY HIGH STRENGTH COIR NETTING, AND HAVE A MINIMUM WEIGHT OF 5 LBS PER LINEAL FOOT.
- ORANGE SAFETY FENCE IS INTENDED TO PROTECT FIBER ROLLS FROM COMPRESSION BY VEHICLES, CONSTRUCTION EQUIPMENT, ETC. FENCES SHALL BE HIGH DENSITY POLYETHYLENE WITH A MESH OPENING OF APPROXIMATELY 1 INCH BY 4 INCHES AND A MINIMUM HEIGHT OF 4 FEET. SAFETY FENCE MAY BE OMITTED IN LOW TRAFFIC AREAS.
- FIBER ROLL SILT BARRIER SHALL BE INSTALLED ALONG CONTOUR AND ON SLOPES 5H:1V OR FLATTER UNLESS OTHERWISE APPROVED BY TRPA.
- THE INSTALLATION CONFIGURATION SHALL PREVENT RUNOFF FROM LEAVING THE SITE OR ENTERING A WATERCOURSE WITHOUT PASSING THROUGH A SILT BARRIER.
- THE MAXIMUM LENGTH OF SLOPE DRAINING TO THE SILT BARRIER SHALL BE 100 FEET.
- FIBER ROLL SHALL BE INSTALLED BY SHARPING A 4 INCH DEEP FURROW TO MATCH THE SHAPE OF THE LOG, SECURING IN FURROW WITH WOOD STAKES, AND TAMPING THE GROUND AROUND THE FIBER ROLL TO FILL VOIDS BETWEEN THE LOG AND THE GROUND.

**TEMPORARY BOUNDARY CONSTRUCTION FENCING** TRPA BMP-501

NOTES:

- METAL OR WIRE MESH FENCING MAY BE REQUIRED FOR SITES THAT CONSISTENTLY FAIL TO MAINTAIN PERMITTED FENCING REQUIREMENTS.
- INSPECTIONS SHALL BE MADE DAILY AND DOWNED SECTIONS REPAIRED IMMEDIATELY.
- ALL DISTURBED SOIL WITHIN THE CONSTRUCTION AREA MUST BE DE-COMPACTED AND RESTORED. PLANT WITH NATIVE AND/OR ADAPTED PLANTS POST-CONSTRUCTION.

**VEGETATION PROTECTION** TRPA BMP-507

NOTES:

- DO NOT PERMIT PERSONNEL, CONSTRUCTION MATERIALS, OR EQUIPMENT, TEMPORARY OR OTHERWISE, WITHIN PROTECTIVE FENCING.
- VEGETATION PROTECTION IS REQUIRED FOR ALL PROJECTS AS A CONDITION OF PROJECT APPROVAL.
- METAL OR WIRE MESH FENCING MAY BE REQUIRED.
- CALCULATE THE PROTECTIVE PERIMETER FOR SHIELDING LARGER SPECIMEN TREES MEASURING OVER 30" DBH AS FOLLOWS: COMPUTE THE PROTECTIVE RADIUS BY ADDING ONE FOOT, AS MEASURED OUT FROM THE TREE BOLE, FOR EVERY INCH IN DBH. (E.G. A TREE WITH A 30" DBH WOULD RECEIVE A 30' PROTECTIVE PERIMETER)

TRENCH WIDTHS	MIN
1 STORY	18" MIN
2 STORY	24" MIN
3 STORY	30" MIN

**INFILTRATION TRENCH** TRPA BMP-103

NOTES:

- LENGTH, WIDTH, AND DEPTH OF INFILTRATION TRENCHES SHALL BE DESIGNED TO STORE THE 20-YEAR 1-HOUR STORM EVENT. THE BMP CALCULATION SPREADSHEET AVAILABLE AT [WWW.TAHOEBMP.ORG](http://WWW.TAHOEBMP.ORG) MAY BE USED TO SIZE INFILTRATION TRENCHES.
- PROPRIETARY PRODUCTS MAY BE USED TO PROVIDE ADDITIONAL STORAGE CAPACITY RELATIVE TO DRAIN ROCK. INSTALL PER MANUFACTURER'S SPECIFICATIONS.
- FIRE DEFENSIBLE SPACE GUIDELINES FOR LAKE TAHOE RECOMMEND A 5' NON-COMBUSTIBLE ZONE AROUND THE BUILDING PERIMETER. SEE "LIVING WITH FIRE" AT [WWW.LIVINGWITHFIRE.INFO](http://WWW.LIVINGWITHFIRE.INFO)

**ROCK ARMOR ELEVATED STRUCTURE** TRPA BMP-211

NOTES:

- FOR THE RETROFIT OF EXISTING DECKS, DRAIN ROCK SHOULD BE INSTALLED AS FAR BACK UNDER THE LOW ELEVATED STRUCTURE AS POSSIBLE. DISTANCE DEPENDS ON ACCESSIBILITY UNDER THE STRUCTURE.
- USE WASHED, CLEAN 3/4" TO 1-1/2" DRAIN ROCK. NATIVE ROCK MAY BE SUBSTITUTED IF AVAILABLE.
- FOLLOW FIRE DEFENSIBLE SPACE GUIDELINES. SEE "LIVING WITH FIRE" AT [WWW.LIVINGWITHFIRE.INFO](http://WWW.LIVINGWITHFIRE.INFO).

**SUBSURFACE DRAIN** TRPA BMP-307

NOTES:

- THE TRENCH SHALL BE CONSTRUCTED ON A CONTINUOUS GRADE WITH NO REVERSE GRADES OR LOW SPOTS.
- SOILS UNDER THE DRAIN SHALL BE STABILIZED WITH GRAVEL OR OTHER SUITABLE MATERIAL.
- DRAIN ROCK SHALL BE PLACED AS SPECIFIED WITH AT LEAST 3 INCHES OF ROCK ON ALL SIDES OF THE PIPE.
- BACKFILL MATERIAL SHALL BE PLACED IN THE TRENCH IN SUCH A MANNER THAT THE DRAIN PIPE IS NOT DISPLACED OR DAMAGED.

stamp

project number 2022.062  
drawn by \_\_\_\_\_ checked by \_\_\_\_\_  
ISSUES & REVISIONS

no.	description	date
1	TRPA Submittal	2023.06.05
-	-	-
-	-	-
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-	-	-
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project location

New Garage & ADU for:  
**Vicki Figone**  
**32 Moana Circle**  
**Tahoma California**  
**Placer County 098-191-018**

description

**BMP Details**

**DEMOLITION NOTES**

- 1) CONDUCT SELECTIVE DEMOLITION AND DEBRIS REMOVAL OPERATIONS TO INSURE MINIMUM INTERFERENCE WITH ROADS, STREETS, WALKS, EXITS AND OTHER ADJACENT OCCUPIED AND USED FACILITIES.
- 2) OWNER ASSUMES NO RESPONSIBILITY FOR CONDITION OF AREAS TO BE SELECTIVELY REMODELED.
- 3) IF MATERIALS SUSPECTED OF CONTAINING HAZARDOUS MATERIALS ARE ENCOUNTERED, DO NOT DISTURB. IMMEDIATELY NOTIFY ARCHITECT AND OWNER.
- 4) STORAGE OR SALE OF REMOVED ITEMS OR MATERIALS ON SITE WILL NOT BE PERMITTED UNLESS AGREED TO WITH THE OWNER PRIOR.
- 5) MAINTAIN EXISTING UTILITY SERVICES INDICATED TO REMAIN AND PROTECT THEM AGAINST DAMAGE DURING SELECTIVE DEMOLITION OPERATIONS.
- 6) SURVEY EXISTING CONDITIONS AND CORRELATE WITH REQUIREMENTS INDICATED TO DETERMINE EXTENT OF SELECTIVE DEMOLITION REQUIRED.
- 7) WHEN ANTICIPATED MECHANICAL, ELECTRICAL OR STRUCTURAL ELEMENTS THAT CONFLICT WITH INTENDED FUNCTION OR DESIGN ARE ENCOUNTERED, INVESTIGATE AND MEASURE THE NATURE AND INTENT OF CONFLICT. PROMPTLY SUBMIT A WRITTEN REPORT TO ARCHITECT.
- 8) LOCATE, IDENTIFY, DISCONNECT AND SEAL OR CAP OFF INDICATED UTILITIES SERVING AREAS TO BE SELECTIVELY DEMOLISHED. ARRANGE TO SHUT OFF INDICATED UTILITIES WITH UTILITY COMPANIES. CUT OFF PIPE OR CONDUIT IN WALLS OR PARTITIONS TO BE REMOVED PER UTILITY COMPANY'S STANDARDS.
- 9) PROTECT EXISTING SITE IMPROVEMENTS, APPURTENANCES AND LANDSCAPING TO REMAIN.
- 10) PROVIDE TEMPORARY BARRICADES AND OTHER PROTECTION REQUIRED TO PREVENT INJURY TO PEOPLE AND DAMAGE TO ADJACENT BUILDINGS AND FACILITIES TO REMAIN. PROVIDE TEMPORARY WEATHER PROTECTION DURING INTERVAL BETWEEN SELECTIVE DEMOLITION OF EXISTING CONSTRUCTION ON EXTERIOR SURFACES AND NEW CONSTRUCTION TO PREVENT WATER LEAKAGE AND DAMAGE TO STRUCTURE AND INTERIOR AREAS.
- 11) CLEAN ADJACENT IMPROVEMENTS OF DUST, DIRT AND DEBRIS CAUSED BY SELECTIVE DEMOLITION OPERATIONS. RETURN ADJACENT AREAS TO CONDITION EXISTING BEFORE SELECTIVE DEMOLITION OPERATIONS BEGAN.
- 12) DEMOLISH AND REMOVE EXISTING CONSTRUCTION ONLY TO THE EXTENT REQUIRED BY NEW CONSTRUCTION AND/OR AS INDICATED. USE METHODS REQUIRED TO COMPLETE THE WORK WITH LIMITATIONS OF GOVERNING REGULATIONS AND AS FOLLOWS:
  - a) DISPOSE OF DEMOLISHED ITEMS AND MATERIALS PROMPTLY.
  - b) RETURN ELEMENTS OF CONSTRUCTION AND SURFACES THAT ARE TO REMAIN TO CONDITION EXISTING BEFORE SELECTIVE DEMOLITION OPERATIONS BEGAN.
- 13) PROTECT CONDITIONS INDICATED TO REMAIN AGAINST DAMAGE AND SOILING DURING SELECTIVE DEMOLITION. WHEN PERMITTED BY ARCHITECT, ITEMS MAY BE REMOVED TO A SUITABLE, PROTECTED STORAGE LOCATION DURING SELECTIVE DEMOLITION AND CLEANED AND REINSTALLED IN THEIR ORIGINAL LOCATIONS AFTER SELECTIVE DEMOLITION OPERATIONS ARE COMPLETE.
- 14) PROMPTLY REPAIR DAMAGE TO ADJACENT IMPROVEMENTS CAUSED BY SELECTIVE DEMOLITION OPERATIONS AND NOTIFY OWNER OF INCIDENT(S).
- 15) TRANSPORT DEMOLISHED MATERIALS OFF OF OWNER'S PROPERTY AND LEGALLY DISPOSE OF THEM.

**AREA SUMMARY**

PROPOSED CONDITIONED SQUARE FOOTAGE	UPPER FLOOR (LIVING)	618 SF
<b>TOTAL</b>		<b>618 SF</b>
PROPOSED UNCONDITIONED SQUARE FOOTAGE	GARAGE/ STORAGE	687 SF
	DECK	67 SF
	UPPER STAIR/ LANDING	69 SF
<b>TOTAL</b>		<b>823 SF</b>

**GENERAL NOTES**

- 1) STAIRWAYS SERVING AN OCCUPANT LOAD LESS THAN 50 SHALL HAVE A WIDTH OF NOT LESS THAN 36 INCHES. CRC SECTION R311.7.1. STAIRWAYS SHALL HAVE A MINIMUM HEADROOM CLEARANCE OF 80 INCHES MEASURED VERTICALLY FROM A LINE CONNECTING THE EDGE OF THE NOSINGS. SUCH HEADROOM SHALL BE CONTINUOUS ABOVE THE STAIRWAY TO THE POINT WHERE THE LINE INTERSECTS THE LANDING ABOVE. ONE TREAD DEPTH BEYOND THE BOTTOM RISER. THE MINIMUM CLEARANCE SHALL BE MAINTAINED THE FULL WIDTH OF THE STAIRWAY. CRC SECTION R311.7.2. WITHIN DWELLING UNITS, THE MAXIMUM RISER HEIGHT SHALL BE 7'-3/4"; THE MINIMUM TREAD DEPTH SHALL BE 10 INCHES. CRC SECTIONS R311.7.4.1 AND R311.7.4.2.
- 2) GUARDRAILS AND HANDRAILS SHALL BE STRUCTURED TO WITHSTAND A 200# LATERAL LOAD.
  - a) HANDRAILS: HANDRAIL HEIGHT, MEASURED ABOVE STAIR TREAD NOSINGS, SHALL BE UNIFORM, NOT LESS THAN 34 INCHES AND NOT MORE THAN 38 INCHES. CRC SECTION R311.7.7.1. HANDRAILS WITH A CIRCULAR CROSS-SECTION SHALL HAVE AN OUTSIDE DIAMETER OF AT LEAST 1.25 INCHES AND NOT GREATER THAN 2 INCHES. IF THE HANDRAIL IS NOT CIRCULAR, IT SHALL HAVE A PERIMETER DIMENSION OF AT LEAST 4 INCHES AND NOT GREATER THAN 6.25 INCHES. EDGES SHALL HAVE A MINIMUM RADIUS OF 0.01 INCH. CRC SECTION R311.7.7.3. HANDRAILS WITHIN DWELLING UNITS ARE PERMITTED TO BE INTERRUPTED BY A NEWEL POST AT A STAIR LANDING. CRC SECTION R311.7.7.2. CLEAR SPACE BETWEEN A HANDRAIL AND A WALL OR OTHER SURFACE SHALL BE A MINIMUM OF 1.5 INCHES. CRC SECTION 1012.6. PROJECTIONS INTO THE REQUIRED WIDTH OF STAIRWAYS AT EACH HANDRAIL SHALL NOT EXCEED 4.5 INCHES AT OR BELOW THE HANDRAIL HEIGHT. CRC SECTION 1012.8. PROVIDE CONTINUOUS HANDRAIL FOR STAIRWAY WITH 4 OR MORE RISERS AS PER R311.
  - b) GUARDRAILS: GUARDS SHALL FORM A PROTECTIVE BARRIER NOT LESS THAN 42 INCHES HIGH, MEASURED VERTICALLY ABOVE THE LEADING EDGE OF THE TREAD OR ADJACENT WALKING SURFACE. WITHIN DWELLING UNITS, GUARDS WHOSE TOP RAIL ALSO SERVES AS A HANDRAIL SHALL HAVE A HEIGHT NOT LESS THAN 34 INCHES AND NOT MORE THAN 38 INCHES MEASURED VERTICALLY FROM THE LEADING EDGE OF THE STAIR TREAD NOSING. CRC SECTION R312.2. OPEN GUARDS SHALL HAVE INTERMEDIATE RAILS SUCH THAT A 4 INCH DIAMETER SPHERE CANNOT PASS THROUGH ANY OPENING. THE TRIANGULAR OPENINGS FORMED BY THE RISER, TREAD, AND BOTTOM RAIL AT THE OPEN SIDE OF A STAIRWAY SHALL BE OF A MAXIMUM SIZE SUCH THAT A SPHERE OF 6 INCHES IN DIAMETER CANNOT PASS THROUGH THE OPENING. CRC SECTION R312.3.
- 3) THE WALLS AND SOFFITS OF THE ENCLOSED SPACE UNDER STAIRS SHALL BE PROTECTED ON THE ENCLOSED SIDE WITH 1/2" GYPSUM WALLBOARD. CRC SECTION R302.7
- 4) MINIMUM OCCUPANCY SEPARATION BETWEEN GARAGE AND RESIDENCE SHALL BE AS FOLLOWS: 1/2" GYPSUM WALLBOARD SHALL BE INSTALLED ON THE GARAGE SIDE OF THE WALL SEPARATING THE GARAGE FROM THE RESIDENCE AND 5/8" TYPE-X GYPSUM WALLBOARD AT THE UNDERSIDE OF THE HABITABLE ROOM ABOVE THE GARAGE. CRC SECTION AND TABLE R302.6
- 5) MINIMUM OPENING PROTECTION FOR DOOR BETWEEN GARAGE AND RESIDENCE SHALL BE THE INSTALLATION OF A SELF-CLOSING TIGHT-FITTING SOLID WOOD DOOR 1-3/8" IN THICKNESS OR A SELF-CLOSING TIGHT-FITTING DOOR HAVING A FIRE PROTECTION RATING OF NOT LESS THAN 20 MINUTES. CRC SECTION R302.5.1.
- 6) PROVIDE ROOF TERMINATIONS FOR GAS APPLIANCES. APPLIANCE SHALL BE INSTALLED PER MANUFACTURER'S SPECIFICATIONS. SEE FLUE MANUFACTURER'S SPECIFICATIONS FOR FLUE CLEARANCES. VERIFICATION OR APPROVAL OF VENT HEIGHT AND LOCATION WITH AN INSPECTOR PRIOR TO INSTALLATION IS SUGGESTED. ALL GAS FIREPLACES SHALL BE DIRECT-VENT SEALED-COMBUSTION TYPE PER CALGREEN - GREEN BUILDING CODE SECTION 4.503.
- 7) THE FOLLOWING SHALL BE CONSIDERED HAZARDOUS LOCATIONS REQUIRING SAFETY GLAZING: GLAZING IN DOORS AND ENCLOSURES FOR HOT TUBS, WHIRLPOOLS, SAUNAS, STEAM ROOMS, BATHTUBS, AND SHOWERS; GLAZING IN ANY PORTION OF A BUILDING WALL ENCLLOSING THESE COMPARTMENTS WHERE THE BOTTOM EXPOSED EDGE OF THE GLAZING IS LESS THAN 60" ABOVE A STANDING SURFACE AND DRAIN INLET; GLAZING WITHIN A 24" ARC OF EITHER VERTICAL EDGE OF A DOOR IN CLOSED POSITION; GLAZING ADJACENT TO STAIRWAYS AND LANDINGS WITHIN 36 INCHES HORIZONTALLY OF A WALKING SURFACE WHEN THE EXPOSED SURFACE OF THE GLASS IS LESS THAN 60 INCHES ABOVE THE PLANE OF THE ADJACENT WALKING SURFACE; GLAZING ADJACENT TO STAIRWAYS WITHIN 60 INCHES HORIZONTALLY OF THE BOTTOM TREAD OF A STAIRWAY IN ANY DIRECTION WHEN THE EXPOSED SURFACE OF THE GLASS IS LESS THAN 60 INCHES ABOVE THE NOSE OF THE TREAD. CRC SECTION R308.4.
  - a) CONTRACTOR SHALL VERIFY SAFETY GLAZING AT ALL LOCATIONS PER CBC.
  - b) EXTERIOR WINDOWS, WINDOW WALLS, GLAZED DOORS, AND GLAZED OPENINGS WITHIN EXTERIOR DOORS SHALL BE INSULATING-GLASS UNITS WITH A MINIMUM OF ONE TEMPERED PANE. CRC SECTION R337.8.2.
- 8) SLEEPING ROOMS BELOW THE FOURTH STORY ABOVE GRADE PLANE SHALL HAVE AT LEAST ONE EXTERIOR EMERGENCY ESCAPE AND RESCUE OPENING. CRC SECTION R310.1. EMERGENCY ESCAPE AND RESCUE OPENINGS SHALL HAVE A MINIMUM NET CLEAR OPENING OF 5.7 SQUARE FEET. THE MINIMUM NET CLEAR OPENING HEIGHT DIMENSION SHALL BE 24 INCHES. THE MINIMUM NET CLEAR OPENING WIDTH DIMENSION SHALL BE 20 INCHES. CRC SECTIONS R310.1.1 THROUGH R310.1.3. EMERGENCY ESCAPE AND RESCUE OPENINGS SHALL HAVE THE BOTTOM OF THE CLEAR OPENING NOT GREATER THAN 44 INCHES MEASURED FROM THE FLOOR. CRC SECTION R310.1.
- 9) DECKING, SURFACES, STAIR TREADS, RISERS, AND LANDINGS OF DECKS, PORCHES, AND BALCONIES WHERE ANY PORTION OF SUCH SURFACE IS WITHIN 10 FEET OF THE PRIMARY STRUCTURE SHALL BE CONSTRUCTED WITH HEAVY TIMBER, EXTERIOR FIRE-RETARDANT-TREATED WOOD OR APPROVED NONCOMBUSTIBLE MATERIALS. CRC SECTION R337.9.
- 10) OPENINGS IN THE BUILDING ENVELOPE SEPARATING CONDITIONED SPACE FROM UNCONDITIONED SPACE NEEDED TO ACCOMMODATE GAS, PLUMBING, ELECTRICAL LINES AND OTHER NECESSARY PENETRATIONS MUST BE SEALED IN COMPLIANCE WITH THE CALIFORNIA ENERGY CODE AND ALSO THE CALIFORNIA RESIDENTIAL CODE CRC R316 WHERE FOAM PLASTIC INSULATION IS PROPOSED FOR COMPLIANCE. EXCEPTION: ANNULAR SPACES AROUND PIPES, ELECTRIC CABLES, CONDUITS, OR OTHER OPENINGS IN PLATES AT EXTERIOR WALLS SHALL BE PROTECTED AGAINST THE PASSAGE OF ROENTGENS BY CLOSING SUCH OPENINGS WITH CEMENT MORTAR, CONCRETE MASONRY OR SIMILAR METHOD ACCEPTABLE TO THE ENFORCING AGENCY, CALGREEN 4.406.1
- 11) ATTIC ACCESS SHALL BE WEATHER-STRIPPED TO PREVENT AIR LEAKAGE - ATTIC ACCESS SHALL HAVE PERMANENTLY ATTACHED INSULATION USING ADHESIVE OR MECHANICAL FASTENERS.
- 12) GARAGE SHALL BE SEPARATED FROM THE DWELLING & ITS ATTIC SPACE BY MEANS OF 1/2" GYP BD APPLIED TO THE GARAGE SIDE OF THE COMMON WALLS & CEILING. THE GARAGE SHALL BE SEPARATED FROM THE DWELLING SPACE ABOVE BY 5/8" TYPE-X GYP BD @ THE CEILING. NOT LESS THAN 1/2" GYP BD SHALL BE APPLIED TO STRUCTURES SUPPORTING THE FLOOR/ CLG ASSEMBLY USED FOR SEPARATION.
- 13) OPENINGS FROM A PRIVATE GARAGE DIRECTLY INTO A ROOM USED FOR SLEEPING PURPOSES SHALL NOT BE PERMITTED. R302.5.1.
- 14) BEDROOM WINDOWS ARE REQUIRED TO MEET EMERGENCY & ESCAPE & RESCUE OPENING REQUIREMENTS OF 2019 CRC 310. WINDOW CHANGE OUTS ARE EXEMPT FROM SILL HEIGHTS, BUT MUST BE OF A STYLE TO OFFER THE LARGEST SIZE OPENING TO MEET THE MINIMUM OPENING SIZE REQUIRED WITHIN THE EXISTING FRAMED OPENING.

**Figone ADU & Garage**

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**REVISIONS**

NO.	DESCRIPTION	DATE

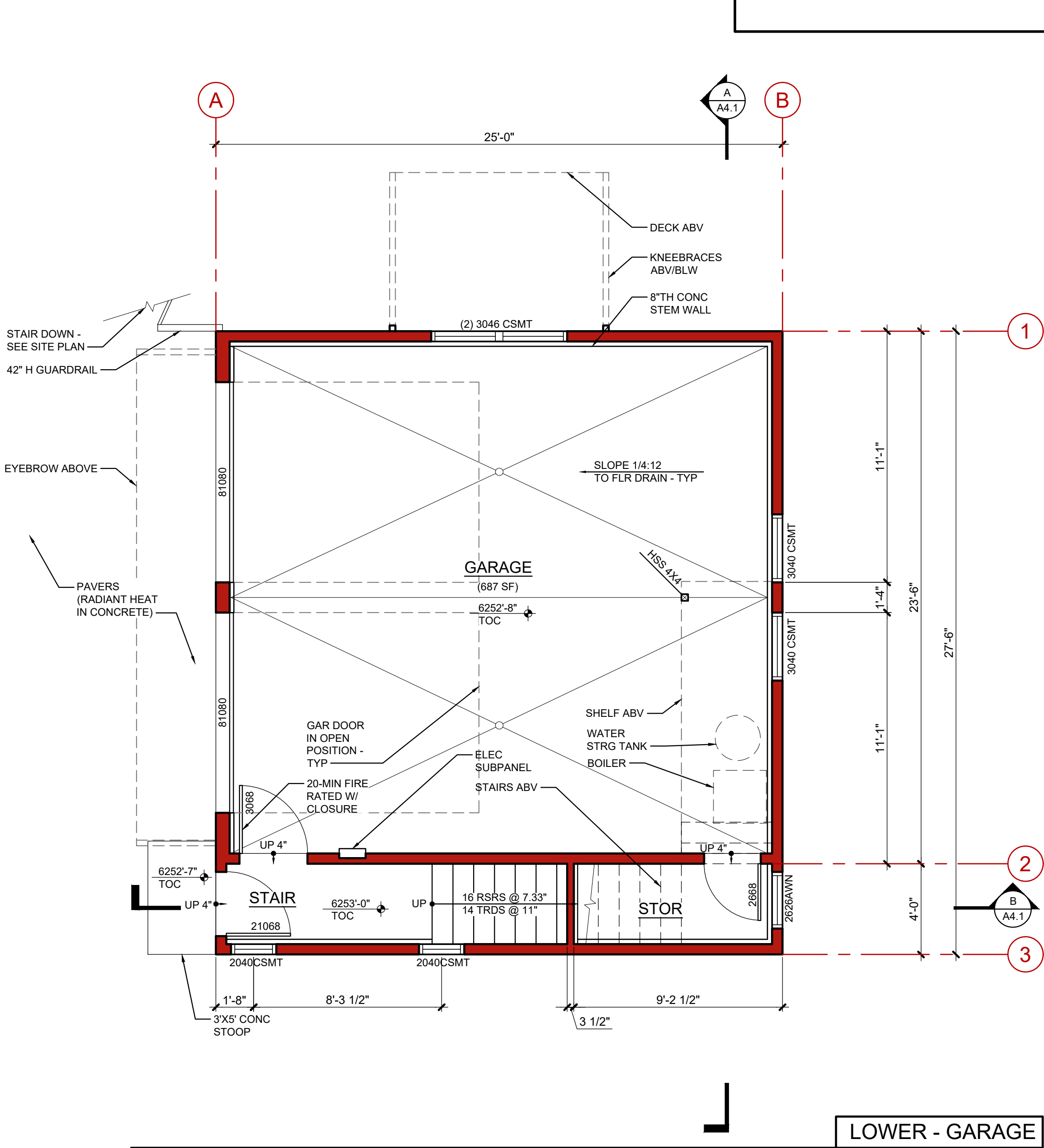
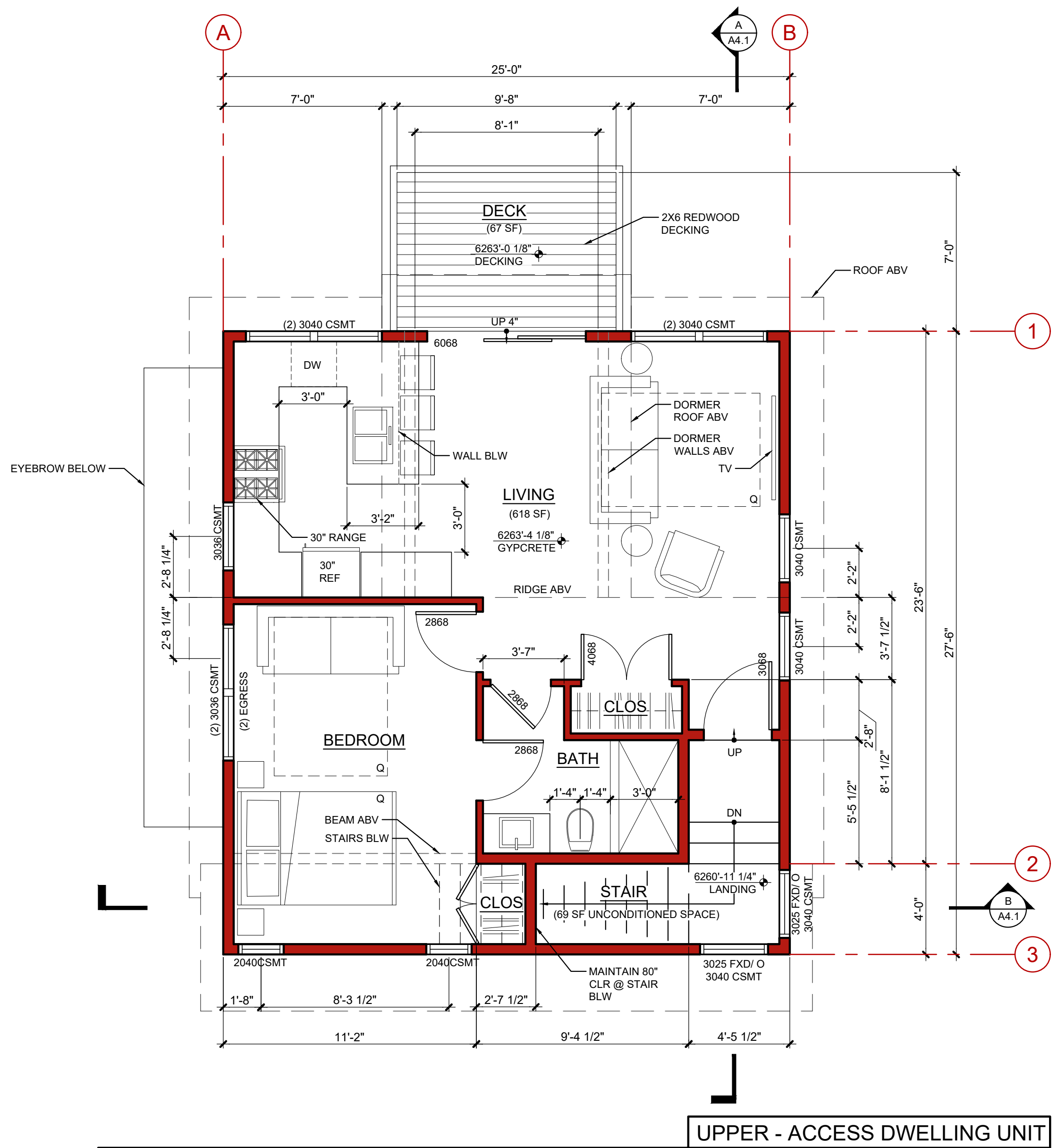
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JOB NUMBER	1521.2
FILE NUMBER	1521.2_A2X
ISSUE DATE	21 January 2023
SUBJECT	HOA Review #3
SCALE	1/4" = 1'-0 UNO

TITLE

**FLOOR PLANS**

**A2.1**

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN CONSENT.



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# Figone ADU & Garage

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NO.	REVISIONS

PERMIT NUMBER	
JOB NUMBER	1521.2
FILE NUMBER	1521.2_A3X
ISSUE DATE	21 January 2023
SUBJECT	HOA Review #3
SCALE	1/4" = 1'-0" UNO

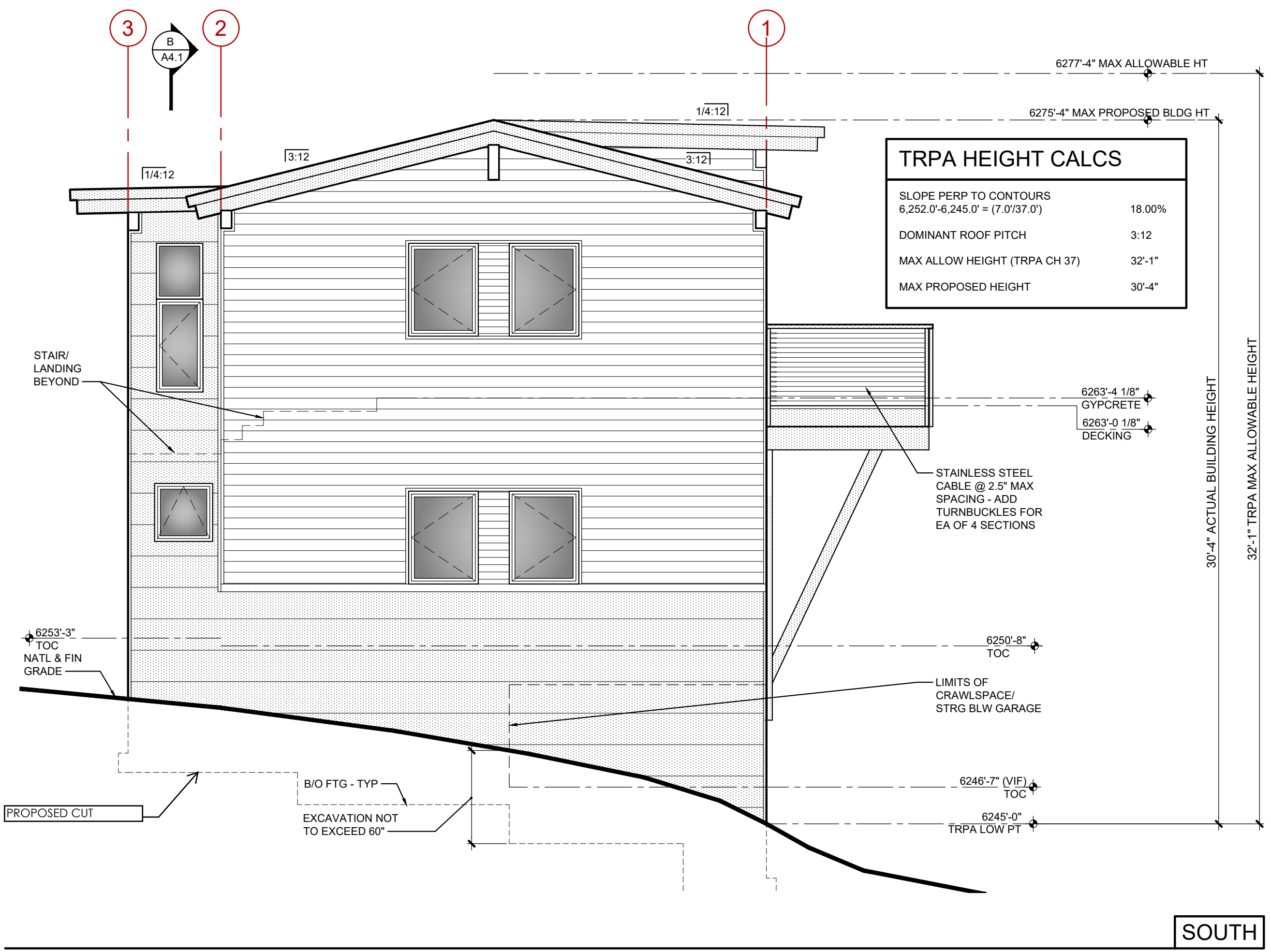
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## BUILDING ELEVATIONS

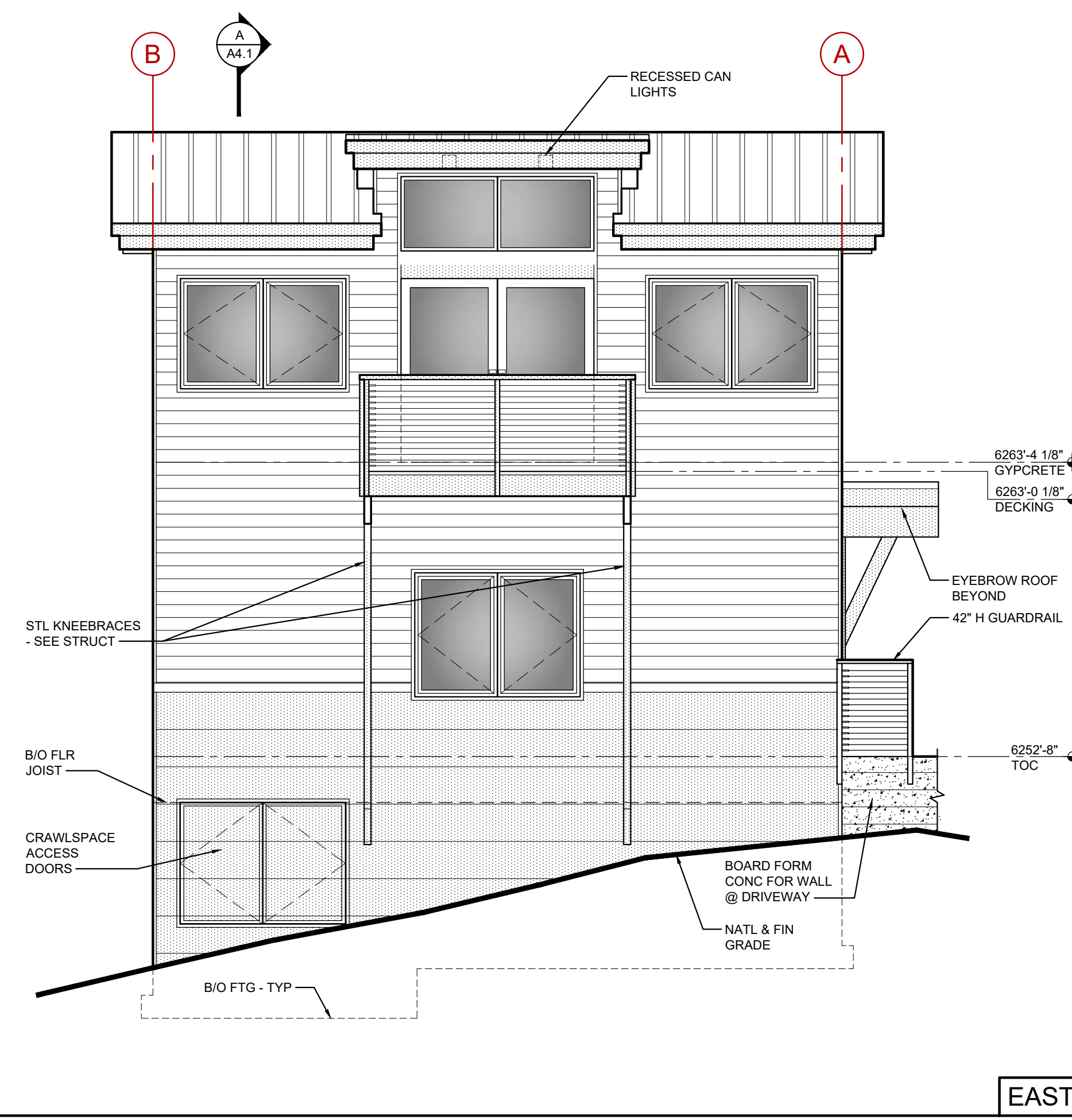
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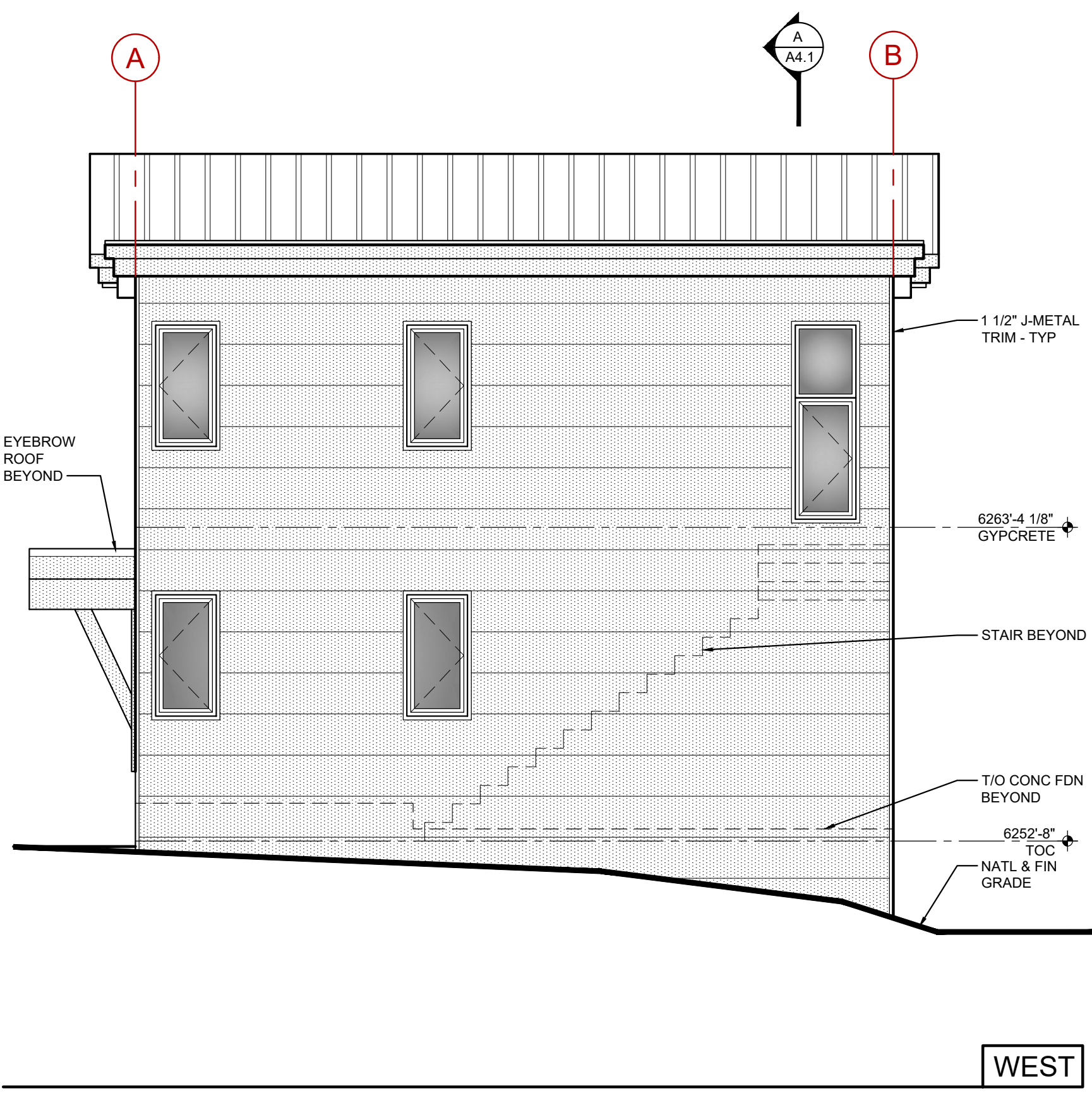
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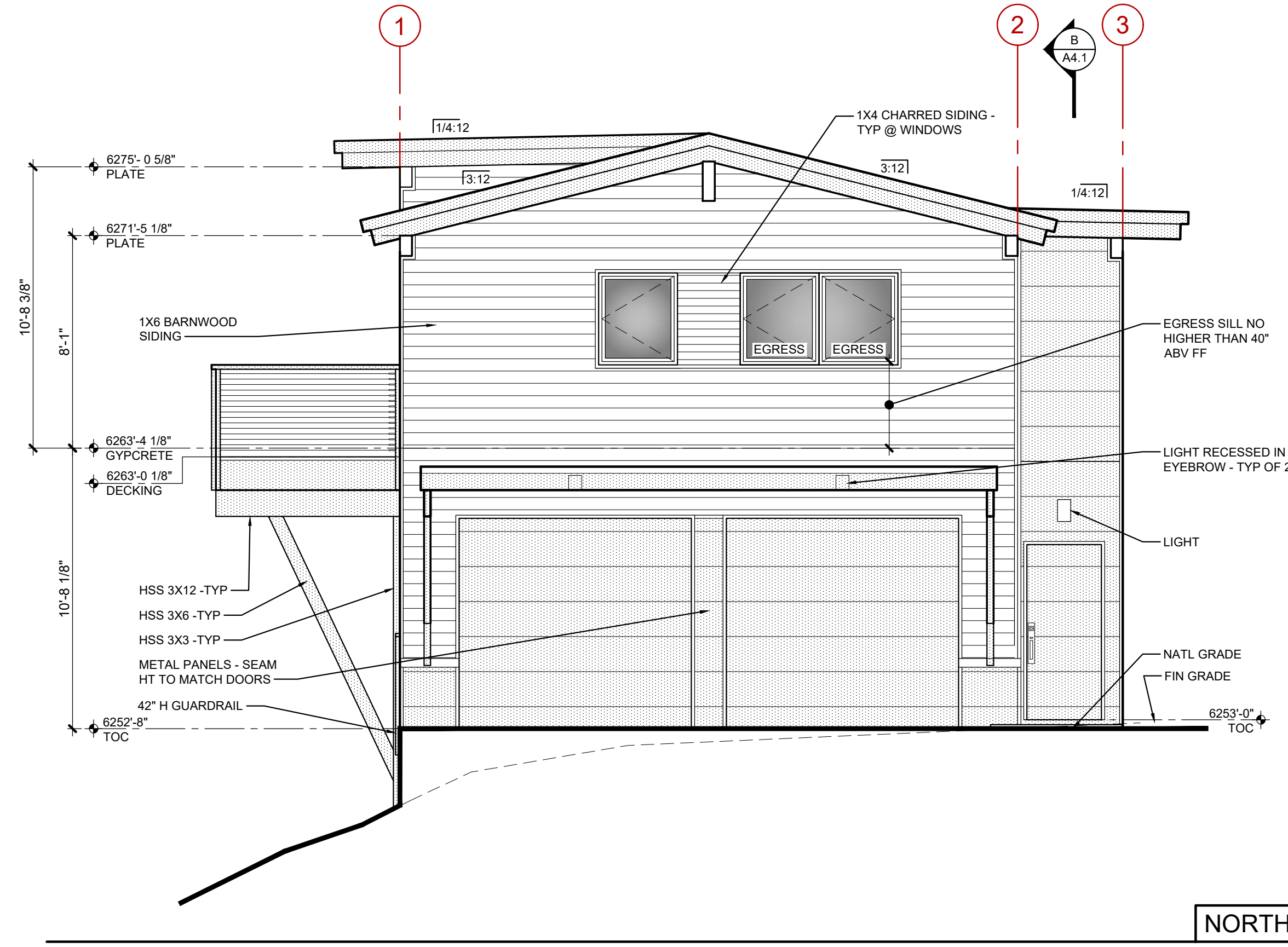
SOUTH



EAST



WEST



NORTH

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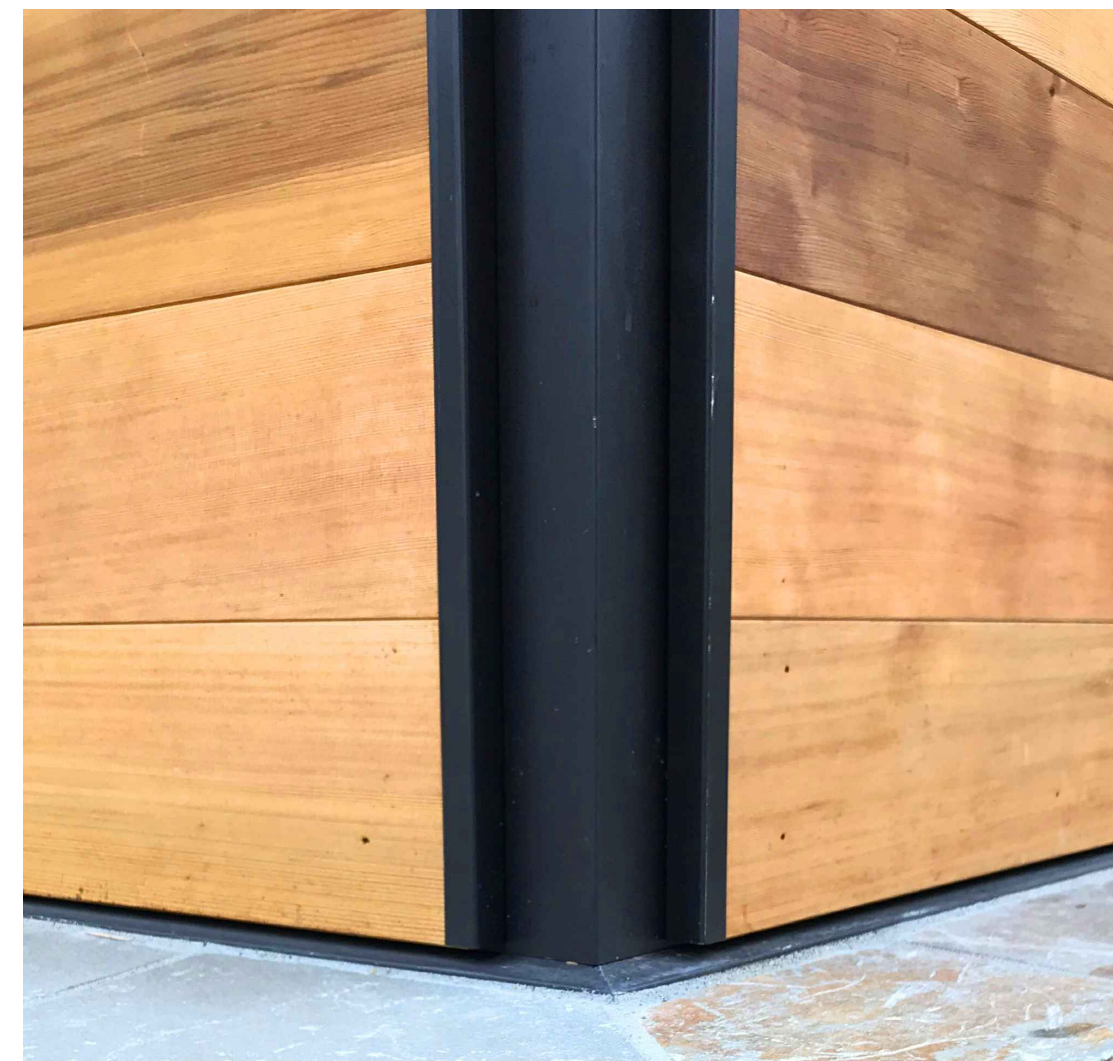
1) WOOD SIDING (1X6)



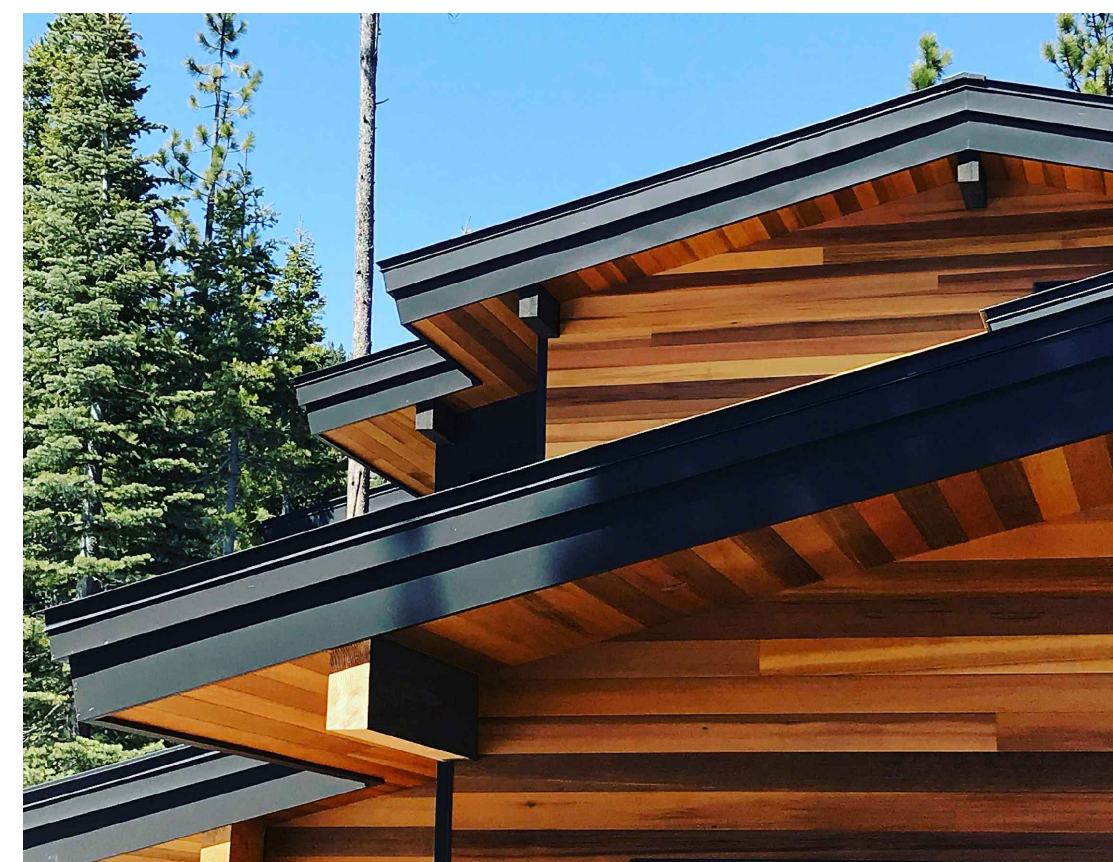
2) METAL PANEL SIDING & TRIM DETAIL. COLOR IS NOT AS PROPOSED - SEE SCHEDULE.



6) WOOD SIDING (1X4)



2) 3-PIECE METAL CORNER TRIM DETAIL. COLOR IS NOT AS PROPOSED. WOOD SIDING IS NOT PROPOSED - SEE SCHEDULE.



2) METAL ROOFING; METAL FASCIA & SHINGLE MOULD DETAIL. COLOR IS NOT AS PROPOSED.  
5) SOFFITS  
WOOD SIDING IS NOT AS PROPOSED. SEE SCHEDULE.

## EXTERIOR COVERINGS NOTES

- 1) EXTERIOR WALLS/COVERINGS SHALL COMPLY WITH THE REQUIREMENTS OF CRC SECTION R703. WALL COVERINGS SHALL HAVE AN ASSEMBLY INSTALLED IN ACCORDANCE WITH ITS LISTING AND THE MANUFACTURER'S INSTALLATION INSTRUCTIONS. WHEN REQUIRED, EXTERIOR WALLS/COVERINGS SHALL ALSO FULLY COMPLY WITH WUI-CODE CRC SECTION R337.7.
- 2) EXTERIOR WALL COVERINGS, BACKING MATERIALS AND THEIR ATTACHMENTS SHALL MEET OR EXCEED WATER AND WIND RESISTANCE AS DESCRIBED AND IN ACCORDANCE WITH CRC SECTION R703.1.1, R703.1.2 AND R703.2.
- 3) EXTERIOR WALL COVERINGS SHALL MEET OR EXCEED THE THICKNESS AND ATTACHMENT/FASTENER REQUIREMENTS AS DESCRIBED AND IN ACCORDANCE WITH CRC SECTION R703.3.
- 4) PROVIDE CORROSION-RESISTANT FLASHINGS AS DESCRIBED AND IN ACCORDANCE WITH CRC SECTION R703.4.
- 5) INSTALL HORIZONTAL AND VERTICAL WOOD AND HARDWOOD SIDING IN ACCORDANCE WITH CRC SECTION R705.
- 6) WATER-RESISTIVE BARRIERS SHALL BE INSTALLED OVER WOOD-BASED SHEATHING AS REQUIRED AND DESCRIBED AND IN ACCORDANCE WITH CRC SECTION R703.7.3.

## HEIGHT CALCULATIONS

SEE SHEET A3.1

## EXTERIOR FINISH SCHEDULE

- 1) WOOD SIDING: 1X8 TRESTLEWOOD NATURE AGED CEDAR T&G W/1/4"X1/4" CHANNEL; OFSM #8140-2041:0001
- 2) PAINTED STEEL METAL ROOFING; METAL PANEL SIDING, FLASHINGS, CORNER TRIM, WINDOW & DOOR TRIM, WATERTABLE, FASCIA/SHINGLE MOULD CLADDING: BERRIDGE POWDERCOAT KYNAR 500 LOW GLOSS "AGED BRONZE"
- 3) LIGHTING FIXTURES/TRIMS: PAINTED TO MATCH METAL PANEL. SCONES: HINKLEY "KUBE" - SEE SPEC ON SHEET A3.2
- 4) WINDOWS: ANDERSEN "BLACK"
- 5) SOFFITS: 1X6 DOLLY VARDEN CLEAR VERT GRAIN CEDAR T&G - FINE LINE - NAT'L STAIN
- 6) WOOD SIDING: 1X4 CYPRESS T&G DELTA MILLWORKS, BURNED & BRUSHED - NAT'L FINISH - OFSM #8140-2041:001

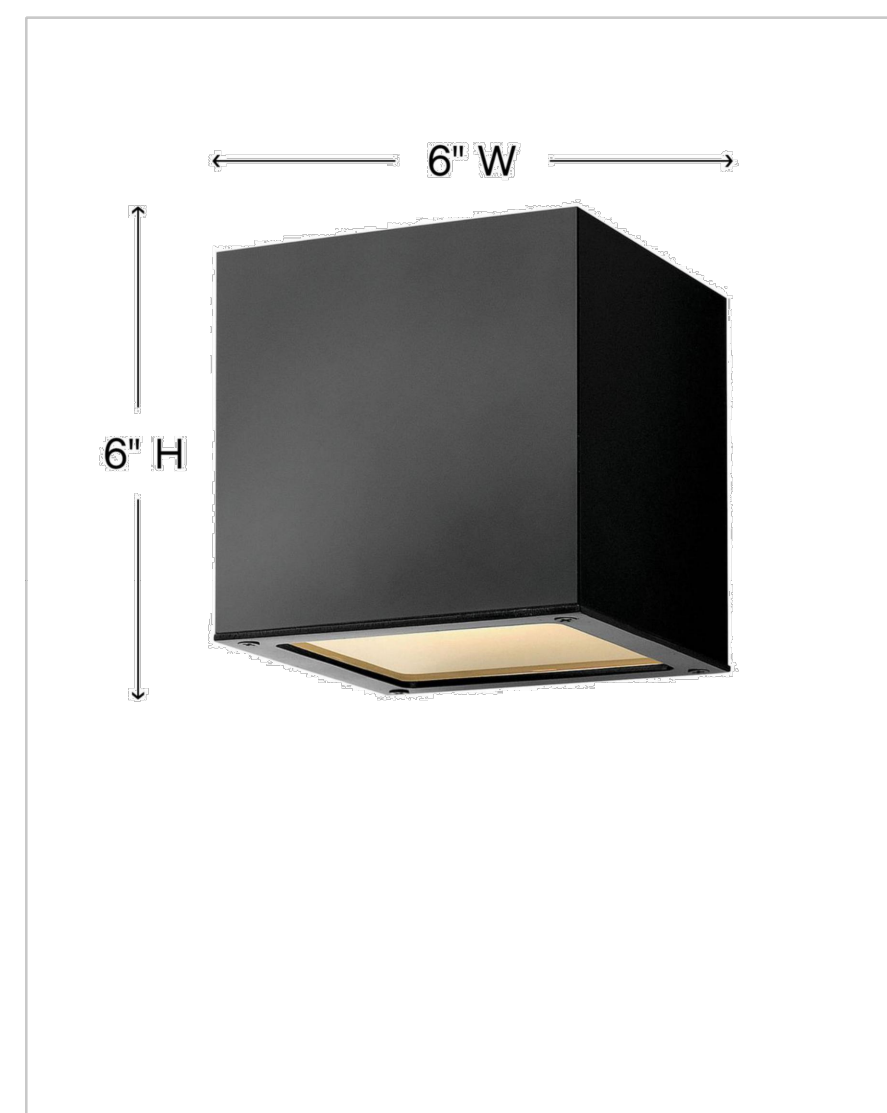
## EXTERIOR FINISH LEGEND

### TRPA DESIGN STANDARDS:

- 1) COLOR: THE COLOR OF THE STRUCTURE, INCLUDING ANY FENCES ON THE PROPERTY, SHALL BE COMPATIBLE WITH THE SURROUNDINGS. SUBDUED COLORS IN THE EARTH TONE AND WOOD TONE RANGES SHALL BE USED FOR THE PRIMARY COLOR OF THE STRUCTURE. HUES SHALL BE WITHIN THE RANGE OF NATURAL COLORS THAT BLEND, RATHER THAN CONTRAST, WITH THE EXISTING VEGETATION AND EARTH HUES. APPROPRIATE EARTH TONES ARE CONSIDERED TO BE SHADES OF DARK REDDISH BROWN, DARK BROWN, AND DARK GREEN.
- 2) ROOFS: ROOFS SHALL BE COMPOSED OF NON-GLARE EARTH TONE OR WOOD TONE MATERIALS THAT MINIMIZE REFLECTIVITY. ALL EXPOSED METAL ROOFING MATERIALS, INCLUDING FLASHING AND CHIMNEY CAPS SHALL BE PAINTED OR PRE-WEATHERED TO MINIMIZE REFLECTIVITY. GLOSS RATING (G.R.), AROUND OR BELOW 10. GC SHALL CONFIRM ROOFING G.R. COMPLIANCE W/ TRPA.
- 3) EXTERIOR LIGHTING: ALL EXTERIOR LIGHTING SHALL BE CONSISTENT WITH TRPA CODE OF ORDINANCES, CHAPTER 30, SECTION 30.8, EXTERIOR LIGHTING STANDARDS.

## ROOF NOTES

- 1) ROOFS SHALL COMPLY WITH THE REQUIREMENTS OF CRC SECTION R337 AND R902. ROOFS SHALL HAVE A ROOFING ASSEMBLY INSTALLED IN ACCORDANCE WITH ITS LISTING AND THE MANUFACTURER'S INSTALLATION INSTRUCTIONS. CRC SECTION R337.5.2.
- 2) ROOF COVERING MATERIAL SHALL BE METAL, NON-COMBUSTIBLE, OR SHALL BE LISTED AS CLASS "A" FIRE RETARDANT MATERIAL. CERTIFICATE OF COMPLIANCE SHALL BE FILED WITH THE BUILDING DEPARTMENT.
- 3) WHEN PROVIDED, VALLEY FLASHINGS SHALL BE NOT LESS THAN 0.019-INCH CORROSION-RESISTANT METAL INSTALLED OVER A MINIMUM 36-INCH-WIDE UNDERLAYMENT CONSISTING ON ONE LAYER OF NO. 72 ASTM CAP SHEET RUNNING THE FULL LENGTH OF THE VALLEY. CRC SECTION R337.5.3. CBC SECTION 705A.3.
- 4) ALL ROOFS, REGARDLESS OF COVERING, WITH A PITCH OF LESS THAN 8:12 SHALL BE PROTECTED AGAINST LEAKAGE FROM ICE BUILD UP. ICE GUARD SHALL BE INSTALLED WITH AN APPROVED CEMENTING MATERIAL SO THAT THE MEMBRANE AND ROOF SHEATHING ARE SOLID MORTED TOGETHER EXTENDING FROM THE EAVE, INCLUDING THE OVERHANG, UP THE ROOF TO A POINT 5 FEET INSIDE THE EXTERIOR WALL LINE OF THE BUILDING. PROTECTION ALSO REQUIRED AT RAKE WALLS AND VALLEYS, 30" ALONG EACH SIDE. THIS SHALL BE COMPLETED IN ADDITION TO UNDERLAYMENT OTHERWISE REQUIRED.
- 5) EAVES AND SOFFITS SHALL MEET THE REQUIREMENTS OF CRC SECTION R337.7.5 OR SHALL BE PROTECTED BY IGNITION-RESISTANT MATERIALS OR NONCOMBUSTIBLE CONSTRUCTION ON THE EXPOSED UNDERSIDE.
- 6) ROOF GUTTERS: NOT USED
- 7) NOT USED.
- 8) VENTS: (E) ROOF VENTILATION TO REMAIN AND/ OR BE REPAIRED.
- 9) HOT OR COLD MOP UNDERLAYMENT ROOFING IS REQUIRED AS NOTED IN CRC SECTION R905.7.1
- 10) ALL PLUMBING VENT, B-VENTS, CHIMNEYS, AND MISC. OBSTRUCTIONS PROJECTING THROUGH A ROOF OF 3:12 SLOPE OR GREATER, SHALL BE PROTECTED FROM DAMAGE BY SKIDING SNOW OR ICE, EXCEPT FOR THOSE PROJECTIONS WITHIN 36" OF THE RIDGE. THIS SHALL BE ACCOMPLISHED BY USING FORMED METAL GUARDS CRICKETS, SADDLES, OR OTHER METHODS APPROVED BY THE CHIEF BUILDING OFFICIAL.



## KUBE

1769SK  
SMALL UP/DOWN LIGHT WALL MOUNT  
LANTERN

A collection of sleek designs, Kube's contemporary style featuring solid aluminum construction provides a chic, minimalist statement to complement a variety of exteriors.

DETAILS	
FINISH:	Satin Black
MATERIAL:	Extruded Aluminum
GLASS:	Etched Lens

DIMENSIONS	
WIDTH:	6"
HEIGHT:	6"
WEIGHT:	4 lbs.
BACK PLATE:	4.5" Sq.
EXTENSION:	6.8"
TOP TO OUTLET:	3"

LIGHT SOURCE	
LIGHT SOURCE:	Integrated LED
LED NAME:	(2) LC1-60
WATTAGE:	15w LED *included
VOLTAGE:	120v
COLOR TEMP:	3000,0000k
LUMENS:	1200
CRI:	96
INCANDESCENT EQUIVALENCY:	2-50w
DIMMABLE:	Yes, on any Incandescent, MLV, ELV, or C-L dimmer.

SHIPPING	
CARTON LENGTH:	8.5"
CARTON WIDTH:	9"
CARTON HEIGHT:	10"
CARTON WEIGHT:	4.5 lbs.

### PRODUCT DETAILS:

- Suitable for use in wet (interior direct splash and outdoor direct rain or sprinkler) locations as defined by NEC and CEC, Meets United States IUL Underwriters Laboratories & CSA Canadian Standards Association Product Safety Standards
- Meets California Energy Commission 2016 Title regulations/JA8
- This fixture will cast light up and down.
- 2 year finish warranty
- LED components carry a 5-year limited warranty
- Bold lines and a clean, minimalist style complement contemporary architecture
- Striking black finish enhances design

HINKLEY

HINKLEY  
33000 Pin Oak Parkway  
Avon Lake, OH 44012

PHONE: (440) 653-5500  
Toll Free: 1 (800) 446-5539

hinkley.com

### REVISIONS

### PERMIT NUMBER

JOB NUMBER	1521.2
FILE NUMBER	1521.2_A3X
ISSUE DATE	21 January 2023
SUBJECT	HOA Review #3
SCALE	1/4" = 1'-0 UNO

### TITLE

## BUILDING MATERIALS & FINISHES

# A3.2

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stamp

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project number 2022.062

drawn by - checked by -

ISSUES & REVISIONS

no.	description	date
A	INTFPD LAR	2023.03.23
1	TRPA Submittal	2023.06.05

project location

New Garage & ADU for:  
**Vicki Figone**  
32 Moana Circle  
Tahoma California  
Placer County 098-191-018

description

**TRPA Scenic  
Elevation**

sheet

**A3.3**

LEGAL COMMITTEE ITEM NO. 3 &  
AGENDA ITEM NO. VIII.A

FIGONE RESIDENCE - EXISTING HOUSE

	TRESTLE- WOOD 1x6 T&G SIDING	SAN SUGI BAN 1x4 T&G SIDING	METAL ROOF	FASCIA & TRIM	METAL PANELS	DECK & RAILING POSTS	(E) TOP RAIL	WINDOW FRAMES	WINDOW GLAZING	Lakefront Façade	
Area SF	102.0	111.0	376.0	84.0	282.0	97.5	7.0	49.0	293.0	1402	
Percentage	7.3%	7.9%	26.8%	6.0%	20.1%	7.0%	0.5%	3.5%	20.9%	100%	
Color and Reflectance Rating <sup>1</sup>	9	17	17	17	17	17	15	17	3		
Munsell Color for surface and Reflectance for glass	10YR - 5/2	10YR - 2/1	GLEY 1 2.5/1	GLEY 1 2.5/1	GLEY 1 2.5/1	GLEY 1 2.5/1	7.5YR - 4/6	GLEY 1 2.5/1	>11-13		
Percentage	0.7	1.3	4.6	1.0	3.4	1.2	0.1	0.6	0.6	13.5	
Surface Plane/ Texture Score <sup>2</sup>	8	8	6	6	6	6	6	6	5		
Texture:	heavy	heavy	minimal	minimal	minimal	minimal	minimal	minimal	no texture		
# of Planes: 6	0.6	0.6	1.6	0.4	1.2	0.4	0.0	0.2	1.0	6.0	
Percent of Perimeter Visible:	45%									Perimeter Score <sup>3</sup>	6
CONTRAST RATING										26	

FIGONE RESIDENCE - PROPOSED GARAGE

	TRESTLE- WOOD 1x6 T&G SIDING	SAN SUGI BAN 1x4 T&G SIDING	METAL ROOF	FASCIA & TRIM	WINDOW GLAZING	DECK RAIL & STRUCTURE	Lakefront Façade	
Area SF	450.0	5.0	48.0	80.0	88.0	35.0	706	
Percentage	63.7%	0.7%	6.8%	11.3%	12.5%	5.0%	100%	
Color and Reflectance Rating <sup>1</sup>	9	17	17	17	3	17		
Munsell Color for surface and Reflectance for glass	10YR - 5/2	10YR - 2/1	GLEY 1 2.5/1	GLEY 1 2.5/1	>11-13	GLEY 1 2.5/1		
Percentage	5.7	0.1	1.2	1.9	0.4	0.9	10.2	
Surface Plane/ Texture Score <sup>2</sup>	7	7	5	5	4	5		
Texture:	heavy	heavy	minimal	minimal	no texture	minimal		
# of Planes: 5	4.5	0.0	0.3	0.6	0.5	0.3	6.2	
Percent of Perimeter Visible:	50%						Perimeter Score <sup>3</sup>	6
CONTRAST RATING							22	

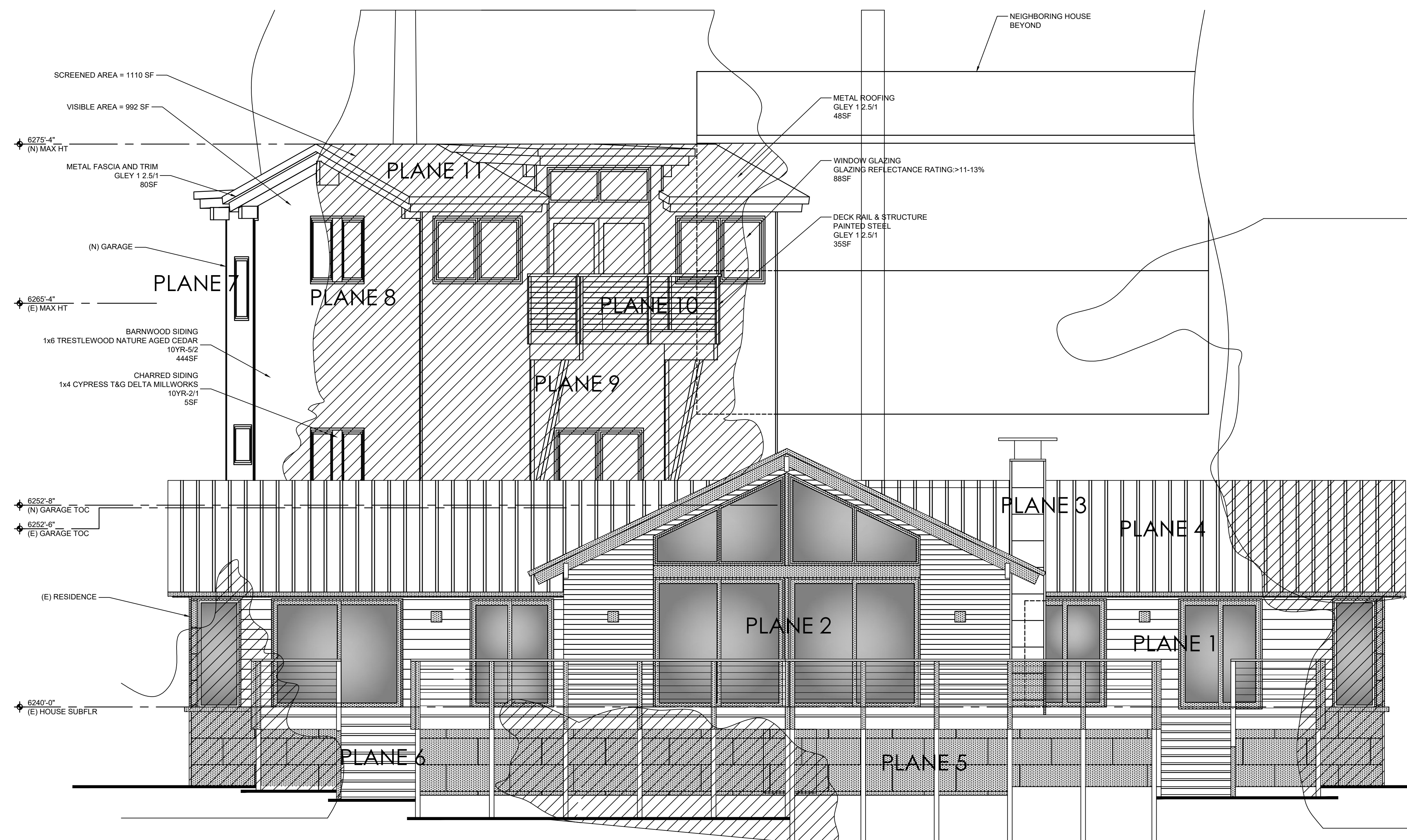
COMPOSITE SCORE

	Proposed Residence	Proposed Garage	Total Lakefront Façade
Area SF	1402	706	2108
Percentage	67%	33%	
CONTRAST RATING	26	22	24.7
	17.4	7.3	25

	Proposed house	Proposed Garage	TOTAL VISIBLE AREA
LAKEFRONT FAÇADE: SCREENED AREA:	1402 400	706 550	
VISIBLE AREA:	1002	156	1158 SF
VISIBLE S.F. ALLOWED	1190		
L.F. of Shoreline > 100'	0		
Possible Allowed Vis. S.F.	1190		

SCENIC GENERAL NOTES:

- THE VISUAL ASSESSMENT FOR THE PROPOSED PROJECT WAS EVALUATED AS A PROJECT AREA TO INCLUDE APN: 098-191-018
- THE PROJECT COMPLIES WITH LEVEL 4 OF THE VISUAL MAGNITUDE SYSTEM (SECTION 66.3.3) OF THE TRPA CODE OF ORDINANCES.
- THE TOTAL SQUARE FEET OF VISIBLE AREA ALLOWED FOR THIS PROJECT PER CODE IS 1,190SF. THE PROPOSED TOTAL VISIBLE AREA FOR THIS PROJECT IS 1,158SF.
- COLOR: THE COLOR OF THIS STRUCTURE, INCLUDING ANY FENCES ON THE PROPERTY, SHALL BE COMPATIBLE WITH THE SURROUNDINGS. SUBSIDED COLORS IN THE EARTH TONE AND WOOD TONE RANGES SHALL BE USED FOR THE PRIMARY COLOR OF THE STRUCTURE. HUES SHALL BE WITHIN THE RANGE OF NATURAL COLORS THAT BLEND, RATHER THAN CONTRAST, WITH THE EXISTING VEGETATION AND EARTH HUES. EARTH TONE COLORS ARE CONSIDERED TO BE SHADES OF REDDISH BROWN, BROWN, TAN, OCHRE, AND UMBER.
- ROOFS: ROOF SHALL BE COMPOSED OF NON-GLARE EARTH TONE OR WOOD TONE MATERIALS THAT MINIMIZE REFLECTIVITY.
- FENCES: WOODEN FENCES SHALL BE USED WHENEVER POSSIBLE. IF CYCLONE FENCE MUST BE USED, IT SHALL BE COATED WITH BROWN OR BLACK VINYL, INCLUDING FENCE POLES.



NORTH ELEVATION - LAKEFRONT FAÇADE

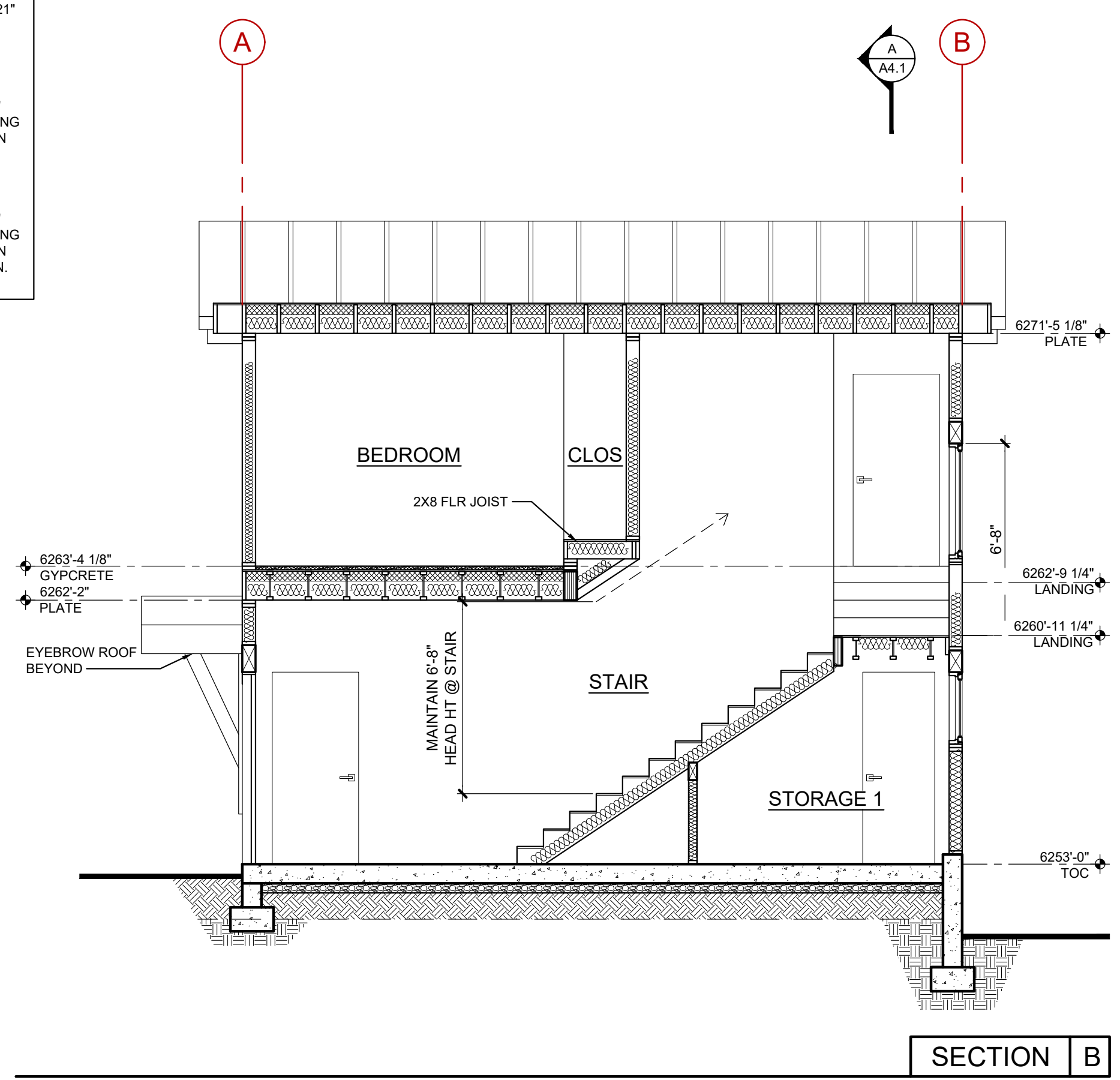
SCALE: 1/4" = 1'-0"

# Figone ADU & Garage

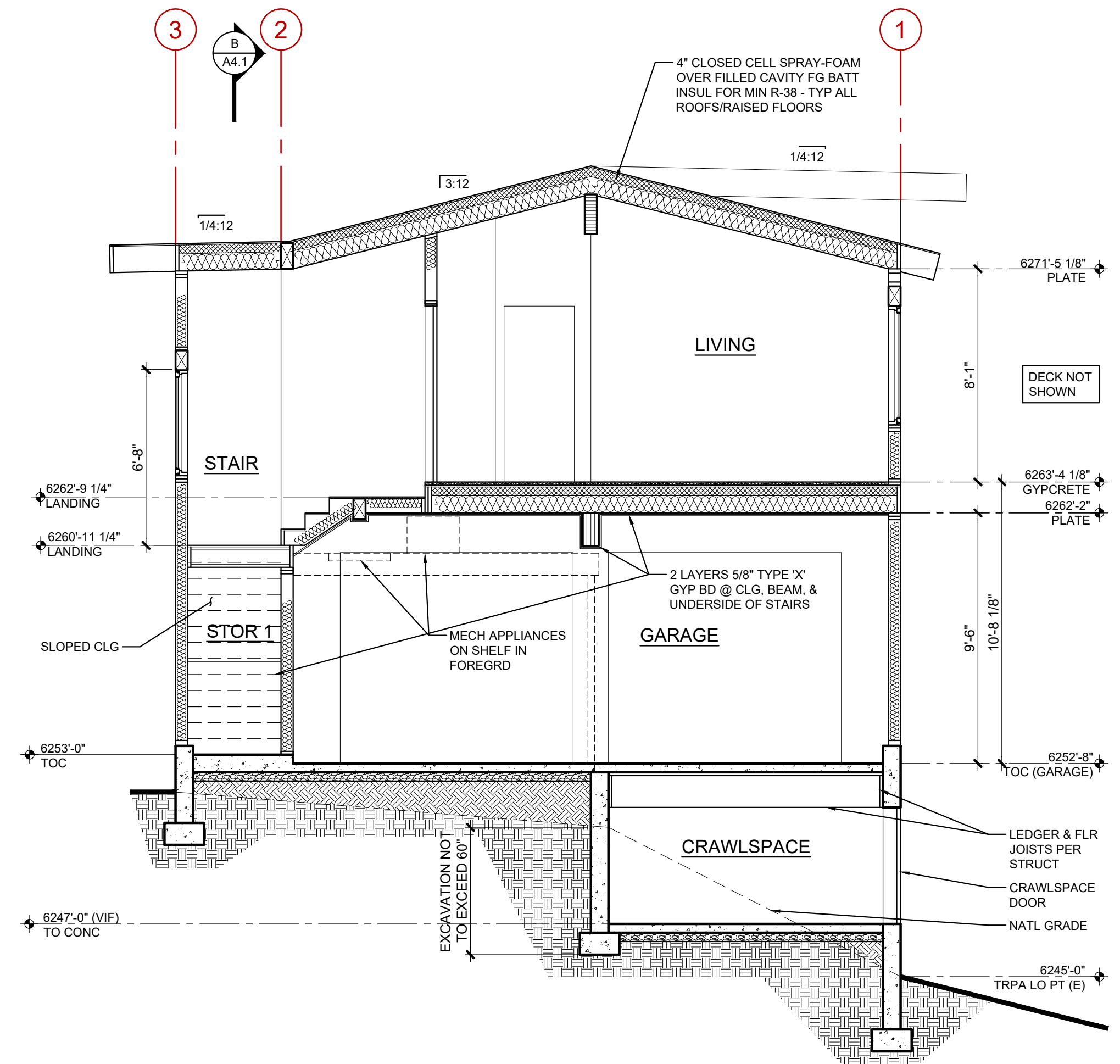
32 Moana Circle  
Tahoma CA 96142  
Placer County APN 098-191-018

Vicki Figone  
35 Creekview Circle  
Larkspur CA 94939  
415 377 8817  
vickifigone@hotmail.com

- NOTES:**
1. PROVIDE AN ICE BARRIER UNDERLAYMENT @ THE ROOFING EXTENDING FROM THE EDGES OF ALL ROOF SURFACES TO A POINT AT LEAST 21" INSIDE THE EXTERIOR WALL LINE OF THE BUILDING
  2. ROOF EAVES & SOFFITS SHALL BE NON-COMBUSTIBLE MATERIAL/ IGNITION RESISTANT MATERIAL OR ONE LAYER OF 5/8" TYPE 'X' EXTERIOR RATED GYPSUM SHEATHING APPLIED BEHIND AN EXTERIOR COVERING ON THE UNDERSIDE OF THE EAVE OR SOFFIT.
  3. FLOOR PROJECTIONS SHALL BE NON-COMBUSTIBLE MATERIAL/ IGNITION RESISTANT MATERIAL OR ONE LAYER OF 5/8" TYPE 'X' EXTERIOR RATED GYPSUM SHEATHING APPLIED BEHIND AN EXTERIOR COVERING ON THE UNDERSIDE OF THE FLOOR PROJECTION.



SECTION B



SECTION A

REVISIONS

NO.	DESCRIPTION

PERMIT NUMBER	
JOB NUMBER	1521.2
FILE NUMBER	1521.2_A4X
ISSUE DATE	21 January 2023
SUBJECT	HOA Review #3
SCALE	1/4" = 1'-0 UNO

TITLE

## BUILDING SECTIONS

# A4.1

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LEGAL COMMITTEE ITEM NO. 3 & AGENDA ITEM NO. VIII.A

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STAFF REPORT

Date: May 15, 2024  
To: TRPA Governing Board  
From: TRPA Staff  
Subject: Updates to the Environmental Threshold Carrying Capacities (Threshold Standards)

---

Summary and Staff Recommendation

TRPA staff and partners continuously work to incorporate the latest science and best practices to improve natural resource management in Tahoe. The presentation will cover proposed modifications to threshold standards in three focus areas; 1) Stream Environment Zone (SEZ) restoration, 2) Aquatic Invasive Species control, and 3) Tahoe Yellow Cress conservation. The proposed modifications were developed by the Environmental Improvement Program subject matter expert working groups and were reviewed by the Tahoe Interagency Executive Steering Committee. The Threshold Update Initiative Stakeholder Working Group, the Advisory Planning Commission, and the Regional Planning Committee recommend adoption of the proposed modifications.

Required Motions:

In order to recommend approval of the requested action, the Governing Board must make the following motions based on the staff summary:

- 1) A motion to recommend approval of the required findings (Attachment B) including a finding of no significant effect.
- 2) A motion to adopt Ordinance 2024-\_\_\_, amending Ordinance 2019-02 (Attachment A-Exhibit 1), updates to the threshold standards for 1) Stream Environment Zone (SEZ) restoration, 2) Aquatic Invasive Species control, and 3) Tahoe Yellow Cress conservation.

In order for the motions to pass, at least four of the members of each State agreeing with the vote of at least four members of the other State shall be required.

Regional Planning Committee Recommendation

On April 23, 2024, the Regional Planning Committee voted unanimously to recommend the adoption of the proposed threshold standards as presented in Attachment A – Exhibit 1.

### Advisory Planning Commission Recommendation

On April 10, 2024, the Advisory Planning Commission voted unanimously to recommend the adoption of the proposed threshold standards as presented in Attachment A - Exhibit 1, subject to two modifications that have been incorporated into the exhibit.

- 1) The addition of “a minimum of” to the proposed SEZ restoration standard to clarify that restoration above 88% would be consistent with standard attainment.
- 2) Correction of a typo in VP22, which listed the scientific name of Galena Creek rockcress, as “Arabis rigidissima var. demote.” The proper spelling is Arabis rigidissima var. demota.

### Threshold Update Initiative Stakeholder Working Group Recommendation

The Threshold Update Initiative Stakeholder Working Group recommended the adoption of the proposed threshold standards on February 14, 2024. A summary of their discussion and recommendations is included in the background section of the staff summary below.

### Background

TRPA operates under the authority of the states of California and Nevada and the federal government through the Bi-State Compact, which was ratified by Congress and signed by the President of the United States. The revised Bi-State Compact, signed nearly forty years ago, wrote “the waters of Lake Tahoe and other resources of the region are threatened with deterioration or degeneration, which endangers the natural beauty and economic productivity of the region.” (Compact, Art. I (a)(1).) To ensure the natural beauty and economic productivity of the region would persist for generations to come, the Bi-State Compact directs TRPA to establish “environmental threshold carrying capacities,” defined as “an environmental standard necessary to maintain a significant scenic, recreational, educational, scientific or natural value of the region or to maintain public health and safety within the region.” (Compact, Art. II (i).) These environmental threshold standards establish goals for environmental quality and express the shared aspiration for environmental restoration of the Tahoe Region. The standards shape the goals and policies of the Regional Plan and guide millions of dollars of public and private investment in the basin through the Environmental Improvement Program (EIP). The initial threshold standards set the course for the Region 40 years ago but were never intended to be immutable. The multi-disciplinary team that authored the 1981 threshold study report outlined specific triggers for standard review, and set the expectation that the standards would be reassessed at least every five years, and wrote: “environmental thresholds are not static standards that once in place remain forever” (TRPA 1982a).

Proposed changes to the threshold standards were developed using the guidelines developed by the Tahoe Science Advisory Council (Science Council) and direction from the Threshold Update Initiative Stakeholders Working Group appointed by the TRPA Governing Board and chaired by the Advisory Planning Commission (APC). The changes being considered today were prepared in conjunction with the EIP working groups focused on each subject matter: Tahoe Watershed Improvement Group for SEZ,

Tahoe Yellow Cress Adaptive Management Working Group for Tahoe Yellow Cress, and the Aquatic Invasive Species Coordinating Committee for Aquatic Invasive Species.

A summary of the proposed changes is included below. The text of the proposed standards is included in attachment A and additional detail on the proposals is available in the online resources identified below.

#### Stream Environment Zone (SEZ) restoration

The proposed update to the SEZ restoration renews the partnership's long-term commitment to restoring the resilience of SEZ, by establishing a new target for SEZ restoration. The peer review of the 2015 Threshold Evaluation highlighted the shortcoming of 40 years of tracking only the area of SEZ restored in the region; "In summary, the present approach to evaluating the condition and the improvement in SEZs is an overly blunt instrument with no apparent scientific basis beyond 'more is better' (Hall et al. 2016)." In addition, the current standards contain multiple undefined terms and lack an accepted baseline against which the standard can be assessed. To address these issues, partners developed the SEZ condition index which integrates size and condition, to provide a single integrated value to assess SEZ in Tahoe. In 2020, partners completed the baseline assessment, compiling condition assessments for 98% of the meadows, marshes, wetlands, and fens in the region. That assessment is used as the baseline to establish the new target.

#### Proposed Standard:

Enhance the quality and function of meadows and wetlands from 79% to a minimum of 88% of the regional possible SEZ condition index score.

#### Aquatic Invasive Species Control

Controlling and eradicating Aquatic Invasive Species (AIS) in the Lake Tahoe Region is a top priority of the EIP. The proposed modifications to the AIS control threshold standards replace six aspirational statements with two ambitious and quantifiable goals. The first standard establishes a goal of no active plant infestations outside the Tahoe Keys, and the second establishes the goal of a minimum of a 75% reduction in the annual average abundance of invasive aquatic plants within the Tahoe Keys. The first standard establishes the goal that all aquatic invasive plant infestations in the Lake be in the surveillance management category. The goal aligns with the management categories that are utilized by the Lake Tahoe Aquatic Invasive Species Coordinating Committee and the intent to continue long-term management of aquatic invasive species. The second proposed standard establishes the target identified by the scientific and collaborative planning process of the Tahoe Keys Control Methods Test as a threshold standard.

#### Proposed Standards:

1. No active aquatic invasive plant infestations in Lake Tahoe, adjacent wetlands, and tributaries, not including the Tahoe Keys.
2. Reduce average aquatic invasive plant abundance in the Tahoe Keys by a minimum of 75% from the 2021 baseline year.

Tahoe Yellow Cress

Tahoe Yellow Cress (*Rorippa subumbellata*) is only found within the shorezone of Lake Tahoe. Systematic lake-wide surveys of its habitat began in 1979. The current threshold standard of 26 sites was based on the first three years of survey data from approximately 34 sites during 1979-1981. A conservation strategy was first developed for the species in 2002 and later updated in 2015. The proposed modifications to the Tahoe Yellow Cress threshold standard incorporate the last thirty years of Tahoe Yellow Cress science and recognize the influence of lake level on the number of occupied survey sites and align the threshold standard with the Tahoe Yellow Cress species conservation strategy.

Proposed Standard:

Maintain at least the number of occupied *Rorippa subumbellata* survey sites for each lake level as established in the Table below:

Lake Level (feet of elevation)	Occupied survey sites
Low (<6,225)	35
Transition (6,225- 6,227)	26
High (>6,227)	20

Additional details on the proposals can be found in the memos from the individual working groups.

Public Comment

To submit a written public comment, email [publiccomment@trpa.gov](mailto:publiccomment@trpa.gov) with the appropriate agenda item in the subject line. Written comments received by 4 p.m. the day before a scheduled public meeting will be distributed and posted to the TRPA website before the meeting begins. TRPA does not guarantee written comments received after 4 p.m. the day before a meeting will be distributed and posted in time for the meeting.

Contact Information

For questions regarding this item, please contact Dan Segan, Chief Science and Policy Advisor, at [dsegan@trpa.gov](mailto:dsegan@trpa.gov), (775) 589-5233.

To submit a written public comment, email [publiccomment@trpa.gov](mailto:publiccomment@trpa.gov) with the appropriate agenda item in the subject line. Written comments received by 4 p.m. the day before a scheduled public meeting will be distributed and posted to the TRPA website before the meeting begins. TRPA does not guarantee written comments received after 4 p.m. the day before a meeting will be distributed and posted in time for the meeting.



Attachments:

- A. TRPA Adopting Ordinance  
Exhibit 1: Proposed new threshold standards
- B. Environmental Findings and Findings of No Significant Effect (FONSE)
- C. TRPA Initial Environmental Checklist

Online resources:

- D. [Threshold Update Initiative Stakeholders Working Group February 14, 2024 Draft Meeting Summary](#)
- E. [Staff Summary – Threshold Update Initiative Stakeholders Working Group Meeting February 14, 2024](#)
- F. [Staff Summary – Advisory Planning Commission October 11, 2023 - Threshold Standard Update](#)

Attachment A

TRPA Adopting Ordinance

TAHOE REGIONAL PLANNING AGENCY  
ORDINANCE 2024 – \_\_\_

AN ORDINANCE AMENDING AND ORDINANCE 2019-03, AS AMENDED,  
TO AMEND THE THRESHOLD STANDARDS

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

**Section 1.0**     **Findings**

- 1.10            The Tahoe Regional Planning Compact (P. L. 96-551, 94 Stat. 3233, 1980) created the Tahoe Regional Planning Agency (TRPA) and empowered it to set environmental threshold carrying capacities (“threshold standards”) for the Tahoe Region.
- 1.15            The Compact directs TRPA to adopt and enforce a Regional Plan that, as implemented through agency ordinances, rules, and regulations, will achieve and maintain such threshold standards while providing opportunities for orderly growth and development consistent with such thresholds.
- 1.20            Compact Art. V(c) states that the TRPA Governing Board and Advisory Planning Commission shall continuously review and maintain the Regional Plan.
- 1.25            In June 1987, the TRPA Governing Board adopted Ordinance 87-9, which established the Regional Plan and included, amongst other things, the Goals & Policies and the Code of Ordinances (“Code”).
- 1.30            In April 2019, the TRPA Governing Board adopted Ordinance 2019-03, superseding portions of Ordinance 87-9 by collocating the environmental threshold standards with the Regional Plan Goals and Policies.
- 1.35            It is necessary and desirable to amend the environmental threshold standards to reflect the best available science and guidance from the Tahoe Science Advisory Council.
- 1.40            Prior to the adoption of these amendments, the Governing Board made the findings required by TRPA Code of Ordinances Section 4.5, and Article V(g) of the Compact. TRPA has made the necessary findings required by Article V of the Compact, Chapter 4 of the Code, and all other applicable rules and regulations, and incorporates these findings fully herein.
- 1.45            The proposed amendments to the threshold standards were the subject of an Initial Environmental Checklist (IEC), which was processed in accordance with Chapter 3: *Environmental Documentation* of the TRPA Code of Ordinances and Article VI of the Rules of Procedure. The Tahoe Basin Area Plan amendments have been determined not to have a significant effect on the environment and are therefore exempt from the requirement of an Environmental Impact Statement (EIS) pursuant to Article VII of the Compact.
- 1.50            The Advisory Planning Commission (APC) and the Governing Board have each

conducted a noticed public hearing on the proposed amendments to the threshold standards. The APC has recommended Governing Board adoption of the necessary findings and adopting ordinance. At these hearings, oral testimony and documentary evidence were received and considered.

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

**Section 2.0**      **Amendment of the TRPA Regional Plan Goals and Policies**

2.10 Ordinance 2019-03, as previously amended, is hereby amended as shown in Exhibit 1.

**Section 3.0**      **Interpretation and Severability**

3.10 The provisions of this ordinance amending the TRPA Code of Ordinances adopted hereby shall be liberally construed to affect 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 Regional Plan Package shall not be affected thereby. For this purpose, the provisions of this ordinance and the amendments to the Regional Plan Package are hereby declared respectively severable.

**Section 4.0**      **Effective Date**

4.10 This ordinance shall be effective after its adoption.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held on May 22, 2024 by the following vote:

Ayes:

Nays:

Absent:

---

Cindy Gustafson, Chair  
Tahoe Regional Planning Agency  
Governing Board

Exhibit 1 to Attachment A

Proposed new threshold standards

## Exhibit 1

### Proposed Environmental Threshold Carrying Capacities

#### THRESHOLD STANDARDS

Threshold standards establish the Environmental Improvement Program partners' shared goals for restoration and maintenance of the qualities of the Tahoe Region.

The adopted current threshold standards are stated below. The agency will maintain and update online inventories of the administrative status and disposition of each threshold standard.

#### WATER QUALITY

##### DEEP WATER (PELAGIC) LAKE TAHOE

###### NUMERICAL STANDARDS

- WQ1) The annual average deep water transparency as measured by Secchi disk shall not be decreased below 29.7 meters (97.4 feet), the average levels recorded between 1967 and 1971 by the University of California, Davis.
- WQ2) Maintain annual mean phytoplankton primary productivity at or below 52gmC/m2/yr.

##### LITTORAL LAKE TAHOE

###### NUMERICAL STANDARDS

- WQ3) Attain turbidity values not to exceed three NTU.
- WQ4) Turbidity shall not exceed one NTU in shallow waters of the Lake not directly influenced by stream discharges.
- WQ5) Attain 1967-71 mean values for phytoplankton primary productivity in the littoral zone.
- WQ6) Attain 1967-71 mean values for periphyton biomass in the littoral zone.

###### MANAGEMENT STANDARD

- WQ7) Support actions to reduce the extent and distribution of excessive periphyton (attached) algae in the nearshore (littoral zone) of Lake Tahoe.

##### AQUATIC INVASIVE SPECIES

###### MANAGEMENT STANDARDS

- WQ8) Prevent the introduction of new aquatic invasive species into the region's waters.
- ~~WQ9) Reduce the abundance of known aquatic invasive species.~~
- ~~WQ10) Reduce the distribution of known aquatic invasive species.~~
- ~~WQ11) Abate harmful ecological impacts resulting from aquatic invasive species.~~
- ~~WQ12) Abate harmful economic impacts resulting from aquatic invasive species.~~
- ~~WQ13) Abate harmful social impacts resulting from aquatic invasive species.~~
- ~~WQ14) Abate harmful public health impacts resulting from aquatic invasive species.~~
- WQ9) No active aquatic invasive plant infestations in Lake Tahoe, adjacent wetlands, and tributaries, not including the Tahoe Keys.
- WQ10) Reduce average aquatic invasive plant abundance in the Tahoe Keys by a minimum of 75% from the 2020 baseline year.

## **TRIBUTARIES**

### **NUMERICAL STANDARDS**

- WQ15) Attain applicable state standards for concentrations of dissolved inorganic nitrogen.
- WQ16) Attain applicable state standards for concentrations of dissolved phosphorus.
- WQ17) Attain applicable state standards for dissolved iron.
- WQ18) Attain a 90 percentile value for suspended sediment concentration of 60 mg/1.

## **SURFACE RUNOFF**

### **NUMERICAL STANDARDS**

- WQ19) Achieve a 90 percentile concentration value for dissolved inorganic nitrogen of 0.5 mg/1 in surface runoff directly discharged to a surface water body in the Basin.
- WQ20) Achieve a 90 percentile concentration value for dissolved phosphorus of 0.1 mg/1 in surface runoff directly discharged to a surface water body in the Basin.
- WQ21) Achieve a 90 percentile concentration value for dissolved iron of 0.5 mg/1 in surface runoff directly discharged to a surface water body in the Basin.
- WQ22) Achieve a 90 percentile concentration value for suspended sediment of 250 mg/1 in surface runoff directly discharged to a surface water body in the Basin.

## **GROUNDWATER**

### **MANAGEMENT STANDARDS**

- WQ23 - WQ32) Surface runoff infiltration into the groundwater shall comply with the uniform Regional Runoff Quality Guidelines as set forth in Table 4-12 of the Draft Environmental Threshold Carrying Capacity Study Report, May, 1982. Where there is a direct and immediate hydraulic connection between ground and surface waters, discharges to groundwater shall meet the guidelines for surface discharges, and the Uniform Regional Runoff Quality Guide lines shall be amended accordingly.<sup>1</sup>

## **OTHER LAKES**

### **NUMERICAL STANDARD**

- WQ33) Attain existing water quality standards.

## **LOAD REDUCTIONS**

### **MANAGEMENT STANDARDS**

- WQ34) Reduce fine sediment particle (inorganic particle size < 16 micrometers in diameter) load to achieve long-term pelagic water quality standards (WQ1 and WQ2).
- WQ35) Reduce total annual phosphorus load to achieve long-term pelagic water quality standards (WQ1 and WQ2) and littoral quality standards (WQ5 and WQ6).
- WQ36) Reduce total annual nitrogen load to achieve long-term pelagic water quality standards (WQ1 and WQ2) and littoral quality standards (WQ5 and WQ6).
- WQ37) Decrease total annual suspended sediment load to achieve littoral turbidity standards (WQ3 and WQ4).
- WQ38) Reduce the loading of dissolved phosphorus to achieve pelagic water standards (WQ1 and WQ2) and littoral quality standards (WQ5 and WQ6).

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<sup>1</sup> See attachment A

- WQ39) Reduce the loading of iron to achieve pelagic water standards (WQ1 and WQ2) and littoral quality standards (WQ5 and WQ6).
- WQ40) Reduce the loading of other algal nutrients to achieve pelagic water standards (WQ1 and WQ2) and littoral quality standards (WQ5 and WQ6).
- WQ41) The most stringent of the three dissolved inorganic nitrogen load reduction targets shall apply:
- i. Reduce dissolved inorganic nitrogen loads to pelagic and littoral Lake Tahoe from<sup>2</sup>:
    - a) surface runoff by approximately 50 percent of the 1973-81 annual average,
    - b) groundwater approximately 30 percent of the 1973-81 annual average, and
    - c) atmospheric sources approximately 20 percent of the 1973-81 annual average.
  - ii. Reduce dissolved inorganic nitrogen loading to Lake Tahoe from all sources by 25 percent of the 1973-81 annual average.
  - iii. To achieve littoral water quality standards (WQ5 and WQ6).

## SOIL CONSERVATION

### IMPERVIOUS COVER

#### MANAGEMENT STANDARDS

SC1-SC9) Impervious cover shall comply with the Land-Capability Classification of the Lake Tahoe Basin, California-Nevada, A Guide For Planning, Bailey, 1974<sup>3</sup>.

### STREAM ENVIRONMENT ZONES

#### NUMERICAL STANDARDS

SC10) Preserve existing naturally functioning SEZ lands in their natural hydrologic condition.

SC11) Enhance the quality and function of meadows and wetlands from 79% to a minimum of 88% of the regional possible SEZ condition index score ~~Restore all disturbed SEZ lands in undeveloped, unsubdivided lands.~~

~~SC12) Restore 25 percent of the SEZ lands that have been identified as disturbed, developed or subdivided.~~

~~SC13) Attain a 5 percent total increase in the area of naturally functioning SEZ lands.~~

## AIR QUALITY

### CARBON MONOXIDE

#### NUMERICAL STANDARD

AQ1) Maintain carbon monoxide concentrations at or below 6 parts per million (7 mg/m<sup>3</sup>) averaged over 8 hours.

<sup>2</sup> This threshold relies on predicted reductions in pollutant loadings from out-of-basin sources as part of the total pollutant loading reduction necessary to attain environmental standards, even though the Agency has no direct control over out-of-basin sources. The cooperation of the states of California and Nevada will be required to control sources of air pollution which contribute nitrogen loadings to the Lake Tahoe Region

<sup>3</sup> See attachment B



## MANAGEMENT STANDARD

- AQ2) Reduce traffic volumes on the U.S. 50 Corridor by 7 percent during the winter from the 1981 base year between 4:00 p.m. and 12:00 midnight, provided that those traffic volumes shall be amended as necessary to meet the respective state standards.

## OZONE

### NUMERICAL STANDARDS

- AQ3) Maintain ozone concentrations at or below 0.08 parts per million averaged over 1 hour.  
AQ4) Maintain oxides of nitrogen (NOx) emissions at or below the 1981 level.

## REGIONAL VISIBILITY<sup>4</sup>

### NUMERICAL STANDARDS

- AQ5) Achieve an extinction coefficient of 25 Mm<sup>-1</sup> at least 50 percent of the time as calculated from aerosol species concentrations measured at the Bliss State Park monitoring site (visual range of 156 kilometer, 97 miles).  
AQ6) Achieve an extinction coefficient of 34 Mm<sup>-1</sup> at least 90 percent of the time as calculated from aerosol species concentrations measured at the Bliss State Park monitoring site (visual range of 115 kilometers, 71 miles).

## SUBREGIONAL VISIBILITY<sup>5</sup>

### NUMERICAL STANDARDS

- AQ7) Achieve an extinction coefficient of 50 Mm<sup>-1</sup> at least 50 percent of the time as calculated from aerosol species concentrations measured at the South Lake Tahoe monitoring site (visual range of 78 kilometers, 48 miles).  
AQ8) Achieve an extinction coefficient of 125 Mm<sup>-1</sup> at least 90 percent of the time as calculated from aerosol species concentrations measured at the South Lake Tahoe monitoring site (visual range of 31 kilometers, 19 miles).

## RESPIRABLE AND FINE PARTICULATE MATTER

### NUMERICAL STANDARDS

- AQ9) Particulate Matter<sub>10</sub> 24-hour Standard: Maintain Particulate Matter<sub>10</sub> at or below 50µg/m<sup>3</sup> measured over a 24-hour period in the portion of the Region within California, and maintain Particulate Matter<sub>10</sub> at or below 150 µg/m<sup>3</sup> measured over a 24-hour period in the portion of the Region within Nevada. Particulate Matter<sub>10</sub> measurements shall be made using gravimetric or beta attenuation methods or any equivalent procedure which can be shown to provide equivalent results at or near the level of air quality standard.  
AQ10) Particulate Matter<sub>10</sub> Annual Arithmetic Average - Maintain Particulate Matter<sub>10</sub> at or below annual arithmetic average of 20µg/m<sup>3</sup> in the portion of the Region within California, and maintain Particulate Matter<sub>10</sub> at or below annual arithmetic average of 50µg/m<sup>3</sup> in the portion of the Region within Nevada. Particulate Matter<sub>10</sub> measurements shall be made

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<sup>4</sup> Amended 03/22/00. Calculations will be made on three year running periods. Beginning with the existing 1991-93 monitoring data as the performance standards to be met or exceeded.

<sup>5</sup> Amended 03/22/00. Calculations will be made on three year running periods. Beginning with the existing 1991-93 monitoring data as the performance standards to be met or exceeded.

using gravimetric or beta attenuation methods or any equivalent procedure which can be shown to provide equivalent results at or near the level of air quality standard.

- AQ11) Particulate Matter<sub>2.5</sub> 24-hour Standard - Maintain Particulate Matter<sub>2.5</sub> at or below 35µg/m<sup>3</sup> measured over a 24-hour period using gravimetric or beta attenuation methods or any equivalent procedure which can be shown to provide equivalent results at or near the level of air quality standard.
- AQ12) Particulate Matter<sub>2.5</sub> Annual Arithmetic Average - Maintain Particulate Matter<sub>2.5</sub> at or below annual arithmetic average of 12µg/m<sup>3</sup> in the portion of the Region within California and maintain Particulate Matter<sub>2.5</sub> at or below annual arithmetic average of 15µg/m<sup>3</sup> in the portion of the Region within Nevada. Particulate Matter<sub>2.5</sub> measurements shall be made using gravimetric or beta attenuation methods or any equivalent procedure which can be shown to provide equivalent results at or near the level of air quality standard.

## **NITRATE DEPOSITION**

### MANAGEMENT STANDARDS

- AQ13) Reduce the transport of nitrates into the Basin and reduce oxides of nitrogen (NOx) produced in the Basin consistent with the water quality thresholds.

## **TRANSPORTATION AND SUSTAINABLE COMMUNITIES**

- TSC1) Reduce Annual Daily Average VMT Per Capita by 6.8% from 12.48, the 2018 baseline, to 11.63 in 2045.

## **VEGETATION PRESERVATION**

### **COMMON VEGETATION**

#### MANAGEMENT STANDARDS

- VP1) A non-degradation standard shall apply to native deciduous trees, wetlands, and meadows to preserve plant communities and significant wildlife habitat, while providing for opportunities to increase the acreage of such riparian associations to be consistent with the SEZ threshold.
- VP2) Increase plant and structural diversity of forest communities through appropriate management practices as measured by diversity indices of species richness, relative abundance, and pattern.
- VP3) Maintain the existing species richness of the Basin by providing for the perpetuation of the following plant associations:  
Yellow Pine Forest: Jeffrey pine, White fir, Incense cedar, Sugar pine.  
Red Fir Forest: Red fir, Jeffrey pine, Lodgepole pine, Western white pine, Mountain hemlock, Western juniper.  
Subalpine Forest: Whitebark pine, Mountain hemlock, Mountain mahogany.  
Shrub Association: Greenleaf and Pinemat manzanita, Tobacco brush, Sierra chinquapin, Huckleberry oak, Mountain whitethorn.  
Sagebrush Scrub Vegetation: Basin sagebrush, Bitterbrush, Douglas chaenactis.

Deciduous Riparian: Quaking aspen, Mountain alder, Black cotton-wood, Willow.  
Meadow Associations (Wet and Dry Meadow): Mountain squirrel tail, Alpine gentian, Whorled penstemon, Asters, Fescues, Mountain brome, Corn lilies, Mountain bentgrass, Hairgrass, Marsh marigold, Elephant heads, Tinker's penney, Mountain Timothy, Sedges, Rushes, Buttercups.

Wetland Associations (Marsh Vegetation): Pond lilies, Buckbean, Mare's tail, Pondweed, Common bladderwort, Bottle sedge, Common spikerush.

Cushion Plant Association (Alpine Scrub): Alpine phlox, Dwarf ragwort, Draba.

- VP4) Relative Abundance - Of the total amount of undisturbed vegetation in the Tahoe Basin: Maintain at least four percent meadow and wetland vegetation.
- VP5) Relative Abundance - Of the total amount of undisturbed vegetation in the Tahoe Basin: Maintain at least four percent deciduous riparian vegetation.
- VP6) Relative Abundance - Of the total amount of undisturbed vegetation in the Tahoe Basin: Maintain no more than 25 percent dominant shrub association vegetation.
- VP7) Relative Abundance - Of the total amount of undisturbed vegetation in the Tahoe Basin: Maintain 15-25 percent of the Yellow Pine Forest in seral stages other than mature.
- VP8) Relative Abundance - Of the total amount of undisturbed vegetation in the Tahoe Basin: Maintain 15-25 percent of the Red Fir Forest in seral stages other than mature.
- VP9) Pattern - Provide for the proper juxtaposition of vegetation communities and age classes by;  
1. Limiting acreage size of new forest openings to no more than eight acres
- VP10) Pattern –Provide for the proper juxtaposition of vegetation communities and age classes by;  
2. Adjacent openings shall not be of the same relative age class or successional stage to avoid uniformity in stand composition and age.
- VP11) Native vegetation shall be maintained at a maximum level to be consistent with the limits defined in the Land-Capability Classification of the Lake Tahoe Basin, California-Nevada, A Guide For Planning, Bailey, 1974<sup>6</sup>, for allowable impervious cover and permanent site disturbance.

## **LATE SERAL AND OLD GROWTH FOREST ECOSYSTEMS<sup>7</sup>**

### **NUMERICAL STANDARDS**

- VP12) Attain and maintain a minimum percentage of 55 percent by area of forested lands within the Tahoe Region in a late seral or old growth condition, and distributed across elevation zones. Standards VP 13, VP14, and VP15 must be attained to achieve this threshold.
- VP13) 61 percent of the Subalpine zone (greater than 8,500 feet elevation) must be in a late seral or old growth condition. The Subalpine zone will contribute 5 percent (7,600 acres) of forested lands towards VP13.
- VP14) 60 percent of the Upper Montane zone (between 7,000 and 8,500 feet elevation) must be in a late seral or old growth condition. The Upper Montane zone will contribute 30 percent (45,900 acres) of forested lands towards VP13.

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<sup>6</sup> See attachment B

<sup>7</sup> For standards VP13 - VP16: Forested lands within TRPA designated urban areas are excluded in the calculation for threshold attainment. Areas of the montane zone within 1,250 feet of urban areas may be included in the calculation for threshold attainment if the area is actively being managed for late seral and old growth conditions and has been mapped by TRPA. A maximum value of 40 percent of the lands within 1,250 feet of urban areas may be included in the calculation.

VP15) 48 percent of the Montane zone (lower than 7,000 feet elevation) must be in a late seral or old growth condition; the Montane zone will contribute 20 percent (30,600 acres) of forested lands towards VP13.

### UNCOMMON PLANT COMMUNITIES

#### NUMERICAL STANDARDS

VP16-VP17) Provide for the non-degradation of the natural qualities of any plant community that is uncommon to the Basin or of exceptional scientific, ecological, or scenic value. This threshold shall apply but not be limited to:

- VP16) The deep-water plants of Lake Tahoe.
- VP17) The Freel Peak Cushion Plant community.

### SENSITIVE PLANTS

#### NUMERICAL STANDARDS

Maintain a minimum number of population sites for each of five sensitive plant species.

- VP18) Maintain a minimum of 2 *Lewisia pygmaea longipetala* population sites.
- VP19) Maintain a minimum of 2 *Draba asterophora v. macrocarpa* population sites.
- VP20) Maintain a minimum of 5 *Draba asterophora v. asterophora macrocarpa* population sites.
- VP21) Maintain at least the number of occupied *Rorippa subumbellata* survey sites for each lake level as established in the Table below:

<u>Lake Level (feet of elevation)</u>	<u>Occupied survey sites</u>
<u>Low (&lt;6,225)</u>	<u>35</u>
<u>Transition (6,225- 6,227)</u>	<u>26</u>
<u>High (&gt;6,227)</u>	<u>20</u>

- VP22) Maintain a minimum of 7 *Arabis rigidissima v. demota*e population sites.

## WILDLIFE

### SPECIAL INTEREST SPECIES

#### NUMERICAL STANDARDS

Provide a minimum number of population sites and disturbance zones for the following species:

Population sites:

- W1) Provide a minimum of 12 Goshawk population sites.
- W2) Provide a minimum of 4 Osprey population sites.
- W3) Provide a minimum of 2 Bald Eagle (Winter) population sites.
- W4) Provide a minimum of 1 Bald Eagle (Nesting) population sites.
- W5) Provide a minimum of 4 Golden Eagle population sites.
- W6) Provide a minimum of 2 Peregrine population sites.
- W7) Provide a minimum of 18 Waterfowl population sites.

Disturbance Zones:

- W8) Provide disturbance zones in the most suitable 500 acres surrounding nest site including a 0.25 mile buffer centered on nest sites, and influence zones in 3.5 mi for Goshawk.
- W9) Provide 0.25 mi disturbance zones and 0.6 mi influence zones for Osprey.
- W10) Provide disturbance zones in mapped areas and influence zones in mapped areas for Bald Eagle (Winter).
- W11) Provide 0.5 mi disturbance zones and variable influence zones for Bald Eagle (Nesting).
- W12) Provide 0.25 mi disturbance zones and 9.0 mi influence zones for Golden Eagle.
- W13) Provide 0.25 mi disturbance zones and 7.6 mi influence zones for Peregrine.
- W14) Provide disturbance zones in mapped areas and influence zones in mapped areas for Waterfowl.
- W15) Provide disturbance zones in meadows and influence zones in mapped areas for Deer.

## FISHERIES

### STREAM HABITAT

#### NUMERICAL STANDARDS

- F1 -F3) As indicated by the Stream Habitat Quality GIS data, amended May 1997, based upon the re-rated stream scores set forth in Appendix C-1 of the 1996 Evaluation Report, maintain:
- F1) 75 miles of excellent stream habitat.
  - F2) 105 miles of good stream habitat.
  - F3) 38 miles of marginal stream habitat.

### INSTREAM FLOWS

#### MANAGEMENT STANDARD

- F4) Until instream flow standards are established in the Regional Plan to protect fishery values, a non-degradation standard shall apply to instream flows.

### LAKE HABITAT

#### MANAGEMENT STANDARD

- F7) A non-degradation standard shall apply to fish habitat in Lake Tahoe. Achieve the equivalent of 5,948 total acres of excellent habitat as indicated by the Prime Fish Habitat GIS Layer as may be amended based on best available science.

## NOISE

### SINGLE NOISE EVENTS

#### NUMERICAL STANDARDS

The following maximum noise levels are allowed. All values are in decibels.

Aircraft measured 6,500 m-start of takeoff roll 2,000 m-runway threshold approach:

- N1) 80 dBA - between the hours of 8am and 8pm<sup>8</sup>

<sup>8</sup> The single event noise standard of 80 dBA  $L_{max}$  for aircraft departures at Lake Tahoe Airport shall be effective immediately. The single event noise standard of 80 dBA  $L_{max}$  for aircraft arrivals at Lake Tahoe Airport is not to be effective until ten years after the adoption of an airport master plan by TRPA. The schedule for phasing in the 80

N2) 77.1 dBA - between the hours of 8pm and 8am

Watercraft:

N3) Pass-By Test - 82  $L_{max}$  -measured 50ft from engine at 3,000rpm.

N4) Shoreline test - 75  $L_{max}$  - measured with microphone 5 ft. above water, 2 ft., above curve of shore, dock or platform. Watercraft in Lake, no minimum distance.

N5) Stationary Test - 88 dBA  $L_{max}$  for boats manufactured before January 1, 1993; Microphone 3.3 feet from exhaust outlet - 5 feet above water.

N6) Stationary Test - 90 dBA  $L_{max}$  for boats manufactured after January 1, 1993; Microphone 3.3 feet from exhaust outlet - 5 feet above water.

Motor Vehicles Less Than 6,000 GVW:

N7) 76 dBA – Travelling at speeds less than 35 MPH at a monitoring distance of 50ft

N8) 82 dBA – Travelling at speeds greater than 35 MPH at a monitoring distance of 50ft.

Motor Vehicles Greater Than 6,000 GVW:

N9) 82 dBA – Travelling at speeds less than 35 MPH at a monitoring distance of 50ft.

N10) 86 dBA – Travelling at speeds greater than 35 MPH at a monitoring distance of 50ft.

Motorcycles:

N11) 77 dBA – Travelling at speeds less than 35 MPH at a monitoring distance of 50ft.

N12) 86 dBA – Travelling at speeds greater than 35 MPH at a monitoring distance of 50ft.

Off-Road Vehicles:

N13) 72 dBA – Travelling at speeds less than 35 MPH at a monitoring distance of 50ft.

N14) 86 dBA – Travelling at speeds greater than 35 MPH at a monitoring distance of 50ft.

Snowmobiles:

N15) 82 dBA – Travelling at speeds less than 35 MPH at a monitoring distance of 50ft.

## CUMULATIVE NOISE EVENTS

### NUMERICAL STANDARDS

Background noise levels shall not exceed the following levels:

N16) 55 dBA CNEL (Average Noise Level) in the High Density Residential Areas Land Use Category.

N17) 50 dBA CNEL (Average Noise Level) in the Low Density Residential Areas Land Use Category.

N18) 60 dBA CNEL (Average Noise Level) in the Hotel/Motel Areas Land Use Category.

N19) 60 dBA CNEL (Average Noise Level)) in the Commercial Areas Land Use Category.

N20) 65 dBA CNEL (Average Noise Level) in the Industrial Areas Land Use Category.

N21) 55 dBA CNEL (Average Noise Level) in the Urban Outdoor Recreation Areas Land Use Category.

N22) 50 dBA CNEL (Average Noise Level) in the Rural Outdoor Recreation Areas Land Use Category.

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dBa arrival standard shall be based on a review and consideration of the relevant factors, including best available technology and environmental concerns, and shall maximize the reduction in noise impacts caused by aircraft arrivals while allowing for the continuation of general aviation and commercial service. The beginning arrival standard shall not exceed 84 dBA for general aviation and commuter aircraft, and 86 dBA for transport category aircraft.

- N23) 45 dBA CNEL (Average Noise Level) in the Wilderness and Roadless Areas Land Use Category.
- N24) 45 dBA CNEL (Average Noise Level) in the Critical Wildlife Habitat Areas Land Use Category.

## RECREATION

### POLICY STATEMENTS

- R1) It shall be the policy of the TRPA Governing Body in development of the Regional Plan to preserve and enhance the high quality recreational experience including preservation of high-quality undeveloped shorezone and other natural areas. In developing the Regional Plan, the staff and Governing Body shall consider provisions for additional access, where lawful and feasible, to the shorezone and high quality undeveloped areas for low density recreational uses.
- R2) It shall be the policy of the TRPA Governing Body in development of the Regional Plan to establish and ensure a fair share of the total Basin capacity for outdoor recreation is available to the general public.

## SCENIC RESOURCES

### ROADWAY AND SHORELINE UNITS

#### NUMERICAL STANDARDS

SR1-SR4) Maintain or improve the numerical rating assigned each unit, including the scenic quality rating of the individual resources within each unit, as recorded in the Scenic Resources Inventory and shown in:

- SR1) Table 13-3 of the Draft Study Report<sup>9</sup>.
- SR2) Table 13-5 of the Draft Study Report<sup>10</sup>.
- SR3) Table 13-8 of the Draft Study Report<sup>11</sup>.
- SR4) Table 13-9 of the Draft Study Report<sup>12</sup>.

SR5-SR8) Maintain the 1982 ratings for all roadway and shoreline units as shown in:

- SR5) Table 13-6 of the Draft Study Report<sup>13</sup>.
- SR6) Table 13-7 of the Draft Study Report<sup>14</sup>.
- SR7) Restore scenic quality in roadway units rated 15 or below.
- SR8) Restore scenic quality in shoreline units rated 7 or below.

### OTHER AREAS

#### NUMERICAL STANDARD

- SR9) Maintain or improve the numerical rating assigned to each identified scenic resource, including individual subcomponent numerical ratings, for views from bike paths and other

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<sup>9</sup> See attachment C

<sup>10</sup> See attachment D

<sup>11</sup> See attachment E

<sup>12</sup> See attachment F

<sup>13</sup> See attachment G

<sup>14</sup> See attachment H

recreation areas open to the general public as recorded in the 1993 Lake Tahoe Basin Scenic Resource Evaluation.

**BUILT ENVIRONMENT**

POLICY STATEMENT

- SR10) It shall be the policy of the TRPA Governing Body in development of the Regional Plan, in cooperation with local jurisdictions, to insure the height, bulk, texture, form, materials, colors, lighting, signing and other design elements of new, remodeled and redeveloped buildings be compatible with the natural, scenic, and recreational values of the region.



Attachment B

Required Findings & Finding of No Significant Effect  
for the adoption of four new environmental threshold carrying capacities  
(threshold standards) and the removal of nine threshold standards

**Required Findings & Finding of No Significant Effect  
for the adoption of four new environmental threshold carrying capacities  
(threshold standards) and the removal of nine threshold standards**

This document contains required findings per Chapter 3 and 4 of the TRPA Code of Ordinances for amendments to the TRPA Threshold Standards and TRPA Regional Plan Goals and Policies.

**TRPA Code of Ordinances Section 3.3: Determination of need to prepare Environmental Impact Statement**

Finding: TRPA finds that the amendments to the threshold standards and Regional Plan will not have a significant effect on the environment.

Rationale: TRPA staff prepared an Initial Environmental Checklist (IEC) pursuant to Article VI of TRPA Rules of Procedure and Chapter 3: *Environmental Documentation* of the TRPA Code of Ordinances to evaluate potential environmental effects of the proposed action as presented seen in Attachment C. Based on the information contained within the IEC, the proposed amendments would not have a significant effect on the environment and TRPA staff prepared a finding of no significant effect in accordance to TRPA's Rules of Procedure Section 6.6 and Code of Ordinance Section 3.3.2.

**TRPA Code of Ordinances Section 4.4: Threshold Related Findings**

Finding: 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;

Rationale: The proposed amendments are consistent with and will not adversely affect the Regional Plan, including all applicable Goals and Policies (as discussed below), plan area statements and local planning areas, the Code and other TRPA plans and programs.

Finding: The project will not cause the environmental threshold carrying capacities to be exceeded; and

Rationale: The proposed amendments will not cause the environmental threshold carrying capacities to be exceeded. The Regional Plan Environmental Impact Statement prepared in 2012 for an amendment of the Regional Plan analyzed full development build out potential within the Tahoe

Region. The findings for adoption of the 2012 Regional Plan demonstrated that implementation of the Regional Plan would not cause Environmental Threshold Carrying Capacities to be exceeded. The updating of the standards in three categories to reflect current science and best practice will not alter the policies or implementation of the Regional Plan.

Finding: Wherever federal, state, or local air and water quality standards apply for the region, the strictest standards shall be attained, maintained, or exceeded pursuant to Article V(d) of the Tahoe Regional Planning Compact.

Rationale: The proposed amendments will not affect any state, federal, or local standards. The amendments increase clarity and transparency in reporting on threshold standard progress.

**TRPA Code of Ordinances Section 4.5: Findings Necessary to Amend the Regional Plan, Including Goals and Policies and Plan Area Statements and Maps**

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

Rationale: The proposed amendments do not alter the substance of the Regional Plan.



**STATEMENT OF NO SIGNIFICANT EFFECT**

- Project Description:** The adoption of four new environmental threshold carrying capacities (threshold standards) and the removal of nine threshold standards.
- Staff Analysis:** In accordance with Article IV of the Tahoe Regional Planning Compact, as amended, and Section 6.6 of the TRPA Rules of Procedure, TRPA staff reviewed the information submitted with the subject project.
- Determination:** Based on the Initial Environmental Checklist, Agency staff found that the subject project will not have a significant effect on the environment.

A handwritten signature in black ink, appearing to be 'J. A.', written over a horizontal line.

TRPA Executive Director/Designee

April 2, 2024

Date

Attachment C

TRPA Initial Environmental Checklist

## **TRPA INITIAL ENVIRONMENTAL CHECKLIST FOR DETERMINATION OF ENVIRONMENTAL IMPACT**

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### **Project Name:**

Updates to the Environmental Threshold Carrying Capacities (threshold standards) for 1) Stream Environment Zone (SEZ) restoration, 2) Aquatic Invasive Species control, and 3) Tahoe Yellow Cress conservation.

### **Expanded Initial Environmental Checklist:**

This document serves as the TRPA Initial Environmental Checklist for the amendments, with an expanded analysis to include the California Environmental Quality Act (CEQA) Initial Study Checklist. While not required for TRPA action, the expanded analysis and information will support CEQA lead agencies with their own future environmental review of the amendments.

### **Project Location:**

The Tahoe Region is within the planning area jurisdiction of the Tahoe Regional Planning Agency.

### **Project Need:**

TRPA operates under the authority of the states of California and Nevada and the federal government through the Bi-State Compact, which was ratified by Congress and signed by the President of the United States. The revised Bi-State Compact, signed nearly forty years ago, wrote “the waters of Lake Tahoe and other resources of the region are threatened with deterioration or degeneration, which endangers the natural beauty and economic productivity of the region (96th Congress 1980)” To ensure the natural beauty and economic productivity of the region would persist for generations to come, the Bi-State Compact directs TRPA to establish “environmental threshold carrying capacities,” defined as “an environmental standard necessary to maintain a significant scenic, recreational, educational, scientific or natural value of the region or to maintain public health and safety within the region.”

These environmental threshold standards establish goals for environmental quality and express the shared aspiration for environmental restoration of the Tahoe Region. The standards shape the goals and policies of the Regional Plan and guide millions of dollars of public and private investment in the basin through the Environmental Improvement Program (EIP). The first set of threshold standards was adopted in 1982, The initial threshold standards set the course for the Region 40 years ago but were never intended to be immutable. The multi-disciplinary team that authored the 1981 threshold study report outlined specific triggers for standard review, and set the expectation that the standards would be reassessed at least every five years, and wrote: “environmental thresholds are not static standards that once in place remain forever” (TRPA 1982a).

There is a broad bi-state consensus and support for updating the Thresholds and monitoring systems. In 2015 the TRPA Governing Board identified the review and updating of the threshold standards as one of seven strategic initiatives for the agency. The goal of the initiative is to ensure a representative, relevant, and scientifically rigorous set of threshold standards, supported by a cost-efficient and feasible monitoring and evaluation plan, and the development of a robust and repeatable process for review of standards in the future.

### **Project Description:**

The proposed changes to the threshold standards were developed using the guidelines proposed by the Tahoe Science Advisory Council and direction from the Threshold Update Initiative Stakeholders Working Group appointed

by the TRPA Governing Board and chaired by the Advisory Planning Commission (APC). The proposed updates were prepared in conjunction with the EIP working groups focused on each subject matter: Tahoe Watershed Improvement Group for SEZ, Tahoe Yellow Cress Adaptive Management Working Group for Tahoe Yellow Cress, and the Aquatic Invasive Species Coordinating Committee for Aquatic Invasive Species.

## Tiering and References to Other Documents:

This Initial Environmental Checklist (IEC) tiers from the 2012 Regional Plan Update (RPU) Environmental Impact Statement (EIS). This document can be accessed at: <https://www.trpa.gov/regional-plan/2012-regional-plan-update/>.

The following questionnaire has been completed based on evidence submitted with the application. For the TRPA Initial Environmental Checklist, all "Yes" and "No, With Mitigation" answers require written discussion. For the CEQA Initial Study checklist, all "Less Than Significant (LTS) with Mitigation" and "Less than Significant (LTS)" answers require written discussion. Written discussion is also provided by some "No" and "No Impact" answers where needed to support the conclusion. (Again, the CEQA checklist is complete here only as a future aid to California jurisdictions subsequent actions.)

For information on the status of TRPA environmental thresholds (<https://thresholds.laketahoeinfo.org>) click on the links below to the Threshold Dashboard.

## I. Environmental Impacts

### 1. Land (TRPA Checklist Questions)

**Current and historic status of soil conservation standards can be found at the links below:**

- [Impervious Cover](#)
- [Stream Environment Zone](#)

Will the proposal result in:	Yes	No	No, with mitigation	Data insufficient
a. Compaction or covering of the soil beyond the limits allowed in the land capability or Individual Parcel Evaluation System (IPES)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. A change in the topography or ground surface relief features of site inconsistent with the natural surrounding conditions?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Unstable soil conditions during or after completion of the proposal?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Changes in the undisturbed soil or native geologic substructures or grading in excess of 5 feet?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. The continuation of or increase in wind or water erosion of soils, either on or off the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Exposure of people or property to geologic hazards such as earthquakes, landslides, backshore erosion, avalanches, mud slides, ground failure, or similar hazards?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Discussion:**

The proposed modification to the SEZ restoration standard utilizes the SEZ condition index which integrates both size and condition, addressing the deficiency in the current standards' sole focus on area of SEZ. By accounting for the benefits of functional enhancement of SEZ that are not considered “restoration” provides additional incentives to implement enhancement projects.

**Geology/Soils (CEQA Checklist Questions)**

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: (CEQA VIIa) i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42? ii) Strong seismic ground shaking? iii) Seismic-related ground failure, including liquefaction? iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Result in substantial soil erosion or the loss of topsoil? (CEQA VIIb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (CEQA VIIc)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (CEQA VIId)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? (CEQA VIIE)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (CEQA VIIf)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:**

The proposed modifications to the threshold standards establish specific and measurable targets and align the standards with the latest science. No modifications to the Regional Plan are required to promote attainment of the standards.



## 2. Air Quality (TRPA Checklist Questions)

Current and historic status of air quality standards can be found at the links below:

- [Carbon Monoxide \(CO\)](#)
- [Nitrate Deposition](#)
- [Ozone \(O3\)](#)
- [Regional Visibility](#)
- [Respirable and Fine Particulate Matter](#)
- [Sub-Regional Visibility](#)

Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. Substantial air pollutant emissions?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Deterioration of ambient (existing) air quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. The creation of objectionable odors?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Increased use of diesel fuel?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Air Quality (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Conflict with or obstruct implementation of the applicable air quality plan? (CEQA IIIa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under applicable federal or state ambient air quality standards? (CEQA IIIb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Expose sensitive receptors to substantial pollutant concentrations? (CEQA IIIc)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Result in other emissions, such as objectionable odors, adversely affecting a substantial number of people? (CEQA IIId)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Greenhouse Gas Emissions (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
5. Greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (CEQA VIIa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Greenhouse Gas Emissions (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
6. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (CEQA VIIIb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion:

The proposed modifications do not include modification of the air quality standards.

## 3. Water Quality (TRPA Checklist Questions)

Current and historic status of water quality standards can be found at the links below:

- [Aquatic Invasive Species](#)
- [Deep Water \(Pelagic\) Lake Tahoe](#)
- [Groundwater](#)
- [Nearshore \(Littoral\) Lake Tahoe](#)
- [Other Lakes](#)
- [Surface Runoff](#)
- [Tributaries](#)
- [Load Reductions](#)

### Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. Changes in currents, or the course or direction of water movements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Alterations to the course or flow of 100-year flood waters?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Change in the amount of surface water in any water body?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Alteration of the direction or rate of flow of ground water?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Substantial reduction in the amount of water otherwise available for public water supplies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Exposure of people or property to water related hazards such as flooding and/or wave action from 100-year storm occurrence or seiches?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### 3. Water Quality (TRPA Checklist Questions)

Current and historic status of water quality standards can be found at the links below:

- [Aquatic Invasive Species](#)
- [Deep Water \(Pelagic\) Lake Tahoe](#)
- [Groundwater](#)
- [Nearshore \(Littoral\) Lake Tahoe](#)
- [Other Lakes](#)
- [Surface Runoff](#)
- [Tributaries](#)
- [Load Reductions](#)

Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
j. The potential discharge of contaminants to the groundwater or any alteration of groundwater quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k. Is the project located within 600 feet of a drinking water source?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Hydrology/Water Quality (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality? (CEQA Xa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? (CEQA Xb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: (CEQA Xc)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Result in substantial erosion or siltation on- or off-site;				
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;				
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or				
iv) Impede or redirect flood flows?				
4. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? (CEQA Xd)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? (CEQA Xe)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

The proposed modifications to the threshold standards establish specific and measurable targets and align the standards with the latest science. No modifications to the Regional Plan are required to promote attainment of the standards.

#### 4. Vegetation (TRPA Checklist Questions)

Current and historic status of vegetation preservation standards can be found at the links below:

- [Common Vegetation](#)
- [Late Seral/Old Growth Ecosystems](#)
- [Sensitive Plants](#)
- [Uncommon Plant Communities](#)

<b>Will the proposal result in:</b>	Yes	No	No, with mitigation	Data insufficient
a. Removal of native vegetation in excess of the area utilized for the actual development permitted by the land capability/IPES system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Removal of riparian vegetation or other vegetation associated with critical wildlife habitat, either through direct removal or indirect lowering of the groundwater table?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Introduction of new vegetation that will require excessive fertilizer or water, or will provide a barrier to the normal replenishment of existing species?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Reduction of the numbers of any unique, rare, or endangered species of plants?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Removal of stream bank and/or backshore vegetation, including woody vegetation such as willows?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. A change in the natural functioning of an old growth ecosystem?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Discussion:**

The proposed modifications to the threshold standards establish specific and measurable targets and align the standards with the latest science. No modifications to the Regional Plan are required to promote attainment of the standards.

## 5. Wildlife (TRPA Checklist Questions)

Current and historic status of special interest species standards can be found at the links below:

- [Special Interest Species](#)

Current and historic status of the fisheries standards can be found at the links below:

- [Instream Flow](#)
- [Lake Habitat](#)
- [Stream Habitat](#)

Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
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)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Reduction of the number of any unique, rare or endangered species of animals?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Deterioration of existing fish or wildlife habitat quantity or quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Biological Resources (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (CEQA IVa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (CEQA IVb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Have a substantial adverse effect on federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (CEQA IVc)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (CEQA IVd)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance? (CEQA IVe)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Biological Resources (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
6. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (CEQA IVf)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion:

The proposed modification to the SEZ restoration standard utilizes the SEZ condition index which integrates both size and condition, addressing the deficiency in the current standards' sole focus on area of SEZ. The proposed modification to the AIS threshold standards provide measurable targets for removal of invasive plants from the Lake. Better accounting for the benefits of enhancement of SEZ and removal of invasive plants provides additional incentives to implement enhancement projects.

## 6. Noise (TRPA Checklist Questions)

Current and historic status of the noise standards can be found at the links below:

- [Cumulative Noise Events](#)
- [Single Noise Events](#)

### Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. Increases in existing Community Noise Equivalency Levels (CNEL) beyond those permitted in the applicable Area Plan, Plan Area Statement, Community Plan or Master Plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Exposure of people to severe noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Single event noise levels greater than those set forth in the TRPA Noise Environmental Threshold?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. The placement of residential or tourist accommodation uses in areas where the existing CNEL exceeds 60 dBA or is otherwise incompatible?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. The placement of uses that would generate an incompatible noise level in close proximity to existing residential or tourist accommodation uses?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Exposure of existing structures to levels of ground vibration that could result in structural damage?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Noise (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Noise (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
general plan or noise ordinance, or other applicable local, state, or federal standards? (CEQA XIIIa)				
2. Generation of excessive groundborne vibration or groundborne noise levels? (CEQA XIIIb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. For a Project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the project area to excessive noise levels? (CEQA XIIIc)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion:

The proposed modifications do not include modification of the air quality standards.

## 7. Light and Glare (TRPA Checklist Questions)

### Will the proposal:

	Yes	No	No, with mitigation	Data insufficient
a. Include new or modified sources of exterior lighting?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Create new illumination which is more substantial than other lighting, if any, within the surrounding area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Cause light from exterior sources to be cast off -site or onto public lands?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Create new sources of glare through the siting of the improvements or through the use of reflective materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Aesthetics – Light and Glare (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? (CEQA Id)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion:

The proposed modifications will not impact light or glare in the region.

## 8. Land Use (TRPA Checklist Questions)

### Will the proposal:

	Yes	No	No, with mitigation	Data insufficient
a. Include uses which are not listed as permissible uses in the applicable Area Plan, Plan Area Statement, adopted Community Plan, or Master Plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Expand or intensify an existing non-conforming use?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Land Use/Planning (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Physically divide an established community? (CEQA XIa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? (CEQA XIb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion:

No modifications to the land use in the Regional Plan are required to promote attainment of the standards.

## 9. Natural Resources (TRPA Checklist Questions)

### Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. A substantial increase in the rate of use of any natural resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Substantial depletion of any non-renewable natural resource?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Mineral Resources (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (CEQA XIIa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (CEQA XIIb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion:

No modifications to the land use in the Regional Plan are required to promote attainment of the standards.



## 10. Risk of Upset (TRPA Checklist Questions)

### Will the proposal:

	Yes	No	No, with mitigation	Data insufficient
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Involve possible interference with an emergency evacuation plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Hazards & Hazardous Materials (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (CEQA IXa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (CEQA IXb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (CEQA IXc)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (CEQA IXd)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? (CEQA IXe)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (CEQA VIIIIf)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? (CEQA IXg)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Wildfire (CEQA Checklist Questions)

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
8. Substantially impair an adopted emergency response plan or emergency evacuation plan? (CEQA XXa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? (CEQA XXb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Require the installation of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? (CEQA XXc)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? (CEQA XXd)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion:

No modifications to the land use in the Regional Plan are required to promote attainment of the standards, so there is no expected impact on the risk of upset in the region.

## 11. Population (TRPA Checklist Questions)

Will the proposal:

	Yes	No	No, with mitigation	Data insufficient
a. Alter the location, distribution, density, or growth rate of the human population planned for the Region?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Include or result in the temporary or permanent displacement of residents?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Population (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (CEQA XIVa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## 12. Housing (TRPA Checklist Questions)

### Will the proposal:

	Yes	No	No, with mitigation	Data insufficient
a. Affect existing housing, or create a demand for additional housing? <i>To determine if the proposal will affect existing housing or create a demand for additional housing, please answer the following questions:</i>				
1. Will the proposal decrease the amount of housing in the Tahoe Region?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposal decrease the amount of housing in the Tahoe Region historically or currently being rented at rates affordable by lower and very-low-income households?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Housing (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? (CEQA XIVb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion:

No modifications to the land use in the Regional Plan are required to promote attainment of the standards, so there is no expected impact on housing.

## 13. Transportation / Circulation (TRPA Checklist Questions)

### Will the proposal result in:

	Yes	No	No, with mitigation	Data insufficient
a. Generation of 650 or more new average daily Vehicle Miles Travelled?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Changes to existing parking facilities, or demand for new parking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Substantial impact upon existing transportation systems, including highway, transit, bicycle or pedestrian facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Alterations to present patterns of circulation or movement of people and/or goods?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Alterations to waterborne, rail or air traffic?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Transportation (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities? (CEQA XVIIa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b) VMT Threshold – Land Use Projects? (CEQA XVIIb)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (CEQA XVIIc)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Result in inadequate emergency access? (CEQA XVIIId)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Discussion:

No modifications to the land use in the Regional Plan or Transportation Policy in the Regional Transportation Plan are required to promote attainment of the standards, so there is no expected impact on transportation in the region.

## 14. Public Services (TRPA Checklist Questions)

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?:

	Yes	No	No, with mitigation	Data insufficient
a. Fire protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Police protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Schools?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Parks or other recreational facilities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Maintenance of public facilities, including roads?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Other governmental services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Public Services (CEQA Checklist Questions)

Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: (CEQA XVa)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Fire protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- |                             |                          |                                     |                          |                          |
|-----------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
| 2. Police protection?       | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Schools?                 | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Parks?                   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Other public facilities? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**Discussion:**

No modifications to the land use in the Regional Plan are required to promote attainment of the standards, so there is no expected impact on public services.

### 15. Energy (TRPA Checklist Questions)

**Will the proposal result in:**

- |   | Yes                      | No                                  | No, with mitigation      | Data insufficient        |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a. Use of substantial amounts of fuel or energy?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

### Energy (CEQA Checklist Questions)

- |  | Potentially Significant  | LTS with Mitigation                 | LTS Impact               | No Impact                |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|
| 1. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? (CEQA VIa) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? (CEQA VIb)   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**Discussion:**

No modifications to the land use in the Regional Plan are required to promote attainment of the standards, so there is no expected impact on energy.

### 16. Utilities (TRPA Checklist Questions)

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

- |                           | Yes                      | No                                  | No, with mitigation      | Data insufficient        |
|---------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a. Power or natural gas?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Communication systems? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

- |   |                          |                                     |                          |                          |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| c. Utilize additional water which amount will exceed the maximum permitted capacity of the service provider?                              | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Utilize additional sewage treatment capacity which amount will exceed the maximum permitted capacity of the sewage treatment provider? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Storm water drainage?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Solid waste and disposal?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

### Utilities/Service Systems (CEQA Checklist Questions)

- |  | Potentially Significant  | LTS with Mitigation      | LTS Impact               | No Impact                           |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 1. Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects? (CEQA XIXa) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Have sufficient water supplies available to serve the and reasonably foreseeable future development during normal, dry, and multiple dry years? (CEQA XIXb)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. Result in a determination by the wastewater treatment provider that serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments? (CEQA XIXc)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? (CEQA XIXd)  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? (CEQA XIXe)   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Discussion:**

No modifications to the land use in the Regional Plan are required to promote attainment of the standards, so there is no expected impact on utilities.

### 17. Human Health (TRPA Checklist Questions)

**Will the proposal result in:**

- |  | Yes                      | No                                  | No, with mitigation      | Data insufficient        |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a. Creation of any health hazard or potential health hazard (excluding mental health)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Exposure of people to potential health hazards?                                     | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**Discussion:**

The proposed threshold standard for removal of the invasive plants could have a beneficial impact on water quality with potential beneficial impacts on human health.

### 18. Scenic Resources/Community Design (TRPA Checklist Questions)

Current and historic status of the scenic resources standards can be found at the links below:

- [Built Environment](#)
- [Other Areas](#)
- [Roadway and Shoreline Units](#)

**Will the proposal:**

	Yes	No	No, with mitigation	Data insufficient
a. Be visible from any state or federal highway, Pioneer Trail or from Lake Tahoe?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Be visible from any public recreation area or TRPA designated bicycle trail?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Block or modify an existing view of Lake Tahoe or other scenic vista seen from a public road or other public area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Be inconsistent with the height and design standards required by the applicable ordinance, Community Plan, or Area Plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Be inconsistent with the TRPA Scenic Quality Improvement Program (SQIP) or Design Review Guidelines?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Aesthetics (CEQA Checklist Questions)

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Have a substantial adverse effect on a scenic vista? (CEQA Ia)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, within a state scenic highway? (CEQA Ib)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Substantially degrade the existing visual character or quality of the site and its surroundings? (CEQA Ic)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion:**

The proposed modifications do not include modification of the scenic standards.

## Aesthetics (CEQA Checklist Questions)

### 19. Recreation (TRPA Checklist Questions)

Current and historic status of the recreation standards can be found at the links below:

- [Fair Share Distribution of Recreation Capacity](#)
- [Quality of Recreation Experience and Access to Recreational Opportunities](#)

Will the proposal:

- |   | Yes                      | No                                  | No, with mitigation      | Data insufficient        |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a. Create additional demand for recreation facilities?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Create additional recreation capacity?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Have the potential to create conflicts between recreation uses, either existing or proposed? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Result in a decrease or loss of public access to any lake, waterway, or public lands?        | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

### Recreation (CEQA Checklist Questions)

- |  | Potentially Significant  | LTS with Mitigation      | LTS Impact               | No Impact                           |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 1. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (CEQA XVIa) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (CEQA XVIb)                       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

#### Discussion:

The proposed modifications do not include modification of the recreation standards.

### 20. Archaeological / Historical (TRPA Checklist Questions)

Will the proposal result in:

- |  | Yes                      | No                                  | No, with mitigation      | Data insufficient        |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a. An alteration of or adverse physical or aesthetic effect to a significant archaeological or historical site, structure, object or building? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |



- |  |                          |                                     |                          |                          |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|
| b. Is the proposed project located on a property with any known cultural, historical, and/or archaeological resources, including resources on TRPA or other regulatory official maps or records? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Is the property associated with any historically significant events and/or sites or persons?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Will the proposal restrict historic or pre-historic religious or sacred uses within the potential impact area?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

### Tribal Cultural Resources (CEQA Checklist Questions)

**Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:**

- |   | Potentially Significant  | LTS with Mitigation                 | LTS Impact               | No Impact                |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| 1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)? (CEQA XVIIIa.i)   | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. (CEQA XVIIIa.ii) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

### Cultural Resources (CEQA Checklist Questions)

- |   | Potentially Significant  | LTS with Mitigation      | LTS Impact               | No Impact                           |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 3. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? (CEQA Va)    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? (CEQA Vb) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. Disturb any human remains, including those interred outside of formal cemeteries? (CEQA Vc)                          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Discussion:**

The proposed modifications do not include modification of cultural resources.

## 21. Agriculture and Forestry Resources (CEQA Checklist Questions)

### Would the Project:

	Potentially Significant	LTS with Mitigation	LTS Impact	No Impact
1. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the CA Resources Agency, to a non-agricultural use? (CEQA IIa)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Conflict with existing zoning for agricultural use, or a Williamson Act contract? (CEQA IIb)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resource Code section 12220(g), timberland (as defined by Public Resource Code section 4526) or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (CEQA IIc)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Result in the loss of forest land or conversion of forest land to non-forest use? (CEQA II d)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? (CEQA IIe)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Discussion:

The proposed modifications will not agriculture and forestry resources in the region.

## 22. Cumulative/Synergistic Impacts

The proposed amendments do not include any changes to regional growth restrictions. The changes are designed to promote additional restoration work in the region.

## 23. Findings of Significance


	Yes	No	No, with mitigation	Data insufficient
f. 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. 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.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- 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 environmental is significant?)
- d. Does the project have environmental impacts which will cause substantial adverse effects on human being, either directly or indirectly?

The changes are designed to promote additional restoration work in the region.

**DECLARATION:**

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.

Signature:  \_\_\_\_\_

Dan Segan at Tahoe Regional Planning Agency

4/1/24

Person preparing application

County

Date

**Applicant Written Comments:** (Attach additional sheets if necessary)

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## Determination:

### 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 Procedures.  YES  NO



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Signature of Evaluator

Dan Segan, Chief Science and Policy Advisor  

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Title of Evaluator

Date 4/1/24

Attachment D

[Threshold Update Initiative Stakeholders Working Group February 14, 2024 Draft Meeting Summary](#)

Attachment E

[Staff Summary – Threshold Update Initiative Stakeholders Working Group Meeting February 14, 2024](#)

Attachment F

[Staff Summary – Advisory Planning Commission October 11, 2023 - Threshold Standard Update](#)





STAFF REPORT

Date: May 15, 2024

To: TRPA Legal Committee

From: TRPA Staff

Subject: Discussion on amendment to the Rules of Procedure, Article 9, Compliance Procedures, to document compliance procedures for violations of income- or employment-related deed-restrictions

Summary and Staff Recommendation:

Staff requests guidance and direction from the Legal Committee on possible amendments to Article 9 of the Rules of Procedure that would document compliance procedures for violations of income- or employment-based TRPA deed-restrictions, or failure to respond to a request for proof of compliance (Attachment A). This is an informational item only.

Project Description/Background:

Effective enforcement and monitoring of deed-restricted affordable and workforce housing properties is key to the success of TRPA’s housing programs and environmental threshold attainment, and TRPA places a high priority on continual improvement of these systems. In December 2018, TRPA implemented a major update of its deed-restriction requirements, based on best practices from other mountain resorts, including instituting an annual compliance monitoring system for units that were deed-restricted after that date. Since that time, TRPA has also been conducting outreach, education, monitoring, and compliance efforts on deed-restrictions issued prior to that date and provided a status report on these efforts in a deed-restriction process improvements memo posted to the TRPA webpage in March 2024 (Attachment B). In addition, TRPA has brought on a housing consultant, HousingInc., which has advised on several additional improvements that TRPA can make to its deed-restriction language and program to streamline compliance for deed-restricted units moving forward. TRPA is in the process of implementing these recommendations and expects to have them in place by the end of the year. A description of these recommendations can be found in Attachment B.

In 2023, TRPA began conducting audits of deed-restricted properties, and identified some properties which had sold for more than the allowable price shown in the deed-restriction, while other properties did not respond to TRPA’s request for documentation showing proof of compliance. While TRPA has communicated through these outreach efforts that penalties may be imposed in the amount of up to \$5,000 per day for violations in accordance with the Bi-State Compact (Public Law 96-551, Section VI(I)), a more tailored compliance approach depending on the type of violation is needed to effectively proceed with compliance efforts.

TRPA has proposed a compliance procedure which would be added to Article 9, Compliance Procedures, of the Rules of Procedures (Attachment A). The amendment documents TRPA's procedure for issuing a notice of violation, the amount of time that a property owner has to respond, an opportunity for the property owner to avoid monetary penalties if an appropriate plan of action to bring the property into compliance with the deed restriction can be agreed upon (such as an agreement to update out-of-date deed-restriction language to newer language with better compliance controls), and the amount of financial penalties based on the type of violation (failure to respond to a request for information versus non-compliance with the terms of the deed-restriction).

TRPA staff requests guidance and direction on this process, before bringing this item back for a recommendation for approval to the TRPA Legal Committee.

Environmental Review:

TRPA will complete the necessary environmental review before bringing these amendments forward for consideration.

Regional Plan Compliance:

The proposed amendment is consistent with the Regional Plan, and helps the agency implement the Housing Goals in the Goals and Policies, which include:

GOAL HS-1

Promote housing opportunities for full-time and seasonal residents as well as workers employed within the region.

GOAL HS-2

To the extent feasible, without compromising the growth management provisions of the Regional Plan, the attainment of threshold goals, and affordable housing incentive programs, moderate income housing will be encouraged in suitable locations for the residents of the region.

GOAL HS-3

Regularly evaluate housing needs in the region and update policies and ordinances if necessary to achieve state, local and regional housing goals.

Contact Information:

For questions regarding this agenda item, please contact Karen Fink, Principal Planner, at (775) 589-5258 or [kfink@trpa.gov](mailto:kfink@trpa.gov).

To submit a written public comment, email [publiccomment@trpa.gov](mailto:publiccomment@trpa.gov) with the appropriate agenda item in the subject line. Written comments received by 4 p.m. the day before a scheduled public meeting will be distributed and posted to the TRPA website before the meeting begins. TRPA does not guarantee written comments received after 4 p.m. the day before a meeting will be distributed and posted in time for the meeting.

Attachments:

- A. Draft deed-restriction compliance procedure amendments to the Article 9 of the Rules of Procedure
- B. 2024 Deed-Restriction Process Improvements Memo: [https://www.trpa.gov/wp-content/uploads/2024\\_Deed-Restriction-Process-Improvements.pdf](https://www.trpa.gov/wp-content/uploads/2024_Deed-Restriction-Process-Improvements.pdf)

Attachment A

Draft deed-restriction compliance procedure amendments to the Article 9 of the Rules of Procedure

**Article 9: COMPLIANCE PROCEDURES**

9.20 Compliance WITH income- or employment-based deed restrictions

4. Based on the Notice and Response, the Executive Director shall make a determination as to the whether a violation of the BMP retrofit program has or has not occurred on the subject property. If the Response is not timely filed, the Executive Director will make this determination based only on the Notice.
5. If the Executive Director determines that a violation of the BMP retrofit program has occurred, the property owner shall be so informed and an Offer of Settlement of BMP Violation ("Offer") shall be made by TRPA. Every Offer shall contain a monetary amount to be paid within 30 calendar days pursuant to the penalty matrix set forth below. Every Offer shall also require the submission of a BMP retrofit plan that is in compliance with subsection 60.4.4 of the TRPA Code and a BMP implementation schedule, as described in subsection 2, within 30 days; property owners shall not be given the option of non-compliance with subsection 60.4.4 of the TRPA Code. Notwithstanding Article 11 of these Rules, a property owner may not appeal the Executive Director violation determination.

PENALTY MATRIX	
Violation	Penalty
Noncompliance for 1 year	\$1,000
Noncompliance for 2 years	\$2,500
Noncompliance for 3 years	\$4,000

6. If the monetary amount and/ or retrofit plan requested in the Offer is not timely received, or if BMPs have not been completely installed within the deadlines set forth in the TRPA-approved BMP implementation schedule, the Agency counsel may initiate litigation pursuant to Article VI of the Compact seeking the civil penalties and injunctive relief to ensure compliance with the BMP retrofit program.
7. The Governing Board shall be informed of all actions taken by the Executive Director or Agency counsel pursuant to this subsection at the Board meeting immediately following any action(s) taken.

**9.20. COMPLIANCE WITH INCOME- OR EMPLOYMENT-BASED DEED RESTRICTIONS**

Violations of any income- or employment-based deed restriction issued pursuant to subsection 52.3.1 of the Code, as a condition of a TRPA project approval or other TRPA action, or failure to provide an annual compliance report or otherwise timely respond to a request from TRPA to provide proof of compliance with such a deed restriction, shall be resolved as specified in this section. Violations of deed restrictions issued pursuant to the Code are violations of the deed restriction thereby giving rise to all applicable legal and equitable relief. Such violations shall also be considered separate violations of the Code subject to separate and/or concurrent enforcement under this Article.

1. Owners of properties identified by the Executive Director to be out of compliance with the terms of the deed restriction specific to the property, or who have not provided requested documentation to demonstrate compliance, shall be served a Notice of Violation. ("Notice") pursuant to subsections 9.4 and 9.5 of these Rules. The Notice shall include, at minimum, a

**Article 9: COMPLIANCE PROCEDURES**

9.20 Compliance WITH income- or employment-based deed restrictions

statement of facts supporting TRPA’s initial determination that the subject property is out of compliance.

2. A property owner who receives Notice shall have 30 calendar days to file with TRPA a Response (“Response”) to the Notice. The Response shall include, at minimum, a statement relevant to the facts contained in the Notice and any circumstances that may mitigate or excuse the alleged failure to comply.
3. Based on the Notice and Response, the Executive Director shall make a determination as to the whether a violation of the deed restriction has or has not occurred on the subject property. If the Response is not timely filed, the Executive Director will make this determination based only on the Notice.
4. If the Executive Director determines that a violation has occurred, the property owner shall be so informed and an Offer of Settlement of Deed-Restriction Violation (“Offer”) shall be made by TRPA. Every Offer shall contain a monetary amount pursuant to the penalty matrix set forth below, to be paid within a specified number of days. Notwithstanding Article 11 of these Rules, a property owner may not appeal the Executive Director’s violation determination.

<b>PENALTY MATRIX</b>	
<b>Violation</b>	<b>Penalty</b>
<u>Failure to provide requested documentation of compliance</u>	<u>\$1,500, applied each year of non-compliance</u>
<u>Year 1 of violation</u>	<u>\$5,000</u>
<u>Year 2 of violation</u>	<u>\$10,000</u>
<u>Year 3 of violation</u>	<u>\$15,000</u>
<u>Year 4 of violation and each subsequent year</u>	<u>\$20,000</u>

5. Each consecutive year that a property is out of compliance (based on the date of the Executive Director’s determination of a violation) shall constitute a separate and independent violation, which TRPA may recover on a cumulative basis. For example, if a property is out of compliance for a third consecutive year, the owner is responsible for three violations and a total penalty of \$30,000 (the sum of penalties for year 1, 2, and 3 violations). A settlement to resolve violations from the preceding year(s) will not reset the violation date. Therefore, if the property owner in the example above settles liability for being out of compliance for three consecutive years, but then remains out of compliance upon year four, the applicable penalty at that point will be \$20,000 rather than \$5,000.
6. Any property owner who violates a requirement to provide an annual compliance report or otherwise fails to timely respond to a request by TRPA to provide proof of compliance with a deed restriction shall be deemed out of compliance with the deed restriction for purposes of enforcement as a Code violation pursuant to the penalty matrix above. The penalty applied to a failure to provide documentation shall be in addition to the penalty of years-

**TRPA Code of Ordinances – Rules of Procedure**

Adopted November 15, 2011 – Effective March 1, 2012 | Amended September 27, 2023 | Page 9-4

**Article 9: COMPLIANCE PROCEDURES**

9.20 Compliance WITH income- or employment-based deed restrictions

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based violations. For example, an owner who fails to report compliance for year 1 will be deemed out of compliance, subject to a \$5,000 penalty, plus an additional \$1,500 penalty for failing to report.

7. TRPA may forgo monetary penalties if within 90 days of the Notice the property owner and TRPA agree on an appropriate action plan to remedy the deed restriction violation. TRPA shall require implementation of the plan no later than 180 days after the Notice unless extenuating circumstances warrant additional time, and may at its discretion, apply additional penalties for failure to implement the plan within plan timelines.
8. If TRPA does not timely receive the monetary amount identified in the Offer, or if the owner has not implemented the action plan within the agreed upon deadlines, TRPA may initiate litigation pursuant to Article VI of the Compact seeking civil penalties and injunctive relief.
9. The Executive Director shall keep the Governing Board reasonably apprised of all significant actions taken pursuant to this section.

Attachment B

2024 Deed-Restriction Process Improvements Memo:

[https://www.trpa.gov/wp-content/uploads/2024\\_Deed-Restriction-Process-Improvements.pdf](https://www.trpa.gov/wp-content/uploads/2024_Deed-Restriction-Process-Improvements.pdf)







STAFF REPORT

Date: May 15, 2024

To: TRPA Regional Plan Committee

From: TRPA Staff

Subject: Consideration and Possible Recommendation of Approval of Proposed Amendments to the Tourist Core Area Plan

Staff Recommendation:

TRPA staff requests that the Regional Plan Committee (RPC) review the materials provided in this packet to ensure the proposed Tourist Core Area Plan (TCAP) amendments are in conformance with the Regional Plan and recommend approval of the amendments to the TRPA Governing Board.

Required Motions:

To recommend approval of the proposed amendments, the RPC must make the following motions, based on this staff report and materials provided within this packet:

- 1) A motion to recommend TRPA Governing Board approval of the required findings, including a finding of no significant effect, for adoption of proposed Tourist Core Area Plan amendments and as provided in Attachment D.
- 2) A motion to recommend TRPA Governing Board adoption of Ordinance 2024-\_\_, amending Ordinance 2022-02, as previously amended, to amend the Tourist Core Area Plan to include the additions and revisions as provided in Attachment B.

In order for the motions to pass, an affirmative vote of a majority of the quorum is required.

Approval and Adoption Process:

Area plans and area plan amendments are typically first approved and adopted by the local jurisdiction and then by the TRPA Governing Board. Upon TRPA approval and adoption of an area plan, the plan then becomes a component of the Regional Plan. Local jurisdiction staff engage with TRPA staff early and often throughout the development and planning process of area plans and area plan amendments to ensure compliance with the Regional Plan, including an informational hearing in front of the RPC prior to local approvals.

The City Council approved the amendment to the TCAP at their April 23, 2024 meeting. The Advisory Planning Commission (APC) recommended approval of the amendment at their May 8, 2024 meeting. If the RPC recommends TRPA adoption, TRPA staff anticipate bringing these amendments to the Governing Board on June 26, 2024, for consideration of final approval and adoption.

Amendment Summary:

The City of South Lake Tahoe and the TRPA Governing Board adopted the Tourist Core Area Plan (TCAP) in 2013. This amendment proposes to change the zoning of a 1.29-acre portion of Assessor's Parcel Number (APN) 029-441-024 (formerly APNs 029-240-011 and 029-441-004) that is located behind the Raley's grocery store adjacent to Heavenly Village. APN 029-441-004 was the site of the Colony Inn hotel that has since been removed and the development rights banked for future use or transfer. In June 2021, the two subject parcels (APNs formerly 029-240-011 and 029-441-004) were legally consolidated into a single parcel and are now designated as APN 029-441-024. The amendment area includes the area that was formerly APN 029-240-011. As a result of the consolidation, the combined parcel is located in two different TCAP zoning districts with different permissible uses. The former Colony Inn parcel (formerly APN 029-441-004) is located within the Tourist Core Area Plan's Tourist Center Mixed Use district which allows multi-family residential use, while the adjacent parcel and amendment area (formerly APN 029-240-011) is located within the area plan's Recreation district, which allows employee housing as the only residential use.

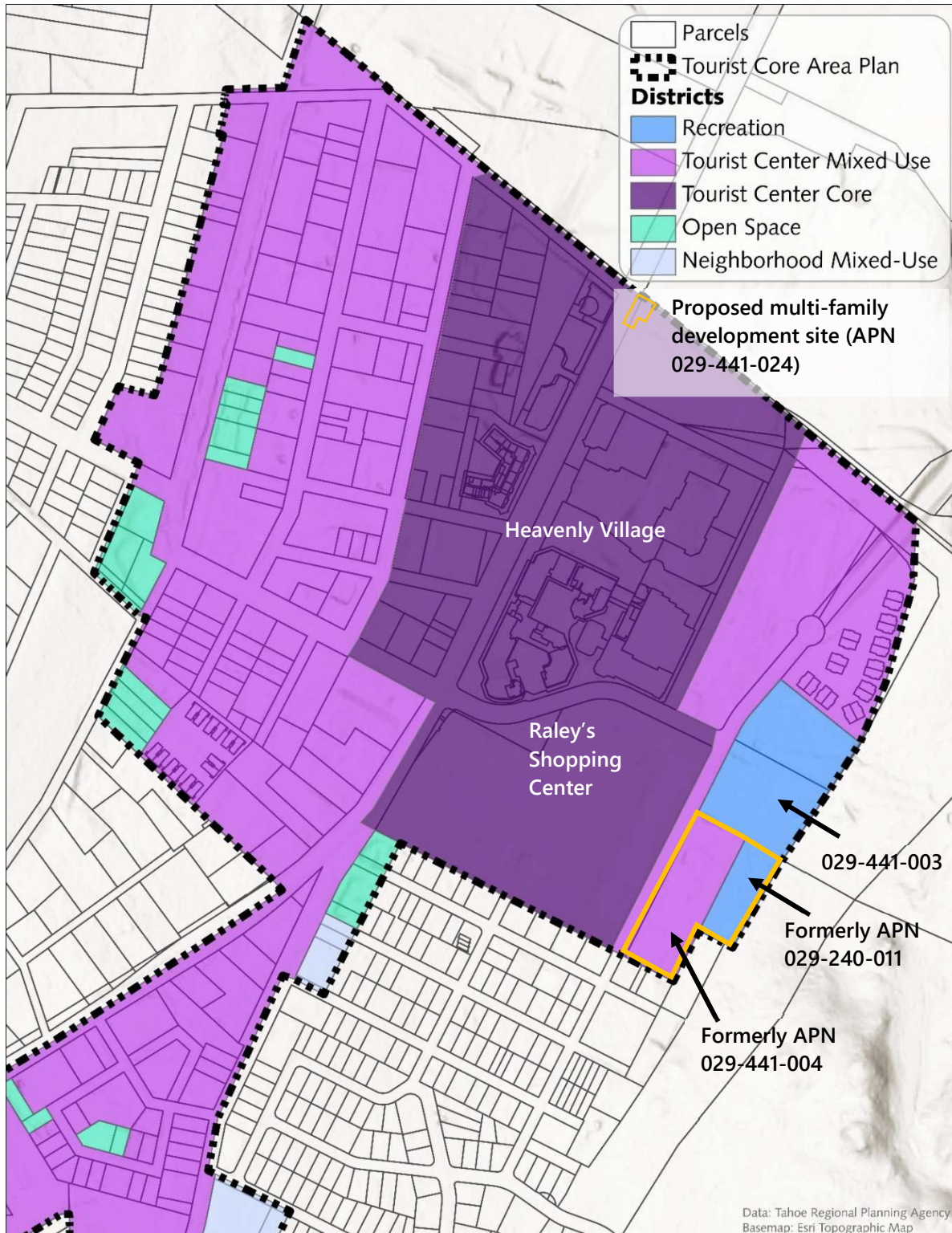
The proposed amendments, as provided in this packet, would rezone the amendment area (formerly 029-240-011) from Recreation to Tourist Center Mixed Use within the local area plan (TCAP). The proposed amendments were initiated by HVR Acquisitions with an application to the City. The City previously approved a four-unit multi-family project on the former Colony Inn property (APN 029-441-004). If the area plan amendment is approved, the applicant (HVR Acquisitions) wishes to expand the multi-family housing development project to adjacent parcel (formerly 029-240-011). The current Recreation district allows single family development as a special use and employee housing as an allowed use at 15 units per acre but does not allow multi-family development. The amendment would expand the boundary of the Tourist Center Mixed Use District, allowing multi-family residential on this parcel at a density of 25 units per acre.

The proposed amendments apply to the City's TCAP. **There are no proposed amendments to the Regional Plan's land use designations or boundaries or to existing Town Center boundaries. The entire amendment area is currently included within the regional land use "tourist" designation and within the existing Stateline/Ski Run Town Center.** The specific changes (i.e. language) proposed by these amendments are included in Attachment B.

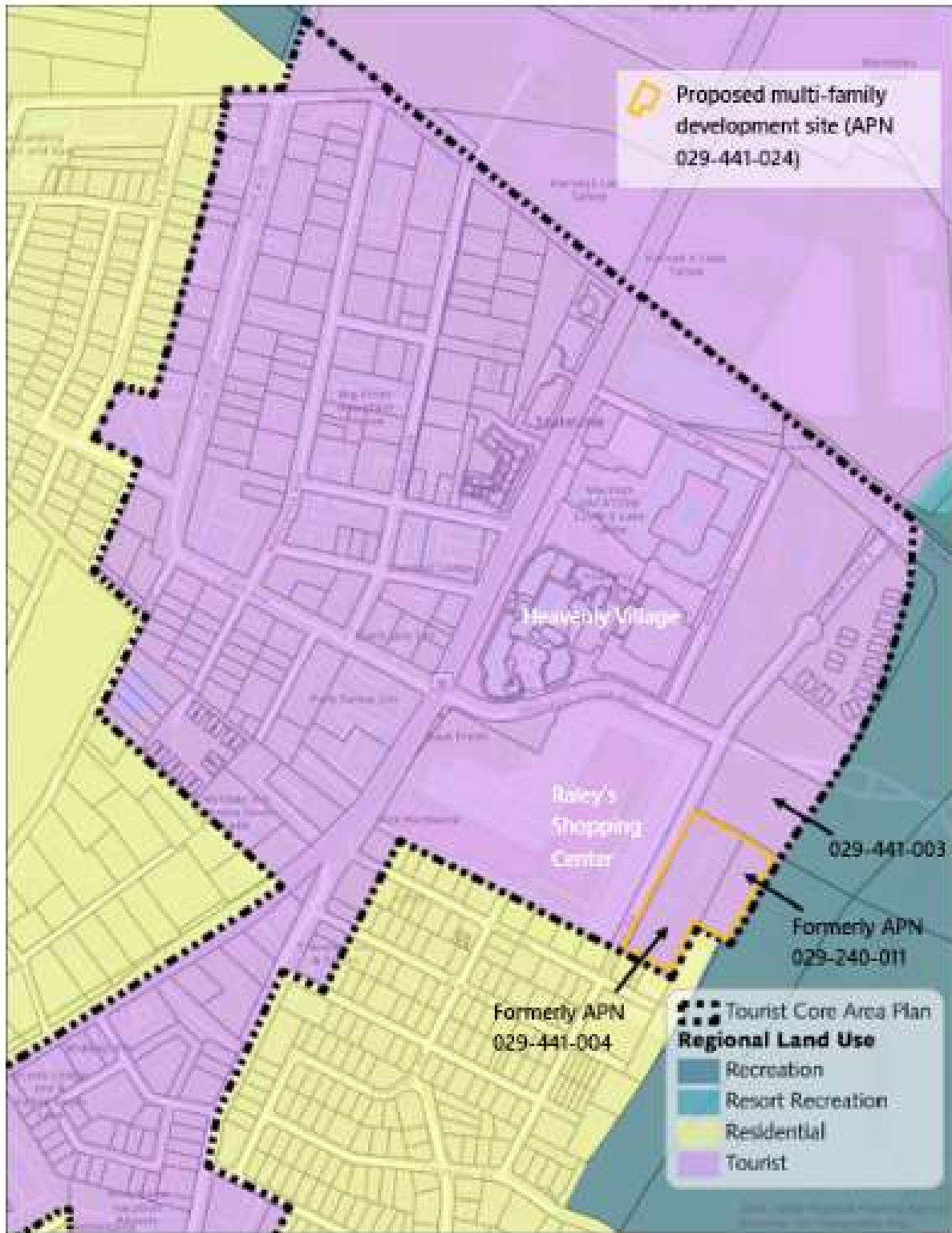
Previous Regional Plan Committee Input:

The proposed amendment was heard by the RPC in July 2022, where the Committee decided not to take action on the item due to several concerns about impacts to the adjacent stream environment zone (SEZ), the lack of deed restricted housing, and low density in a town center. Since the 2022 meeting and as a result of RPC input, the provision that limited allowable density to four units per acre was removed from the proposed amendment. The parcel adjacent to the entrance of Van Sickle Bi-State Park (APN 029-240-011) was also removed from the proposed amendment area. The project itself has been revised to include additional units, two of which will be deed restricted achievable, and the project applicant has an active application (ERSP2023-1029) with TRPA to restore the SEZ. All development on this parcel will only take place on the high-capability portion of the property, and not in the SEZ, per TRPA Code of Ordinances Section 30.4.1.C.3.

Location Map: Tourist Core Area Plan Showing the Zoning Districts, including the subject Tourist Center Mixed Use District (TSC-MU) and amendment area



Location Map: TRPA Regional Plan Land Use Designations and Town Center Boundaries



Environmental Review and Regional Plan Conformance:

The City of South Lake Tahoe staff and the applicant prepared the attached Initial Environmental Checklist (IEC), required findings, and Finding of No Significant Effect (FONSE) pursuant to TRPA Code of Ordinances Section 3.3 and Chapter 4 for the proposed amendments. The draft environmental document provides an analysis of potential environmental impacts of the amendment package. The IEC has been reviewed by TRPA staff. The analysis demonstrates that the proposed amendments either have no impact or less than significant impacts in all areas. The IEC, findings, and FONSE are provided as Attachments C and D.

The City of South Lake Tahoe staff and the applicant prepared the attached Compliance Measures evaluation (Attachment E) pursuant to TRPA Code Section 4.4 and found the amendments will not negatively impact a TRPA adopted threshold indicator or compliance measure. The checklist has been reviewed by TRPA staff.

The City of South Lake Tahoe staff and the applicant completed an Area Plan Finding of Conformity Checklist (Attachment F) pursuant to Chapter 13 of the TRPA Code of Ordinance. The checklist has been reviewed by TRPA staff.

Contact Information:

For questions regarding this item, please contact Alyssa Bettinger, Senior Planner, at (775) 589-5301 or [abettinger@trpa.gov](mailto:abettinger@trpa.gov). To submit a written public comment, email [publiccomment@trpa.gov](mailto:publiccomment@trpa.gov) with the appropriate agenda item in the subject line. Written comments received by 4 p.m. the day before a scheduled public meeting will be distributed and posted to the TRPA website before the meeting begins. TRPA does not guarantee written comments received after 4 p.m. the day before a meeting will be distributed and posted in time for the meeting.

Attachments:

- A. City Staff Summary
- B. TRPA Adopting Ordinance 2024-\_\_
  - Exhibit 1: Proposed Amendments to the Tourist Core Area Plan, Table 1: Permitted Uses by Land Use District
- C. Initial Environmental Checklist (IEC)
  - Exhibit 1: Mitigated Negative Declaration/Response to Comments
- D. Required Findings/Rationale and Finding of No Significant Effect (FONSE)
- E. Compliance Measures Evaluation
- F. Area Plan Finding of Conformity Checklist

Attachment A  
City Staff Summary



# City of South Lake Tahoe Report to Regional Plan Committee

**Meeting Date:** May 22, 2024

**Title:** Tourist Core Area Plan/Specific Plan Amendments

**Location:** Tourist Core Area Plan Mixed-Use District, APN 029-441-024

**Responsible Staff Members:** John Hitchcock, Planning Manager (530) 542-7472

## **Background:**

The TCAP was originally adopted by the City of South Lake Tahoe on October 14, 2013, and by the TRPA Governing Board on November 11, 2013, and has since been amended to modify land use and plan boundaries. The plan provides land use guidance for future development and redevelopment and addresses land use regulations, development and design standards, transportation, recreation, public service, and environmental improvements for the area. It encourages general improvement and enhancement for the built environment and provides a framework to change the existing conditions into opportunities for redevelopment with a focus on achieving environmental improvements, encouraging a mixed-use land use pattern that includes high-density tourist accommodation and residential uses, commercial, public facilities, public spaces and opportunities for housing in close proximity to job centers. The TCAP is the center of tourist services and recreation access in the city and has traditionally been the area with the highest concentration of services and density.

HVR Acquisitions LLC (HVR) submitted a development application in 2019 to the City of South Lake Tahoe, proposing an amendment to the Tourist Core Area Plan/Specific Plan. HVR proposed to amend the existing zoning for two parcels, APNs 029-240-011 & 029-441-003, from Recreation (Rec) to Tourist Center Mixed-Use (TSC-MU). The amendment would expand the boundary of the TSC-MU district, allowing additional land uses (multi-family, tourist accommodation, commercial and public services uses) that are not allowed in the Recreation district and would allow additional heights up to 56 feet from 36 feet and increase density to 25 units an acre.). HVR's intent in pursuing the amendment is to develop multi-residential units on APN 029-441-004, which is already zoned TSC-MUC, and on the two subject parcels that are affected by this amendment.

After conducting a public workshop on the proposed amendment and receiving comments from the public, the League to Save Lake Tahoe, the California Tahoe Conservancy, and the Nevada Division of State Parks, the applicant amended the proposal in response to concerns. Discussion and analysis of the original proposal and revised amendment and its potential impacts are provided below in the Issue and Discussion section.

**Issue and Discussion:** The subject parcels total 5.05 acres currently in the Recreation District (APNs 029-240-011 and 029-441-003). The Recreation district allows for a variety of recreation

uses, such as dispersed recreation and parks. Permissible uses in this district are primarily related to recreation uses and include cross-country ski courses, day-use areas, group facilities, riding and hiking trails, rural sports, snowmobile courses, employee housing at 15 units per acre, and single-family dwellings (a caretaker residence). Height within the Recreation district is capped at 36 feet, but like all other districts in the Tourist Core Area Plan, a maximum of 70 percent coverage is allowed on high capability lands.

The subject parcels were previously zoned tourist accommodation (see Attachment 02, PAS 089B – California South Stateline Resort Area, but were rezoned to recreation when the Stateline/Ski Run Community Plan was adopted in 1994. Under PAS 089B, prior to 1994, multi-family and single-family dwellings were permitted with a special use permit. When the Tourist Core Area Plan was adopted to replace the Stateline/Ski Run Community Plan, the Recreation district designation and permissible uses were carried over into the Tourist Core Area Plan.

Since the adoption of the community plan, the properties have been held in private ownership, and there have not been any proposals or discussions to develop the properties with recreation-type uses. It is likely that the properties were not developed because of existing site constraints and parcel size. TRPA completed a land capability verification for the subject parcels and has verified a stream environment zone (SEZ) on both parcels. In total, approximately 46% of the parcels are designated SEZ and are not developable (see Figure 3 and Figure 4). Any development would be limited to the high capability portion located to the southwestern portion of APN 029-240-011 and the northeastern portion of 029-441-003, which is adjacent to Van Sickle State Park.

Figure 3 – APN 029-240-011 Land Capability Verification

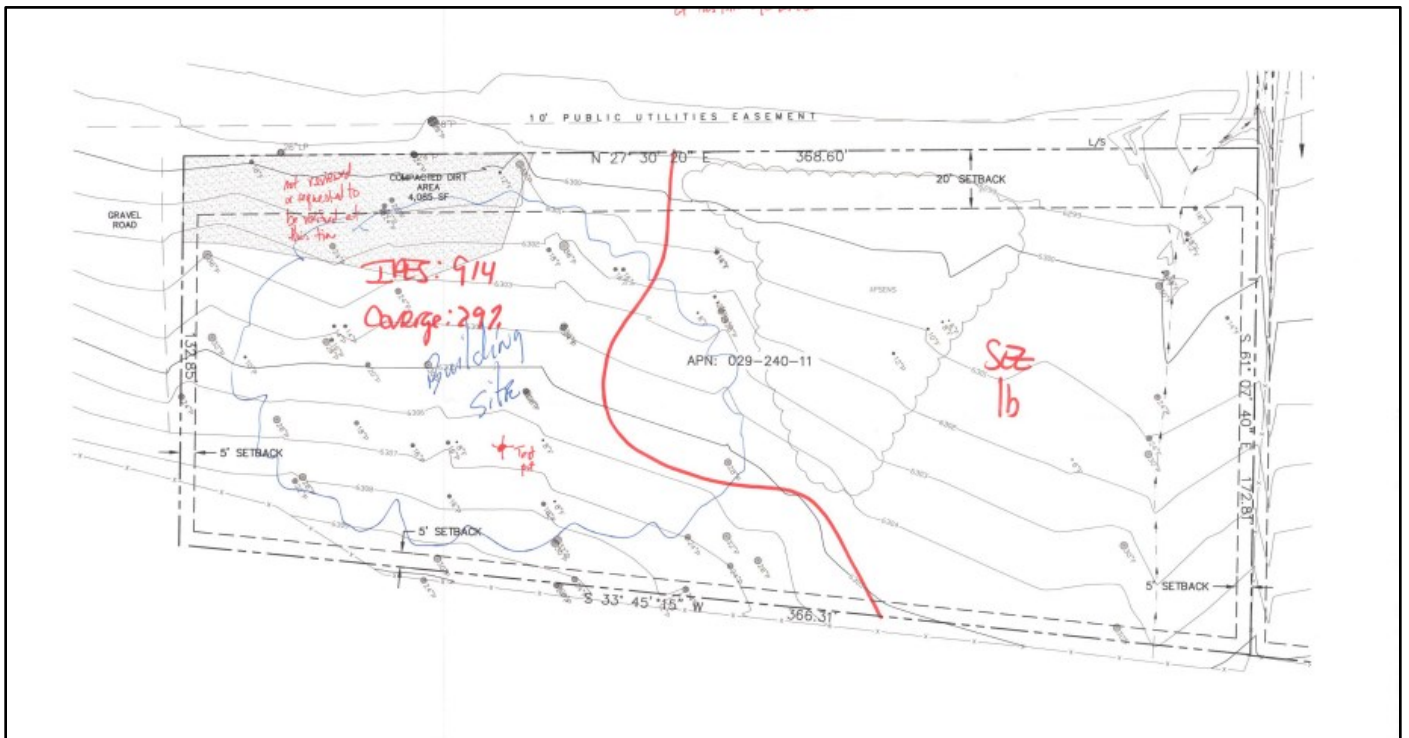
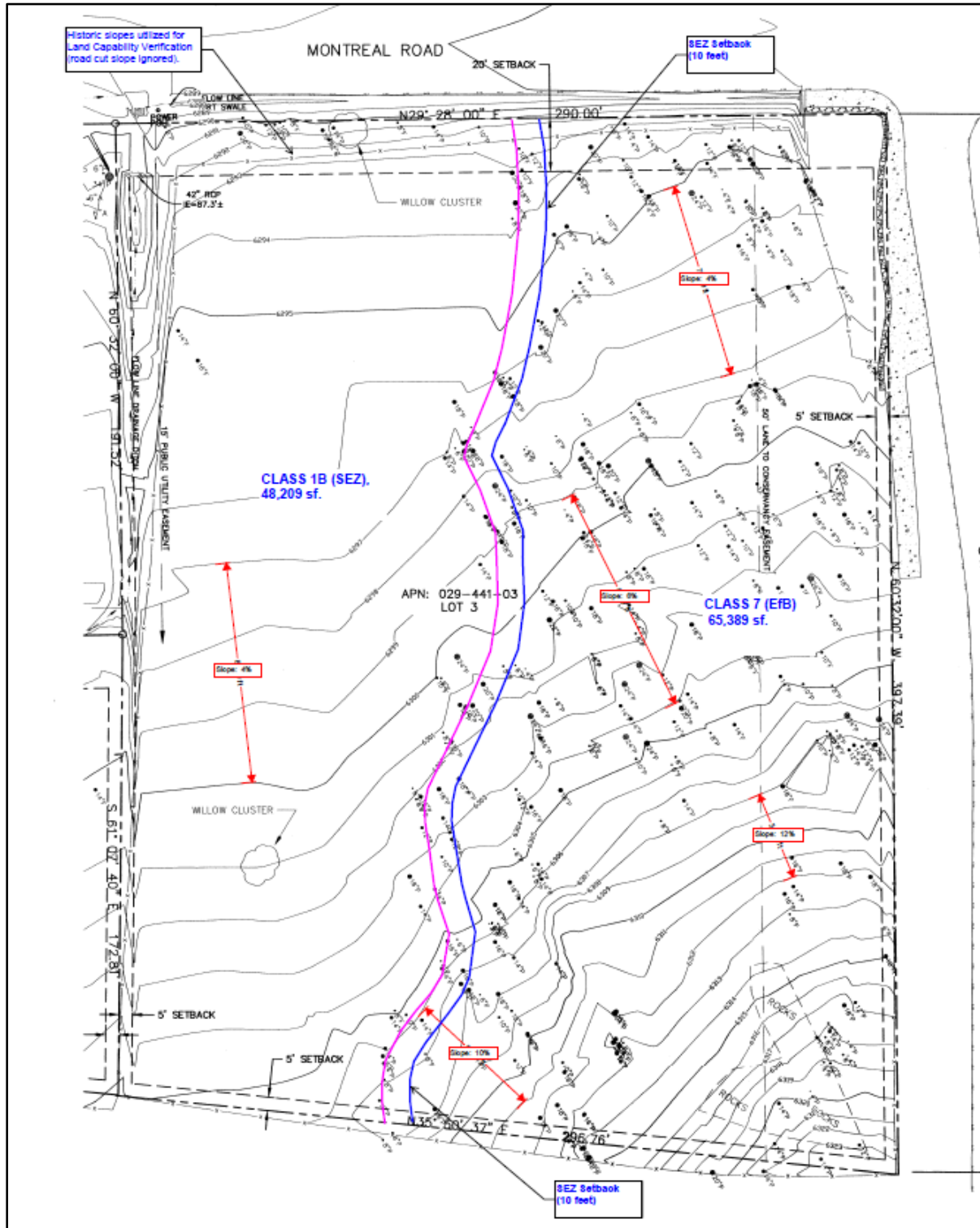




Figure 4 – APN 029-441-003 Land Capability Verification



Prior to preparing an Initial Study to evaluate the impacts of the proposed amendment, the City, in coordination with the applicant, conducted an online public scoping meeting on November 12, 2020, to take public comment on the proposed amendment and the scope of the environmental analysis. The meeting was attended by members of the public and staff members from the League to Save Lake Tahoe, the California Tahoe Conservancy, and the Nevada Division of State Parks. Commenters expressed concerns that the proposed amendment would impact the adjacent SEZ and its potential for quality habitat, result in management issues extending beyond the private development, encroachment, storage of equipment on public lands, change to the recreation character of the area resulting in scenic impacts, wildfire impacts, and creating parking issues at Van Sickle State Park.

### Scenic

The developable portion of the subject parcel is approximately 540 feet from Van Sickle State Park and is well screened with mature vegetation located along the southern boundary of the Van Sickle Park property line and the adjacent parcel (see Figure 5). Any future potential project would also be required to implement the design standards of the Tourist Core Area Plan, which requires a mountain architectural aesthetic that incorporates building articulation, fenestration, pitched roofs, use of earthtone colors, natural and natural appearing materials, and onsite landscape to ensure development complements its natural setting. Incorporating the adopted design standards would reduce any potential scenic impacts or impacts to existing scenic views located onsite or offsite.

### Encroachment

To reduce any potential encroachment on public lands, the SEZ, or degrade habitat, and restrict the storage of personal property on adjacent public lands, any future potential project will include a visually permeable perimeter fencing along the SEZ setback line. The fence will reduce any potential encroachment on the SEZ or on adjacent public lands.

### Parking

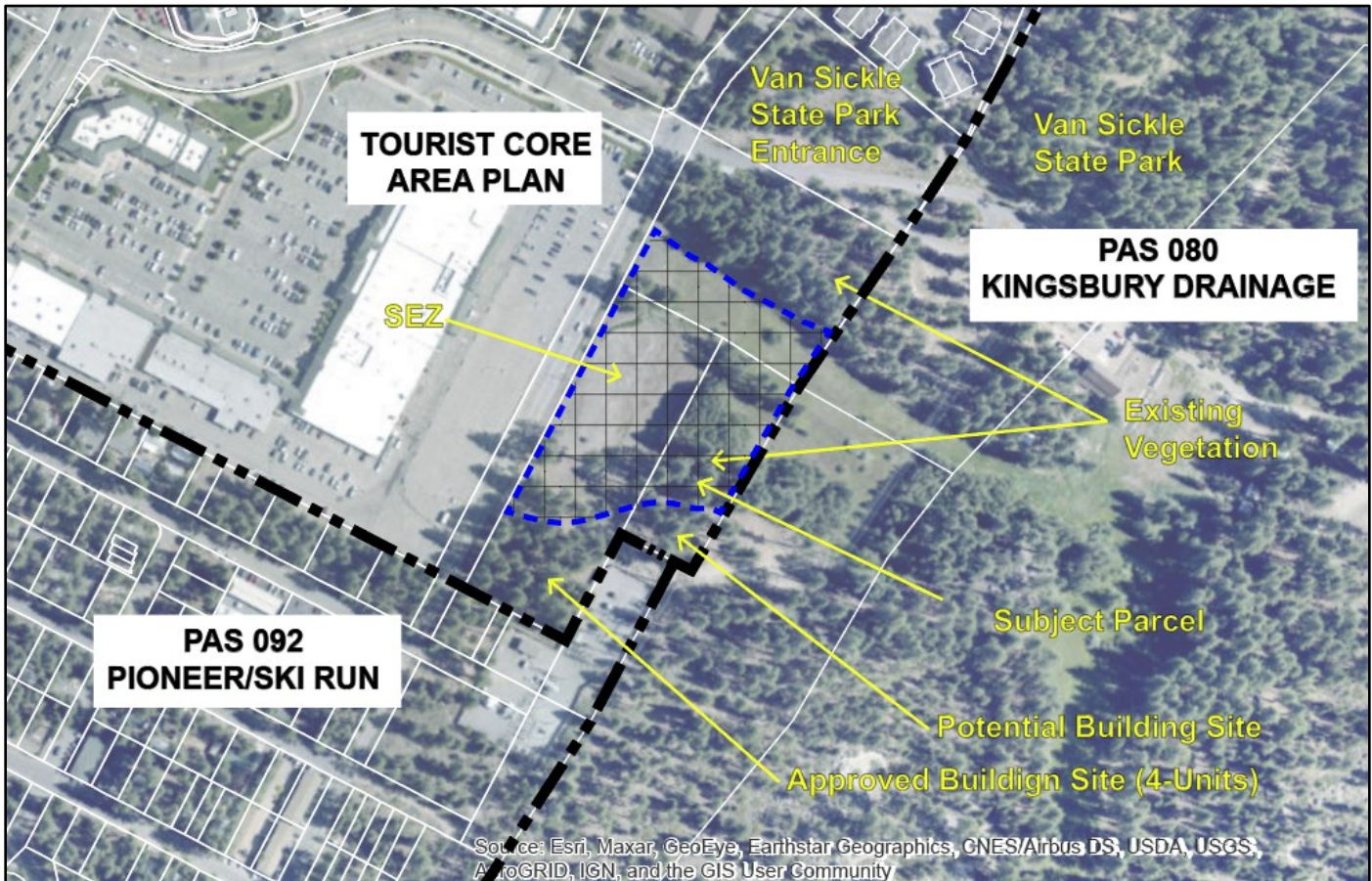
Concerns were expressed by the California Tahoe Conservancy that limited parking at Van Sickle State Park would be used by private individuals in any future residential project, thereby excluding the public from parking at the park. The City parking standards require all project types, including residential, to provide adequate onsite parking to serve the residents and guests. Any potential future projects would be required to meet the City parking standards. Moreover, due to the proximity of the entrance of Van Sickle State Park to the subject parcel, it is unlikely any future residents or guests would utilize parking at the park. As noted by CTC staff, Van Sickle Park was purposely designed to encourage pedestrian access by limiting parking and providing recreation access to a highly urbanized south shore area via existing sidewalks and paths.

### Fire Risk

Concerns were also raised about the proposed amendment increasing fire risk by pushing development into the Wildland-Urban Interface Zone. It should be noted that the Recreation

District already allows development, and all development, regardless of its zoning district, is required to use materials, systems and/or assemblies in the exterior design and construction that meet California Building Code 7A requirements for construction in the Wildland-Urban Interface Zone. All potential projects are also required to meet appropriate setback requirements for defensible space and must be approved by the City Fire Inspector.

Figure 5 – Subject Parcel in Relation to Van Sickle State Park



### Revised Project Description and Proposed Amendment

As a result of comments received during the scoping meeting and subsequent discussions with California Tahoe Conservancy staff, the proposed amendment was amended to address these concerns. The project description was revised to remove the parcel adjacent to Van Sickle State Park from the proposal (APN029-441-003). This parcel would remain zoned as recreation.

Subsequently, the remaining subject recreation parcel (APN 029-240-011) was merged with APN 029-441-004, which is located in the TSC-MU district, to create APN 029-441-024. However, the merge did not affect the area plan boundary, and a portion of the new merged parcel is still zoned Recreation and is the subject area of this proposed amendment (see Figure 6).

In response to concerns related to a change in recreation character and potential scenic impacts, the proposed amendment was also revised to add policies to the TSC-MU district that are specifically applicable to the subject parcel. These policies would limit the use of this parcel to residential, linear public facilities, recreation, resource management, and open space uses (tourist, commercial, and most general public service land uses would be prohibited). In addition, the density was proposed to be capped at four dwelling units an acre.

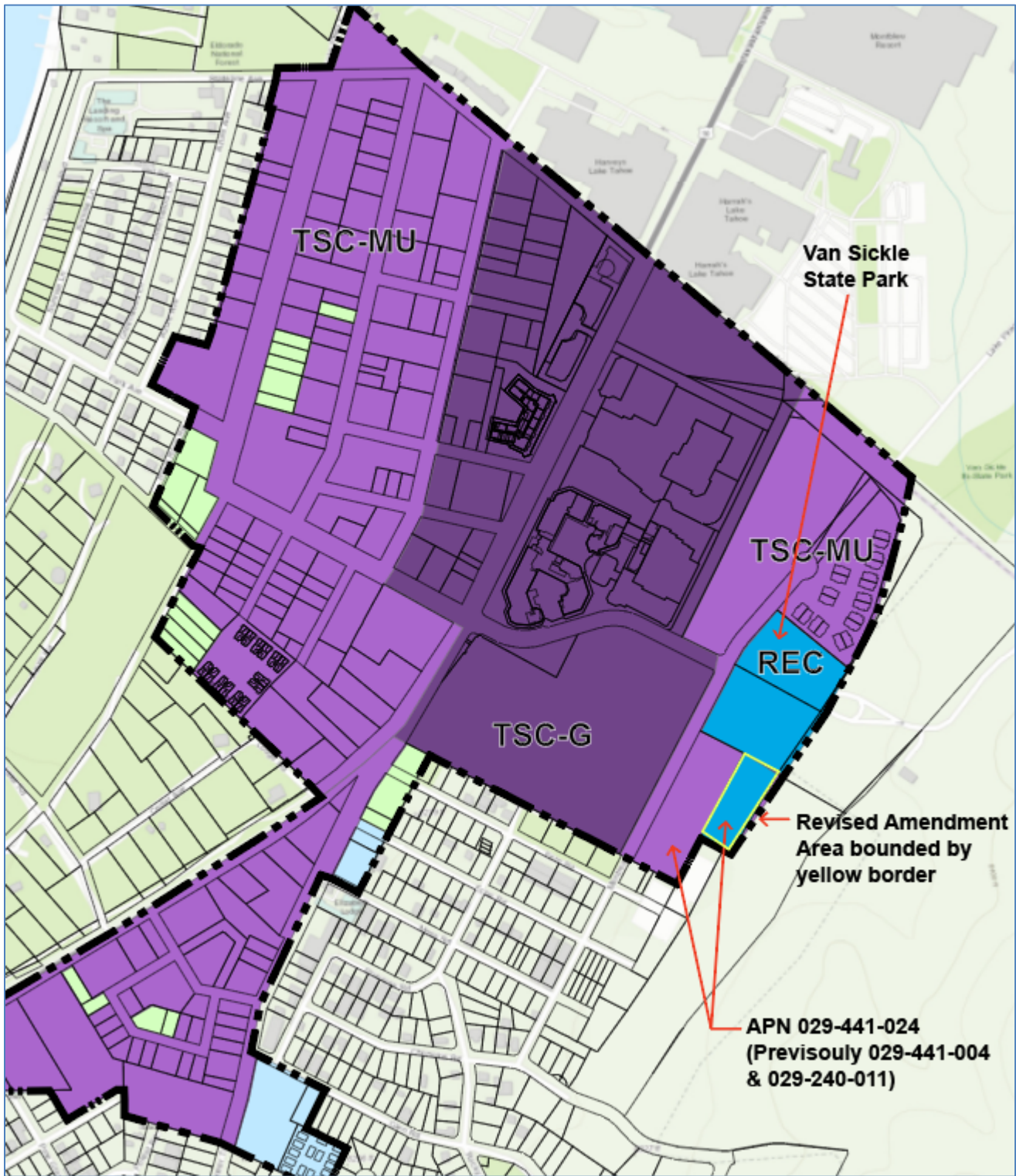
In addition to the change in the project description, the privately initiated area plan amendment was incorporated into the staff-initiated Tourist Core Area Plan Amendment to streamline the amendment process.

### 2024 Project Description and Proposed Amendment

On June 6, 2023, staff presented the Tourist Core Area Plan Amendment to the City Council. During deliberation, the City Council questioned the proposed reduction in density and commented that the density should be higher considering the parcel is located in a designated Town Center. In addition to supporting higher density on the parcel, the Council directed staff to remove the privately initiated area plan amendment from the staff-initiated Tourist Core Area Plan Amendment and process the amendment separately on its own merit.

As a result of the City Council comments related to density, the applicant has revised the project description to remove the density limitation of four dwelling units an acre. All other aspects of the proposal would remain the same, including limiting residential and linear public facilities, recreation, resource management, and open space uses on the parcel. If the amendment is successful, the Tourist Core Area Plan density standard would potentially allow up to 32 additional residential units. In addition, the applicant has also revised the project description to commit to deed restricting two residential units in any potential future project to TRPA-designated "achievable units."

Figure 6 – Revised Amendment Area



## Initial Study

To evaluate the potential environmental impacts of the proposed amendment, Hauge Brueck Associates prepared an Initial Study/Mitigated Negative Declaration (IS/MND) pursuant to the California Environmental Quality Act (CEQA). The IS/MND analyzes the project's potential to result in significant environmental impacts. Areas of analysis include aesthetics, agriculture and forestry, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use planning, mineral resources, noise, population and housing, public services, recreation, transportation and traffic, utility and services systems, and additional mandatory findings of significance related to potential cumulative impacts. The analysis concluded that the proposed project could potentially have impacts in the following resource areas: public services and recreation.

The IS/MND concluded that the proposed amendment could potentially impact parking demand at full build-out if the amendment were successfully adopted. The IS/MND includes Mitigation Measure TRAN-1, which requires the property owner to enter into an agreement for offsite parking or submit a parking analysis that supports a reduction in the parking demand ratio.

## Tribal Consultation

Pursuant to state law, the City has completed the requirements for consultation with Native American tribes under Assembly Bill 52 and the California Environmental Quality Act (CEQA) Guidelines. Consultation letters were sent on December 14, 2020 to the Lone Band of Miwok Indians, the Shingle Springs Band of Miwok Indians, the United Auburn Indian Community, and the Washoe Tribe of California and Nevada. The City did not receive a request for consultation on the proposed area plan amendment.

## Public Comment Period and Public Noticing

The IS/MND has been sent, along with a Notice of Completion, to the California State Clearinghouse for distribution to state and regional agencies for review. The IS/MND has also been available at City offices (1052 Tata Lane) and online at <https://www.cityofslt.us/DocumentCenter/View/14967/Tourist-Core-Area-Plan-Amendment-PDF>. The 30-day comment period begins on January 19, 2024, and ends on February 26, 2024.

A Notice of Availability and Notice of Intent, advertising the review period was published in the Tahoe Daily Tribune on January 26, 2024, and mailed to affected property owners on January 30, 2024. The Planning Commission conducted a duly noted public hearing on February 22, 2024, to take public comment on the proposed amendments and the Initial Study/Mitigated Negative Declaration.

On March 21, 2024, the proposed amendments and the Initial Study/Mitigated Negative Declaration was considered by the Planning Commission. The Planning Commission received a presentation from staff and the applicant's representative, took public comment, voted 3-0 to pass a resolution adopting the Initial Study/Mitigated Negative Declaration, and recommended the City

Council adopt the Tourist Core Area Plan Amendments. The City Council voted to approve the amendments on April 23, 2024.

**Environmental Considerations:**

California Environmental Quality Act

See "Issue and Discussion" section above.

**Financial Implications:**

None

**Policy Implications:**

City of South Lake Tahoe General Plan

The following goals and policies are applicable to the proposed amendment.

The subject parcel is currently designated as Tourist Center in the City General Plan. The Tourist Center, land use designation, is defined as follows:

*This designation provides for a mixture of uses, including tourist accommodation, commercial, intensive recreation, high-density residential, and mixed-use residential. This designation is applied to areas that are currently developed as commercial/visitor centers, have excess land coverage, where vertical mixed-use projects are appropriate and are near commercial, employment, transit, and public services.*

The Land Use and Community Design Element of the General Plan includes the following goals and policies to encourage development, redevelopment, and upgrades to existing development.

*Goal LU-2 : To focus future commercial, multi-family residential, tourist, civic, and social gathering space development in community plan area in order to maximize incentives and create transit-, bicycle-, and pedestrian-oriented places that serve the needs of both residents and visitors.*

*Policy LU-2.2: Community Plan Preparation, Adoption, and Implementation*

*The City shall periodically update and implement the four Community Plans as a way to focus development commodities and revitalization efforts.*

*Policy 1-7: The City shall direct high-density residential development to sites located within walking distance of public transit and services. The City shall consider minimum density requirements in these areas.*

The proposed amendment is generally consistent with the goals and policies listed above in that the amendment would potentially direct high-density residential uses within a designated Town

Center and is within proximity of commercial, recreation, employment, transit and public service uses.

### Tourist Core Area Plan

The Tourist Core Area Plan was adopted by the City "to establish a framework that will achieve redevelopment and reinvestment in properties, on the ground environmental improvement, enhancement of the built environment...and increased access to recreation opportunities." The proposed amendments would rezone the subject parcel to TSC-MUC and would potentially allow for residential development beyond the one caretaker unit or employee housing that is currently allowed. The proposed amendment is consistent with the Tourist Core Area Plan Town Center and TSC-MU designation, which encourages the diversification of land uses within close proximity to employment centers, services, recreation and transit.

While the TCAP currently shows the amendment area in the Recreation District it is also included in the TCAP Town Center Overlay and included in the Transfer of Development Rights Receiving Area. The amendment is, therefore, also internally consistent with the TCAP.

### TRPA Regional Plan

The TRPA Conceptual Regional Land Use Map ([https://www.trpa.gov/wp-content/uploads/documents/archive/2/FinalAdoptedRegionalPlanMaps\\_amended1-2-2018.pdf](https://www.trpa.gov/wp-content/uploads/documents/archive/2/FinalAdoptedRegionalPlanMaps_amended1-2-2018.pdf)) identifies the amendment area as "Tourist" land use and within a "Town Center" district. Town Centers are targeted for redevelopment in a manner that improves environmental conditions, creates a more sustainable and less auto-dependent development pattern, and provides economic opportunities in the Region. The amendment is, therefore, consistent with the TRPA Regional Plan. Specifically, the amendment is compatible with TRPA Land Use Policies LU-1.1 and LU-1.2 as well as Community Design Policy LU-2.1

A precedent exists for rezoning recreation properties to allow for residential and tourist accommodation uses. These include an amendment in the 1990s to Plan Area Statement 070 to permit tourist accommodation uses within the existing Edgewood Tahoe Golf Course and the 2012 TRPA Regional Plan creation of a Resort Recreation District for Edgewood Company's "mountain parcel" and the Heavenly Ski Resort California base lodge area. These amendments allow for multi-family development and tourist accommodation uses on formerly zoned recreation properties close to employment centers, services, recreation, and transit.



Attachment B  
TRPA Adopting Ordinance 2024-\_\_

TAHOE REGIONAL PLANNING AGENCY  
ORDINANCE 2024-\_\_

AN AMENDMENT TO ORDINANCE NO. 2022-02 TO ADOPT  
TOURIST CORE AREA PLAN AMENDMENTS

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

Section 1.00 Findings

- 1.10 It is desirable to amend TRPA Ordinance 2022-02 by amending the Tourist Core Area Plan to further implement the Regional Plan pursuant to Article VI (a) and other applicable provisions of the Tahoe Regional Planning Compact.
- 1.20 The Tourist Core Area Plan amendments were the subject of an Initial Environmental Checklist (IEC), which was processed in accordance with Chapter 3: *Environmental Documentation* of the TRPA Code of Ordinances and Article VI of the Rules of Procedure. The Tourist Core Area Plan amendments have been determined not to have a significant effect on the environment and are therefore exempt from the requirement of an Environmental Impact Statement (EIS) pursuant to Article VII of the Compact.
- 1.30 The Advisory Planning Commission (APC) and the Governing Board have each conducted a noticed public hearing on the proposed Tourist Core Area Plan amendments. The APC has recommended Governing Board adoption of the necessary findings and adopting ordinance. At these hearings, oral testimony and documentary evidence were received and considered.
- 1.40 The Governing Board finds that the Tourist Core Area Plan amendments adopted hereby 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.
- 1.50 Prior to the adoption of these amendments, the Governing Board made the findings required by TRPA Code of Ordinances Section 4.5, and Article V(g) of the Compact.
- 1.60 Each of the foregoing findings is supported by substantial evidence in the record.

Section 2.00 TRPA Code of Ordinances Amendments

Ordinance 2022-02, as previously amended, is hereby amended by amending the Tourist Core Area Plan as set forth in Exhibit 1.

Section 3.00 Interpretation and Severability

The provisions of this ordinance amending the TRPA Code of Ordinances adopted hereby shall be liberally construed to affect 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 Regional Plan Package shall not be affected thereby. For this purpose, the provisions of this ordinance and the amendments to the Regional Plan Package are hereby declared respectively severable.

Section 4.00    Effective Date

The provisions of this ordinance amending the Tourist Core Area Plan shall become effective on adoption.

PASSED AND ADOPTED by the Tahoe Regional Planning Agency Governing Board at a regular meeting held on \_\_\_\_\_, 2024, by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

\_\_\_\_\_  
Cindy Gustafson, Chair  
Tahoe Regional Planning Agency  
Governing Board

Attachment B  
Exhibit 1

Proposed Amendments to the Tourist Core Area Plan, Table 1: Permitted Uses by Land Use District

## **Resolution 2024-048**

**Adopted by the City of South Lake Tahoe  
City Council**

**April 23, 2024**

### **Adopting the Tourist Core Area Plan/Specific Plan Amendments and Initial Study/Mitigated Negative Declaration**

#### **BACKGROUND**

- A. The Tourist Core Area Plan/Specific Plan was adopted by the City of South Lake Tahoe City Council on October 15, 2013 (Ordinance 2013-1060).
- B. The City received an application from HVR Acquisitions to amend the Tourist Core Area Plan to rezone a portion of APN 029-441-024 to Tourist Center Mixed-Use District and limit uses to residential, liner public facilities, recreation, resource management, and open space uses.
- C. In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15070, the City of South Lake has prepared an Initial Study/Negative Declaration for the Tourist Core Area Plan/Specific Plan Amendments in compliance with CEQA.
- D. In accordance with Government Code Section 65352, the City prepared a Notice of Availability and Notice of Intent to adopt an Initial Study/Mitigated Negative Declaration for the proposed Tourist Core Area Plan/Specific Plan Amendments and circulated the Initial Study/Mitigated Negative Declaration for public comment between January 19, 2024, and February 26, 2024.
- E. Pursuant to California Government Code Section 65453, a specific plan may be prepared and adopted by resolution or by ordinance and may be amended as often as deemed necessary by the legislative body.
- F. The City of South Lake Tahoe Planning Commission, at a duly noticed public hearing held on March 21, 2024, considered the proposed amendments and found that 1) the Initial Study/Mitigated Negative Declaration reflects the City's independent judgment and analysis, 2) that there is no substantial evidence that the proposed Tourist Core Area Plan/Specific Plan Amendments will have a

significant effect on the environment, and adopted the Tourist Core Area Plan/Specific Plan Amendments Initial Study/Mitigated Negative Declaration.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, BE IT RESOLVED,**  
that the City of South Lake Tahoe City Council:

1. Finds that the Initial Study/Mitigated Negative Declaration reflects the City's independent judgment and analysis.
2. Finds that there is no substantial evidence that the proposed Tourist Core Area Plan/Specific Plan Amendments will have a significant effect on the environment.
3. Finds the foregoing recitals are true and correct and made part of this resolution.
4. Adopts the Tourist Core Area Plan/Specific Plan Amendments as outlined in Exhibit 1 to this resolution.

Adopted by the City of South Lake Tahoe City Council on April 23, 2024, by the following vote:

Yes: Bass, Creegan, Wallace

No: Robbins

Absent: Friedrich

  
Cody Bass (Apr 25, 2024 14:13 PDT)  
Cody Bass, Mayor

Date: 04/25/2024

Attest:

  
Susan Blankenship (Apr 24, 2024 11:03 PDT)  
Susan Blankenship, City Clerk

*The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the South Lake Tahoe City Council.*

EXHIBIT 1 - EXISTING CONDITIONS

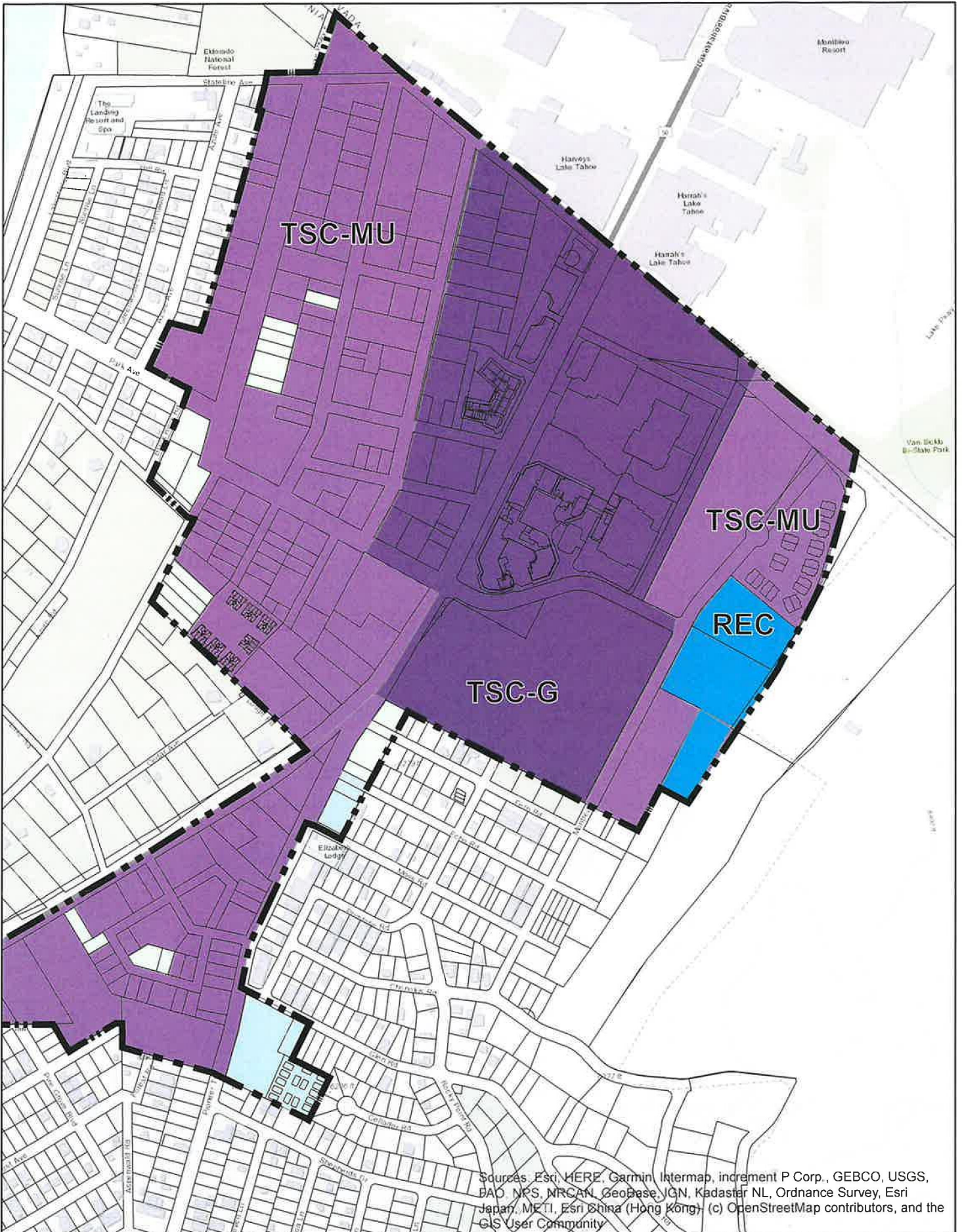
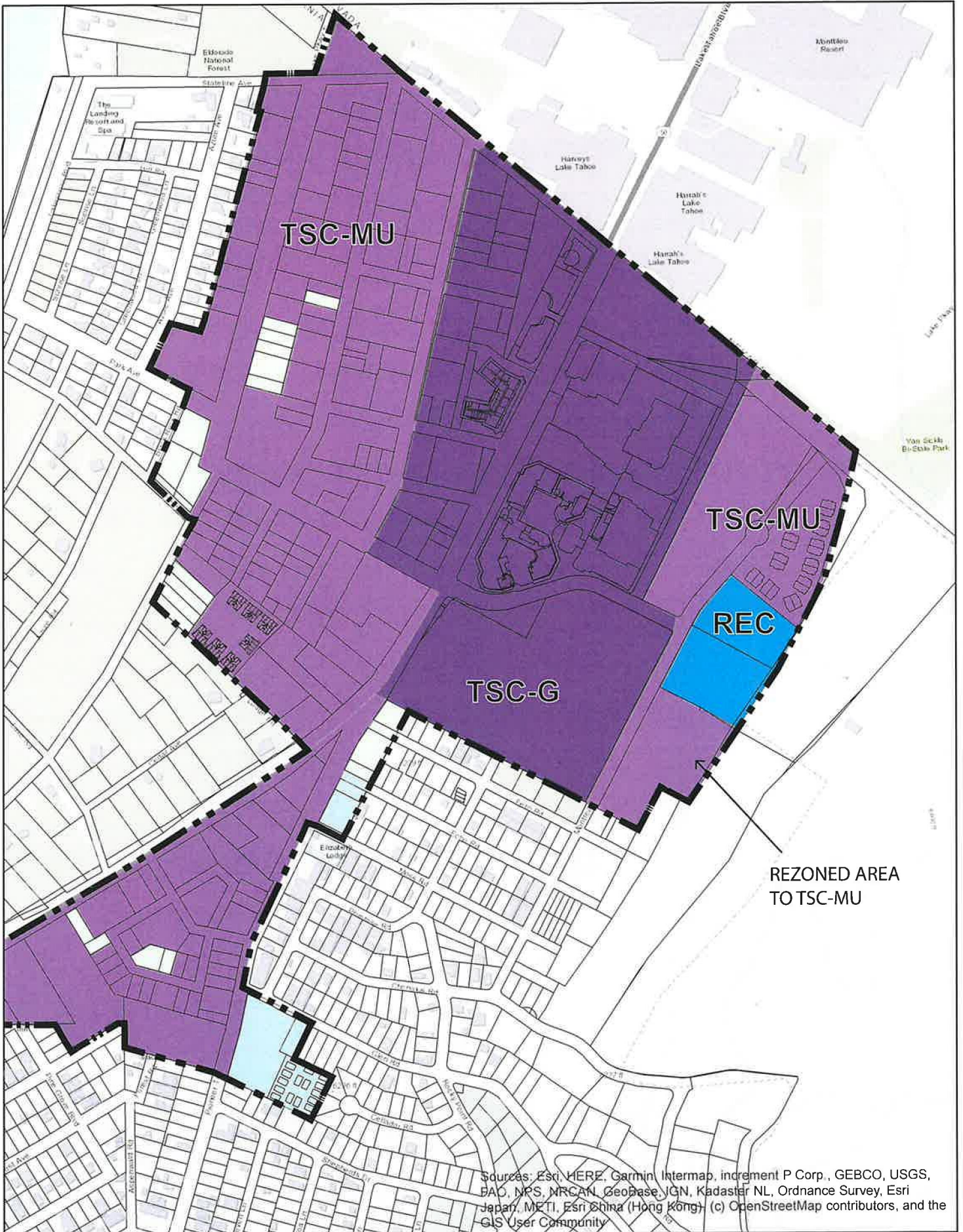


EXHIBIT 1 - PROPOSED CONDITIONS





# Appendix C

## Development and Design Standards

This section sets out the development standards, design standards and permissible uses for the land use districts in the Tourist Core Area Plan to achieve its desired urban form.

**Applicability:** All projects within the Tourist Core Area Plan shall meet the standards provided below. In addition, all projects are required to meet the Citywide Design Standards as well when applicable. Should a conflict occur between the Citywide standards and the Tourist Core Area Plan standards, the standards of this Area Plan shall apply. All regulations in the TRPA Code of Ordinances shall remain in effect unless superseded by the provisions of this Area Plan.

### PERMISSIBLE USES

Table 1 lists the permitted primary land uses by district for the Tourist Core Area Plan and land use definitions are provided in Table 2. The regulations for the district are established by letter designations listed below. The designations apply strictly to the permissibility of land uses; applications for buildings or structures may require discretionary review. Uses not listed in the Table are prohibited.

**(A)** designates allowed uses subject to zoning compliance. An allowed use is one that can be established as the primary use of a building.

**(S)** designates uses that are permitted subject to approval of a Special Use Permit. A Special Use Permit requires discretionary approval by the City Planning Commission or Zoning Administrator following review and a determination that the nature of the proposed use, at the location proposed, is not detrimental to the public welfare or injurious to property or improvements in the neighborhood. To obtain a special use permit, the applicant must generally show that the contemplated use is compatible with the zoning ordinance and land use standards. Findings that such use would be essential or desirable to the public convenience or welfare, and will not impair the integrity and character of the zoned district or be detrimental to the public health, safety, morals or welfare are required.

**(TRPA)** designates uses that require TRPA review and permitting

**(-)** designates uses that are not permitted.

Proposed language is bolded and underlined

Tourist Core Area Plan

Table 1: PERMITTED USES BY LAND USE DISTRICT								
Permitted Uses Key: "A" – Allowed Use "S" – Special Use "T" – Temporary Use "TRPA" – TRPA Review Required "-" – Use Not Permitted	TSC-C	TSC-MU	TSC-MUC	TSC-NMX	TSC-G	TSC-G Special Area #1	REC	OS
<b>RESIDENTIAL</b>								
Domestic Animal Raising	-	-	-	-	-	-	S	-
Employee Housing	S	S	A	S	S	S	A	-
Multiple Family Dwelling	A	A	A	A	A	A	-	-
Multi-Person Dwelling	S	S	S	S	S	S	-	-
Single Family Dwelling (includes condominiums)	A8	A	A	A	A	A	S1	-
<b>TOURIST ACCOMMODATION</b>								
Bed & Breakfast Facilities	-	<u>A13</u>	A9	S	A	A	-	-
Hotel, Motel, Other Transient Dwelling Units	A	<u>A13</u>	A9	S	A	A	-	-
Time Sharing	A	<u>A13</u>	A9	S	S	A	-	-
<b>RETAIL COMMERCIAL</b>								
General Retail and Personal Services	A	<u>A13</u>	A9	S	A	A	-	-
Building Material & Hardware	S6	-	-	-	-	S	-	-
Nursery	-	-	A9	-	-	S	-	-
Outdoor Retail Sales	A	-	S9	-	-	S	-	-
Eating & Drinking Places	A	<u>S13</u>	A9	S	A	A	-	-
Service Stations <sup>11</sup>	S	<u>S13</u>	-	-	S	S	-	-
<b>ENTERTAINMENT COMMERCIAL</b>								
Amusement & Recreation	S	<u>S13</u>	-	-	-	A	-	-
Privately Owned Assembly and Entertainment	S	S	-	-	-	S	S	-
Outdoor Amusements	-	S	S	-	S	S	S	-
<b>SERVICE COMMERCIAL</b>								
Animal Husbandry Services	-	-	-	-	-	A	-	-
Business Support Services	A7	<u>S13</u>	S9	-	S	A	-	-
Health Care Services	A2,5	-	A9	-	A	A	-	-
Professional Offices	A3,4	<u>A13</u>	A9	A	A	A	-	-
Schools – Business & Vocational	S	-	S9	-	A	A	-	-
<b>LIGHT INDUSTRIAL COMMERCIAL</b>								
Small Scale Manufacturing	S	<u>S13</u>	S9	S	-	S12	-	-
Industrial Services <sup>11</sup>	-	-	-	-	-	S12	-	-
<b>WHOLESALE/STORAGE COMMERCIAL</b>								
Vehicle Storage & Parking <sup>11</sup>	S	<u>S13</u>	S9	S	S	S	-	-
Wholesale and Distribution	-	-	-	-	-	S12	-	-
<b>GENERAL PUBLIC SERVICE</b>								
Religious Assembly	-	S	S9	-	S	A	-	-
Cultural Facilities	S	<u>S13</u>	S9	-	S	A	-	-
Daycare Centers/Preschool	A	<u>A13</u>	A10	A	A	A	-	-
Government Offices	-	-	A9	-	-	S	-	-
Local Assembly & Entertainment	S	S	-	-	-	S	-	-
Local Public Health and Safety Facilities <sup>11</sup>	A	A	A	A	A	A	A	A

Table 1: PERMITTED USES BY LAND USE DISTRICT								
Permitted Uses Key: "A" – Allowed Use "S" – Special Use "T" – Temporary Use "TRPA" – TRPA Review Required "-" – Use Not Permitted	TSC-C	TSC-MU	TSC-MUC	TSC-NMX	TSC-G	TSC-G Special Area #1	REC	OS
Public Owned Assembly & Entertainment	S	S	-	-	-	-	S	-
Public Utility Centers <sup>11</sup>	-	S13	-	-	-	-	-	-
Social Service Organizations	-	-	A9	-	A	A	-	-
<b>LINEAR PUBLIC FACILITIES</b>								
Pipelines & Power Transmission	S	S	S	S	S	S	S	S
Transit Stations & Terminals	S	S	S	S	S	S	S	S
Transportation Routes	S	S	S	S	S	S	S	S
Transmission & Receiving Facilities	S	S	S	S	S	S	S	S
<b>RECREATION</b>								
Cross Country Ski Courses	-	-	-	-	-	-	S	-
Day Use Areas	A	A	A	A	A	A	A	A
Group Facilities	-	-	-	-	-	-	S	-
Outdoor Recreation Concessions	-	-	-	-	S	S	-	-
Participant Sport Facilities	S	-	-	-	-	-	-	-
Riding and Hiking Trails	-	-	-	-	-	S	S	-
Rural Sports	-	-	-	-	-	S	S	-
Snowmobile Courses	-	-	-	-	-	S	S	-
Visitor Information Centers	S	S	-	-	S	-	-	-
<b>RESOURCE MANAGEMENT</b>								
Forest and Timber Resource Management	A	A	A	A	A	A	A	A
Vegetation Resource Management	A	A	A	A	A	A	A	A
Water Quality Improvements and Watershed Management	A	A	A	A	A	A	A	A
Wildlife and Fisheries Resource Management	A	A	A	A	A	A	A	A
Range Management	-	-	-	-	-	-	A	-
<b>OPEN SPACE</b>								
Allowed in all areas of the Region	A	A	A	A	A	A	A	A
<b>SHOREZONE</b>								
(Tolerance Districts 1 and 4)								
Water Oriented Outdoor Recreation Concession	-	-	-	-	TRPA-A	TRPA-A	-	-
Beach Recreation	-	-	-	-	TRPA-A	TRPA-A	-	-
Water Borne Transit	-	-	-	-	TRPA-S	TRPA-S	-	-
Boat Launching Facilities	-	-	-	-	TRPA-S	TRPA-S	-	-
Tour Boat Operations	-	-	-	-	TRPA-S	TRPA-S	-	-
Safety and Navigation Devices	-	-	-	-	TRPA-A	TRPA-A	-	-
(Shorezone Tolerance District 4)								

Table 1: PERMITTED USES BY LAND USE DISTRICT								
Permitted Uses Key: "A" – Allowed Use "S" – Special Use "T" – Temporary Use "TRPA" – TRPA Review Required "-" – Use Not Permitted	TSC-C	TSC-MU	TSC-MUC	TSC-NMX	TSC-G	TSC-G Special Area #1	REC	OS
	Marinas	-	-	-	-	TRPA-S	TRPA-S	-
Buoys	-	-	-	-	TRPA-A	TRPA-A	-	-
Piers	-	-	-	-	TRPA-S	TRPA-S	-	-
Fences	-	-	-	-	TRPA-S	TRPA-S	-	-
Boat Ramps	-	-	-	-	TRPA-S	TRPA-S	-	-
Floating Docks and Platforms	-	-	-	-	TRPA-S	TRPA-S	-	-
Shoreline Protective Devices	-	-	-	-	TRPA-S	TRPA-S	-	-
Water Intake Lines	-	-	-	-	TRPA-A	TRPA-A	-	-

Note: In the Regional Center all residential projects equal to or exceeding 100,000 square feet of new floor area or non-residential projects equal to or exceeding 80,000 square feet of new floor area require TRPA review and approval. In the Town Center all residential projects equal to or exceeding 50,000 square feet of new floor area or non-residential projects equal to or exceeding 40,000 square feet of new floor area require TRPA review and approval.

1. Caretaker Residence Only
2. All Health Care Services are allowed except emergency outpatient or urgent care facilities which shall only be considered along Heavenly Village Way, formerly Park Avenue.
3. Allow Realty Offices within the district and limit financial services to ATMs.
4. Allow consideration for placement of Realty Offices within the district, and only when operated in conjunction with approved Park Avenue Redevelopment fractional ownership tourist accommodation projects. Such use shall occupy no more than five percent (5%) of the commercial floor area with any project area within the district.
5. All Health Care Services uses permissible throughout special district; provided that any Health Care Services uses proposed to front on either side of US Highway 50 and/or the intersections of Heavenly Village Way (formerly Park Avenue) and Stateline Avenue are limited to second floor or higher. See TRPA Ordinance 2009-05 Exhibit 2 for specific limitation locations.
6. Outdoor storage and display is prohibited.
7. Shall not front on US Highway 50.
8. Condominiums only.
9. Use not permitted in Special Area #1, which comprises of APNs 028-081-02, 028-081-04 & 028-081-15.
10. Daycare center allowed as an accessory use.
11. Land use category is identified in TRPA Code Section 60.3 as a "possible contaminating activity." Triggering special requirements pursuant to TRPA Code Section 60.4 if located within a Source Water Protection Zone.
12. Use only allowed in connection with a retail commercial use where it will enhance the visitor experience and is limited in size to 30% of the associated retail space.
13. **Uses not permitted in APN 029-441-024**










# Resolution 2024-048 Tourist Core Area Plan

Final Audit Report

2024-04-25

Created:	2024-04-24
By:	Michelle Davis (medavis@cityofslt.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAARTOBGI6Ms4yrJDlyhjxYFEdXzj2FqZ8h

## "Resolution 2024-048 Tourist Core Area Plan" History

-  Document created by Michelle Davis (medavis@cityofslt.us)  
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-  Document emailed to Susan Blankenship (sblankenship@cityofslt.us) for signature  
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-  Document e-signed by Cody Bass (codybass@me.com)  
Signature Date: 2024-04-25 - 9:13:38 PM GMT - Time Source: server
-  Agreement completed.  
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Attachment C  
[Initial Environmental Checklist \(IEC\)](#)

Attachment C  
Exhibit 1  
[Mitigated Negative Declaration/Response to Comments](#)

Attachment D  
Required Findings/Rationale and Finding of No Significant Effect (FONSE)



## ATTACHMENT D

### REQUIRED FINDINGS FOR AMENDMENTS OF THE CITY OF SOUTH LAKE TAHOE'S TOURIST CORE AREA PLAN RECREATION PARCEL

This document contains required findings per Chapter 3, 4, and 13 of the TRPA Code of Ordinances for amendments to the City of South Lake Tahoe's Tourist Core Area Plan (TCAP):

Chapter 3 Findings: The following finding must be made prior to amending the TCAP:

1. Finding: The proposed amendments could not have a significant effect on the environment with the incorporation of mitigation and a mitigated finding of no significant effect shall be prepared in accordance with TRPA's Rules of Procedure.

Rationale: Based on the completed Initial Environmental Checklist/Mitigated Finding of No Significant Effect (IEC/FONSE), no significant environmental impacts have been identified as a result of the proposed amendments. The IEC was prepared to evaluate the potential environmental impacts of the amendments and tiers from and incorporates by reference specific analyses contained in the following environmental review documents:

- TRPA, *Regional Plan Update EIS*, certified by the TRPA Governing Board on December 12, 2012 (RPU EIS).
- TRPA, *Tourist Core Area Plan IEC/FONSE*, certified by the TRPA Governing Board on November 11, 2013 (TCAP IEC).
- City of South Lake Tahoe, *General Plan Update EIR*, certified by the City Council on May 17, 2011.
- TRPA/Tahoe Metropolitan Planning Organization (TMPO), *2020 Linking Tahoe: Regional Transportation Plan/Sustainable Communities Strategy IS/MND/IEC/FONSE*, certified by the TMPO Board and the TRPA Governing Board on April 2021 (RTP IS/IEC).

These program-level environmental documents include a regional and city-wide cumulative scale analysis and a framework of mitigation measures that provide a foundation for subsequent environmental review at an Area Plan level. Because the amendments are consistent with the Regional Plan, Regional Transportation Plan (RTP), and General Plan, which have approved program-level EISs/EIRs, the TCAP amendment is within the scope of these program-level EISs/EIRs.

The proposed project evaluated by the IEC are the amendments of the TCAP as summarized in this packet.

This IEC is tiered from the TRPA 2012 Regional Plan Update EIS in accordance with Section 6.12 of the TRPA Rules of Procedures. The 2012

RPU EIS is a Program EIS that was prepared pursuant to Article VI of TRPA Rules of Procedures (Environmental Impact Statements) and Chapter 3 (Environmental Documentation) of the TRPA Code of Ordinances. The 2012 Regional Plan Update (RPU) is a comprehensive land use plan that guides physical development within the Lake Tahoe Region through 2035. The 2012 RPU EIS analyzes full implementation of uses and physical development proposed under the 2012 RPU, and it identifies measures to mitigate the significant adverse program-level and cumulative impacts associated with that growth. The TCAP is an element of the growth that was anticipated in the 2012 RPU and evaluated in the 2012 RPU EIS. By tiering from the 2012 RPU EIS, this IEC relies on the 2012 RPU EIS for the following:

- a discussion of general background and setting information for environmental topic areas;
- overall growth-related issues;
- issues that were evaluated in sufficient detail in the 2012 RPU EIS for which there is no significant new information or change in circumstances that would require further analysis; and
- assessment of cumulative impacts.

This IEC evaluates the potential environmental impacts of the proposed amendments with respect to the 2012 RPU EIS to determine what level of additional environmental review, if any, is appropriate. As shown in the Determination in Section 5.3 of the IEC and based on the analysis contained in the IEC, it has been determined that 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 (Measure PS-1: Fencing), could have no significant effect on the environment. Therefore, a Mitigated Finding of No Significant Effect will be prepared.

This IEC concludes that many potentially significant project impacts are addressed by the measures that have been adopted as part of the approval of the 2012 RPU. Therefore, those 2012 RPU EIS mitigation measures that are related to, and may reduce the impacts of, this project are identified in the IEC.

Nothing in this IEC in any way alters the obligations of the City or TRPA to implement the mitigation measures adopted as part of the RPU.

The proposed amendments include rezoning a parcel from Recreation to Tourist Center Mixed-Use and the addition of policies related to the restriction of land uses and density allowed on the rezoned parcel. These amendments, as described in this packet, will become part of the

Regional Plan and will replace existing plans for this geographical area within the City of South Lake Tahoe.

The IEC assessed potential impacts to the affected physical environment from the amendments to design standards in Appendix C of the TCAP. It also evaluated project specific environmental impacts of a proposed multi-family residential development should the amendments be adopted. Based on the review of the evidence, the analysis and conclusions in the IEC determined that the amendments will not have a significant impact on the environment not otherwise evaluated in the RPU EIS and TCAP IEC and potential significant impacts will be mitigated or addressed through implementation of Project specific mitigation (Measure PS-1: fencing around the proposed multi-family residential development), the RPU, RTP, and the City's General Plan.

Chapter 4 Findings: The following findings must be made prior to adopting the TCAP Amendments:

1. Finding: The proposed Area Plan Amendment is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Community Plan/Plan Area Statements, the TRPA Code of Ordinances, and other TRPA plans and programs.

Rationale: Land Use Policy 4.6 of TRPA's Goals and Policies encourages the development of Area Plans that improve upon existing Plan Area Statements and Community Plans or other TRPA regulations in order to be responsive to the unique needs and opportunities of the various communities in the Tahoe Region. The amendments include all required elements identified in Land Use Policies 4.8, 4.9 and 4.10 as demonstrated in the Conformance Review Checklist.

The amendments were prepared in conformance with the substantive and procedural requirements of the Goals and Policies, as implemented through TRPA Code of Ordinances, Chapter 13, *Area Plans*. The TCAP is consistent with the Tahoe Regional Plan and TRPA Code of Ordinances, as shown in the Conformance Review Checklist and as demonstrated by the IEC. The proposed amendments include rezoning a parcel from Recreation to Tourist Center Mixed-Use.

Pursuant to Code Section 4.4.2, TRPA considers, as background for making the Section 4.4.1.A through C findings, the proposed project's effects on compliance measures (those implementation actions necessary to achieve and maintain thresholds), supplemental compliance measures (actions TRPA could implement if the compliance measures prove inadequate to achieve and maintain thresholds), the threshold indicators (adopted measurable physical phenomena that relate to the status of threshold attainment or maintenance), additional factors (indirect measures of threshold status, such as funding levels for Environmental Improvement Program (EIP) projects), and interim and target dates for threshold achievement. TRPA identifies and reports on threshold compliance measures, indicators, factors and targets in the Threshold Evaluation Reports prepared pursuant to TRPA Code of Ordinances, Chapter 16, *Regional Plan and Environmental Threshold Review*.

TRPA relies upon the project's accompanying environmental documentation, staff's professional analysis, and prior plan level documentation, including findings and EISs, to reach the fundamental conclusions regarding the project's consistency with the Regional Plan and thresholds. A project that is consistent with all aspects of the Regional Plan and that does not adversely affect any threshold is, by definition, consistent with compliance measures, indicators and targets. In order to increase its analytical transparency, TRPA has prepared worksheets related specifically to the 4.4.2 considerations, which set forth compliance measures and threshold indicators. Effects of the proposed project (here the amendments and subsequent multi-family residential development) on these items, if any, are identified and to the extent possible described. TRPA cannot identify some target dates, status and trend for some threshold indicators because of a lack of available information. TRPA may still determine whether the project will affect the 4.4.2 considerations (and ultimately consistency with the Regional Plan and impact on thresholds) based on the project's specific environmental impacts related to those threshold indicators.

Based on the IEC, the RPU EIS, the TCAP IEC, the RPU and RTP findings made by the TRPA Governing Board, and the Section 4.4.2 staff analysis, and using applicable measurement standards consistent with the available information, the amendments will not adversely affect applicable compliance and supplemental compliance measures, indicators, additional factors, and attainment of targets by the dates identified in the 2019 Threshold Evaluation. The TCAP incorporates and/or implements relevant compliance measures, and with the implementation of the measures with respect to development within the TCAP, the effects are not adverse, and with respect to some measures, are positive. (See Threshold Indicators and Compliance Measures Worksheets)

TRPA anticipates that implementation of the amendments will accelerate threshold gains by encouraging the redevelopment of an aging town center and as demonstrated below.

Section 4.4.2.B also requires TRPA to disclose the impact of the proposed project on

its cumulative accounting of units of use (e.g., residential allocations, commercial floor area). The TCAP Amendment does not affect the cumulative accounting of units of use as no additional residential, commercial, tourist, or recreation allocations are proposed or allocated as part of these amendments. For the subsequent multi-family residential development project proposed within the TCAP, existing banked units of use located within the project area would be utilized if approved.

Similarly, Section 4.4.2.C requires TRPA to confirm whether the proposed project is within the remaining capacity for development (e.g., water supply, sewage, etc.) identified in the environmental documentation for the Regional Plan. The amendments do not affect the amount of the remaining capacities available, identified and discussed in the RPU EIS. The TCAP does not allocate capacity or authorize any particular development. To the extent the amendments enable the use of redevelopment incentives, those incentives are within the scope of the incentives analyzed by the RPU EIS.

TRPA therefore finds that the amendments are consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Community Plans, Plan Area Statements, the TRPA Code or Ordinances, and other TRPA plans and programs.

2. Finding: The proposed ordinance and rule amendments will not cause the environmental threshold carrying capacities to be exceeded.

Rationale: As demonstrated in the completed IEC, no significant environmental effects were identified as a result of the proposed amendments, and the IEC did not find any thresholds that would be adversely affected or exceeded. As found above, the Area Plan, as amended, is consistent with and will help to implement the Regional Plan.

TRPA reviewed the proposed amendment in conformance with the compliance measures and threshold indicators and found no adverse effects. TRPA anticipates that implementation of the TCAP will accelerate threshold gains as demonstrated below. Because the principal beneficial impacts of implementation of the TCAP depend upon the number and size of redevelopment projects, the specific extent and timing or rate of effects of the TCAP cannot be determined at this time. However, pursuant to Chapter 13 of the TRPA Code of Ordinances, TRPA will monitor all development projects within the TCAP through quarterly and annual reports. These reports will then be used to evaluate the status and trend of the threshold every four years.

The amendments do not affect the cumulative accounting of units of use as no additional residential, commercial, tourist or recreation allocations are proposed or allocated as part of this Regional Plan amendment. Any allocations used as a result of these amendments and the subsequent multi-family residential development would be taken from banked units of use currently available on the subject parcel (APN 029-441-024).

The amendments do not affect the amount of the remaining capacity available, as the remaining capacity for water supply, sewage collection and treatment, recreation and vehicle miles travelled have been identified and evaluated in the RPU EIS. No changes to the overall capacity are proposed in these amendments. TRPA therefore finds that the amendments will not cause the thresholds to be exceeded.

3. Finding: Wherever federal, state or local air and water quality standards applicable for the Region, the strictest standards shall be attained, maintained, or exceeded pursuant to Article V(d) of the Tahoe Regional Planning Compact.

Rationale: Based on the following: (1) TCAP Amendment IEC; (2) RPU EIS; (3) RTP EIR/EIS; and (4) 2019 Threshold Evaluation Report, adopted by the Governing Board, no applicable federal, state or local air and water quality standard will be exceeded by adoption of the amendments. The proposed amendments do not affect or change the Federal, State or local air and water quality standards applicable for the Region. Projects developed under the TCAP will meet the strictest applicable air quality standards and implement water quality improvements consistent with TRPA Best Management Practices (BMPs) requirements and the Lake Tahoe Total Maximum Daily Load (TMDL) and County's Pollutant Load Reduction Plan (PLRP). Federal, State, and local air and water quality standards remain applicable for all parcels in the TCAP, thus ensuring environmental standards will be achieved or maintained pursuant to the Bi-State Compact.

4. Finding: The Regional Plan and all of its elements, as amended, achieves and maintains the thresholds.

Rationale: **I. Introduction**

In 1980, Congress amended the Compact to accelerate the pace of environmental progress in the Tahoe Region by tasking TRPA with adopting a regional plan and implementing regulations that protect the unique national treasure that is Lake Tahoe. First, Article V(b) required that TRPA, in collaboration with Tahoe's other regulatory agencies, adopt "environmental threshold carrying capacities" ("thresholds" or "standards") establishing goals for a wide array of environmental criteria, including water quality, air quality, and wildlife. Second, Article V(c) directed TRPA to adopt a "regional plan" that "achieves and maintains" the thresholds, and to "continuously review and maintain" implementation of the plan.

The 1980 Compact inaugurated an era of establishing and enforcing rigorous

controls on new development. In 1982, TRPA adopted the necessary thresholds for the Tahoe Region. These thresholds are a mix of both long- and short-term goals for the Tahoe Region. The Region was “in attainment” of a number of these thresholds shortly after the adoption of the Regional Plan and remains in attainment today. Other thresholds address more intractable problems; for example, TRPA established numeric water quality standards that, even under best-case conditions, could not be attained for decades. *See, e.g., League to Save Lake Tahoe v. Tahoe Reg’l Planning Agency*, 739 F. Supp. 2d 1260, 1265 (E.D. Cal. 2010).

The second phase in this process was establishing a regional plan that, when implemented through rules and regulations, would ultimately “achieve and maintain” the thresholds over time. In 1987, following years of negotiation and litigation, TRPA adopted its Regional Plan. The 1987 Regional Plan employed a three-pronged approach to achieve and maintain the adopted environmental thresholds. First, the plan established a ceiling on development in Tahoe and restricted the placement, timing, and extent of new development. Second, the plan sought to prevent new harm to the environment as well as repair the environmental damage caused by existing development, particularly for projects that pre-dated TRPA’s existence (i.e., correcting the “sins of the past”); to this end, the plan created incentives to redevelop urbanized sites under more protective regulations and to transfer development out of sensitive areas that would then be restored. Third, TRPA adopted a capital investment program that was largely but not exclusively publicly funded to achieve and maintain thresholds by improving infrastructure and repairing environmental damage. In 1997, TRPA replaced this program with its “Environmental Improvement Program” (“EIP”). In subsequent years, TRPA generated investments of well over \$1 billion in public and private money to restore ecosystems and improve infrastructure under the EIP. Recent litigation confirmed that the Regional Plan as established in 1987 and subsequently amended over time will achieve and maintain the adopted environmental thresholds. *Sierra Club v. Tahoe Reg’l Planning Agency*, 916 F.Supp.2d 1098 (E.D. Cal. 2013) [Homewood litigation].

### **Regional Plan Update Process**

Even though implementation of the 1987 Regional Plan would achieve and maintain the thresholds, in 2004 TRPA began public outreach and analysis of the latest science and monitoring results to identify priority areas in which the Regional Plan could be comprehensively strengthened to accelerate the rate of threshold attainment. TRPA’s policymakers realized that the challenges facing the Region differed from those confronting the agency when it adopted its original Regional Plan in 1987. Uncontrolled new growth that had been the primary threat decades earlier had been brought into check by the strict growth limitations in the 1987 Regional Plan. Today’s problems differed, resulting from the continuing deterioration and lack of upgrades to existing “legacy” development. In essence, to make the greatest environmental difference, the Tahoe Region needed to fix what was already in place. In addition, TRPA realized some existing land-use controls could be improved to remove barriers to redevelopment that would address

ongoing environmental degradation caused by sub-standard development constructed before TRPA had an adopted Regional Plan or even came into existence. Land use regulations and public and private investment remain essential to attaining the thresholds for Lake Tahoe.

Furthermore, TRPA recognized that the social and economic fabric of the Tahoe Region could not support the level of environmental investment needed. The economic foundation of gaming had fallen away, and the level of environmental investment needed could not be supported solely by an enclave of second homes for the wealthy. Businesses and the tourism sector were faltering. Affordable housing and year-round jobs were scarce. Local schools were closing, and unemployment was unusually high. In light of these realities, TRPA sponsored an ongoing outreach program to obtain input on how to advance TRPA's environmental goals. Between 2004 and 2010, TRPA conducted over 100 public meetings, workshops, and additional outreach. More than 5,000 people provided input regarding their "vision" for TRPA's updated Regional Plan. Based on this input, TRPA identified a number of priorities to be addressed by the updated Regional Plan, including:

1. Accelerating water quality restoration and other ecological benefits by supporting environmental redevelopment opportunities and EIP investments.
2. Changing land-use patterns by focusing development in compact, walkable communities with increased alternative transportation options.
3. Transitioning to more permitting by local governments to create "one-stop" and "one permit" for small to medium sized projects, where local government wanted to assume these duties.

On December 12, 2012, TRPA's nine-year effort culminated with the approval of the Regional Plan Update.

### **Regional Plan Update Amendments**

The Regional Plan Update ("RPU") uses multiple strategies targeting environmental improvements to accelerate achieving and maintaining threshold standards in the Region. First, the RPU maintains both regulatory and implementation programs that have proven effective in protecting Lake Tahoe's environment. TRPA's regional growth control regulatory system, strict environmental development standards, and inter-agency partnerships for capital investment and implementation (e.g., EIP) remain in place.

Second, the RPU promotes sensitive land restoration, redevelopment, and increases the availability of multi-modal transportation facilities. The implementation of the RPU will facilitate transferring existing development from outlying, environmentally-sensitive areas into existing urbanized community centers. The RPU provides incentives so that private capital can be deployed to



speed this transformation.

Third, the RPU authorizes the Area Plan process for communities and land management agencies in the Tahoe Region in order to eliminate duplicative and unpredictable land use regulations that deterred improvement projects. Area Plans, created pursuant to Chapter 13 of the TRPA Code of Ordinances, also allows TRPA and local, state, federal, and tribal governments to expand the types of projects for which local, state, federal, and tribal governments apply TRPA rules to proposed projects within the Tahoe Region. After approval of an Area Plan by TRPA, this process allows a single government entity to review, permit, and inspect projects in their jurisdiction. All project approvals delegated to other government entities may be appealed to the TRPA for final decision. In addition, the performance of any government receiving delegated authority will be monitored quarterly and audited annually to ensure proper application of TRPA rules and regulations.

As noted above, a variety of strategies in the Regional Plan will work together to accelerate needed environmental gains in the categories where threshold benefits are most needed – water quality, restoration of sensitive lands, scenic quality advances in developed roadway units, and efforts to continue maintenance and attainment of air quality standards. Area Plans that include “Centers” play a key role in the Regional Plan’s overall strategy by activating environmental redevelopment incentives (e.g., increases in density and height) that also provide the receiving capacity for transfers of units from sensitive lands. The next section of this finding establishes how the City of South Lake Tahoe’s TCAP fulfills the role anticipated by the RPU and RTP and the expected threshold gain resulting from its implementation.

## **II. TCAP Amendments and Threshold Gain**

The TCAP Amendments accelerate threshold gain including water quality restoration, scenic quality improvement, and other ecological benefits, by supporting environmental redevelopment opportunities and Environmental Improvement Program (EIP) investments. The amendments will help to accelerate environmental redevelopment within an existing town center by facilitating development of multi-family residential housing within close proximity to the commercial core. Locating multi-family residential and short term vacation rentals in walkable Town Center areas reduces VMT and traffic congestion. These redevelopment incentives are intended to increase the rate of redevelopment and will likewise increase the rate of threshold gain by accelerating the application of controls designed to enhance water quality, air quality, soil conservation, scenic quality and recreational improvements to projects that wouldn’t otherwise be redeveloped absent TCAP provisions.

The TCAP’s Development and Design Standards represent a significant step forward in enhancing the aesthetics of the built environment and will result in improvements to the scenic threshold as projects are approved and built. Redevelopment of existing Town Centers and the Regional Center is identified in

the Regional Plan as a high priority.

As described in more specific detail below, the amendments beneficially affects multiple threshold areas.

A. Water Quality

The 2019 Threshold Evaluation found that the trend in reduced lake clarity has been slowed. The continued improvement is a strong indication that the actions of partners in the Region are contributing to improved clarity and helping TRPA attain one of its signature goals.

An accelerated rate of redevelopment within the TCAP will result in accelerated water quality benefits. Each redevelopment project is required to comply with strict development standards including water quality Best Management Practices (“BMP”) and coverage mitigation requirements and will provide additional opportunities for implementing area wide water quality systems.

B. Air Quality

The 2019 Threshold Evaluation found that the majority of air quality standards are in attainment and observed change suggests that conditions are improving or stable. Actions implemented to improve air quality in the Lake Tahoe Region occur at the national, state, and regional scale. The U.S. Environmental Protection Agency and state agencies, such as the California Air Resources Board, have established vehicle tail-pipe emission standards and industrial air pollution standards. These actions have resulted in substantial reductions in the emissions of harmful pollutants at state-wide and national scales and likely have contributed to improvement in air quality at Lake Tahoe. At a regional scale, TRPA has established ordinances and policies to encourage alternative modes of transportation and to reduce vehicle idling by prohibiting the creation of new drive-through window establishments.

Facilitating projects within the approved Area Plans is an integral component in implementing regional air quality strategies and improvements at a community level. (TRPA Goals and Policies: Chapter 2, Land Use). Because the land use and transportation strategies identified in the TCAP lead to implementation of the Regional Plan, they directly contribute to achieving and maintaining the Air Quality threshold.

One of the main objectives of the TCAP is to encourage the redevelopment of the existing built environment and to provide access to recreational opportunities from walking and bike paths, as well as provide greater access to transit. Replacing older buildings with newer, more energy efficient buildings that take advantage of the City of South Lake Tahoe’s Green Building Program will also help to improve air quality and ensure the attainment of air quality standards.

TRPA’s 2020 *Regional Transportation Plan: Linking Tahoe (RTP)* includes an analysis of its conformity with the California State Implementation Plan to ensure that the

RTP remains consistent with State and local air quality planning work to achieve and/or maintain the national ambient air quality standards (NAAQS). The proposed amendment does not propose substantial changes to land use assumptions for mixed-use assigned to the amendment area and the TCAP would continue to promote higher density residential uses within one-quarter mile of transit, commercial, and public service uses, and therefore would not change the conformity determination by state regulators. The amendments would facilitate a subsequent multi-family residential development project that would place residential uses within one-quarter mile of services.

The TCAP boundaries include an existing Town Center and with existing transit routes and a multi-use shared path. This indicates that redevelopment is in the appropriate location to potentially generate the shorter trip lengths and reduce vehicle-miles traveled needed to meet the air quality goals of the Regional Plan and the City's General Plan.

#### C. Soil Conservation

The 2019 Threshold Evaluation found negligible change in the total impervious cover in the Region over the last five years and the majority of soil conservation standards in attainment. While the permitting process of partners has been effective in focusing development on less sensitive lands and encouraging removal of impervious cover from sensitive areas, there is still much work to be done. Plans for large scale SEZ restoration, recent improvements in the Development Rights program, and implementation of the Area Plans will continue to help achieve SEZ restoration goals.

Today, most if not all developed commercial and tourist properties exceed the 50 percent maximum land coverage allowed in the Area Plan. Several commercial properties within the subject area average 90% coverage. This indicates that future redevelopment would be required to implement excess land coverage mitigation. Furthermore, redevelopment permitting would require these properties to come into modern site design standards including landscaping, BMPs, setbacks, etc. These standards would likely result in the removal of existing land coverage for properties that are severely overcovered. The subsequent multi-family residential project would include excess land coverage mitigation if approved. Therefore, the amendments will help to accelerate threshold gain through soil conservation.

#### D. Scenic Quality

The 2019 Threshold Evaluation found that scenic gains were achieved in developed areas along roadways and scenic resources along the lake's shoreline, the areas most in need of additional scenic improvement. Overall, 93% of the evaluated scenic resource units met the threshold standard and no decline in scenic quality was documented in any indicator category.

The subject area is located near US Highway 50 Urban Roadway Scenic Corridor Unit #32 (Casino Area), which is not in attainment. However, the amendment area

is not visible from the US Highway 50 roadway unit, or scenic resource 32-1 which looks towards and over the amendment area to Heavenly Mountain Resort.

Future redevelopment within the subject area will not be allowed to degrade the shoreline scenic attainment. Redevelopment will be required to comply with the following TCAP Goals and Policies:

**Goal NCR-1 Scenic Resources**

To protect and enhance the visual connection between South Lake Tahoe and the Lake Tahoe Region’s scenic resources.

**Policy NCR-1.1**

Improve the visual quality of the built environment consistent with the general recommendations for site planning found in the TRPA Scenic Quality Improvement Program (SQIP) to attain threshold attainment for Scenic Roadway Units # 32, 33 and 45.

**Policy NCR-1.2**

Maintain Stream Environment Zone (SEZ) restoration sites and stormwater drainage basins as view corridors and scenic resources to relieve the strip commercial character along US 50 within the Tourist Core.

**Policy NCR-1.3**

Adopt siting and building design standards and guidelines to protect, improve, and enhance the scenic quality of the natural and built environment and take full advantage of scenic resources through site orientation, building setbacks, preservation of viewsheds, and height limits.

Furthermore, Section 7.2 and Appendix C of the Area Plan includes specific scenic resources implementation strategies to achieve the goals and policies above.

E. Vegetation

The 2019 Threshold Evaluation found that vegetation in the Region continues to recover from the impacts of legacy land use. The majority of vegetation standards that are currently not in attainment relate to common vegetation in the Region. This finding is consistent with those of past threshold evaluations. As the landscape naturally recovers from the impacts of historic logging, grazing, and ground disturbance activities over the course of this century, many of the standards are expected to be attained.

The proposed amendment area is undeveloped and covered with limited native vegetation. The proposed amendments would not alter or revise the regulations pertaining to native vegetation protection during construction. Consistent with existing conditions, vegetation surrounding the construction site of the subsequent multi-family residential development project is required to comply with Section 33.6,

Vegetation Protection During Construction, of the TRPA Code of Ordinances. Protective requirements include installation of temporary construction fencing, standards for tree removal and tree protection, standards for soil and vegetation protection, and revegetation of disturbed areas.

Amending the land uses would not result in tree or vegetation removal. The proposed multi-family residential development project is subject to project-level environmental review and removal of native, live, dead or dying trees is consistent with Chapter 61, Vegetation and Forest Health, of the TRPA Code of Ordinances. Though currently within the TCAP Recreation District, the amendment area is not within TRPA's Conservation or Recreation land use classifications.

#### F. Recreation

The 2019 Threshold Evaluation found that land acquisition programs and the Lake Tahoe Environmental Improvement Program have contributed to improved access and visitor and resident satisfaction with the quality and spectrum of recreation opportunities. Partner agencies have improved existing recreation facilities and created new ones, including providing additional access to Lake Tahoe, hiking trailheads, and bicycle trails. Today's emerging concerns are transportation access to recreation sites and maintaining quality recreation experiences as demand grows, concerns that may require the Region to revisit policies and goals for the recreation threshold standards.

The City of South Lake Tahoe contains numerous recreational opportunities within its boundaries and in the immediate vicinity (i.e. Bonanza Park, Camp Richardson, Pope Beach, Baldwin Beach, Kiva Beach, Taylor Creek Day Use Area, Regan Beach, Ski Run Marina and Beach, Lakeside Marina, Heavenly Resort California base, Van Sickle Bi-State Park, Bijou Golf course, and other hiking and mountain bicycle trails).

The TCAP includes goals and policies regarding maintaining, improving and expanding recreation facilities and providing enhanced access through the construction of sidewalks and bike paths and improving public transit.

The approval of any project proposing the creation of additional recreational capacity would be subject to subsequent project-level environmental review and permitting and, if applicable, would be subject to the Persons At One Time (PAOT) system of recreation allocations administered by TRPA as described in Section 50.9 (Regulation of Additional Recreation Facilities) of the TRPA Code of Ordinances. No additional PAOTs are proposed by the amendment. Though the amendment would rezone a privately-held parcel location within the TCAP recreation zoning district to the tourist mixed-use zoning district, the amendment does not include any changes to recreational land uses or policies, nor does it eliminate a planned recreational use for the TCAP.

#### G. Fisheries

While the 2019 Threshold Evaluation found standards for fisheries to generally be

in attainment, the standards focus on physical habitat requirements that may not reflect the status of native fish populations. Recent population surveys in Lake Tahoe suggest significant declines in native fish species in parts of the nearshore. Declines are likely the result of impacts from the presence of aquatic invasive species in the lake. While efforts to prevent new invasive species from entering the lake have been successful, mitigating the impact of previously introduced existing invasive species remains a high priority challenge. Invasive species control projects are guided by a science-based implementation plan. Ensuring native fish can persist in the Region and the restoration of the historic trophic structure to the lake will likely require partners to explore novel methods to control invasive species and abate the pressure they are placing on native species. Climate change driven shifts in the timing and form of precipitation in the Region pose a longer-term threat to native fish that may need to be monitored.

BMPs required for project development would improve water quality and thus could contribute to improved riparian and lake conditions in receiving water bodies. The TCAP Amendment will not alter the Resource Management and Protection Regulations, Chapters 60 through 68, of the TRPA Code of Ordinances. Chapter 63: Fish Resources includes the provisions to ensure the protection of fish habitat and provide for the enhancement of degraded habitat. Development within the TCAP could benefit the Fisheries Threshold through Goals and Policies aimed at the restoration of SEZs and implementation of BMPs.

#### H. Wildlife

The 2019 Threshold Evaluation found that twelve of the 16 wildlife standards are in attainment. Over 50 percent of the land area in the Tahoe Region is designated for protection of listed special status species. Populations of special interest species are either stable or increasing.

Future redevelopment projects in the amendment area would be subject to project-level environmental review and permitting at which time the proposals would be required to demonstrate compliance with all federal, state, and TRPA regulations pertaining to the protection of animal species. (Section 62.4 of the TRPA Code). For the subsequent multi-family residential development, potential effects to animal species was evaluated based on applicable species' distribution and known occurrences relative to the project area and the presence of suitable habitat for the species in or near the project area. The analysis included in the IEC concludes that residential development within the proposed amendment area would not impact sensitive wildlife habitat or species.

Implementation of the proposed amendments and subsequent multi-family residential development would not result in the reduction in the number of any unique, rare, or endangered species of animals, including waterfowl. While the rezone amendments would allow for some different land uses, density and heights in the amendment area, they do not propose specific new development that threaten protection of listed species or their habitat, and do not affect policies that

protect biological resources.

#### I. Noise

The 2019 Threshold Evaluation found that Ambient noise levels in seven of nine land-use categories are in attainment with standards, but because of the proximity of existing development to roadways just two of seven transportation corridors are in attainment with ambient targets. Due to insufficient data, status determinations were not possible for nearly half of the single event noise standards. Limited noise monitoring resources were prioritized towards collecting more robust information to analyze ambient noise standards, which are more conducive to influential management actions than are single event sources. TRPA continues to update and evaluate its noise monitoring program to ensure standards are protective and realistically achievable.

As discussed in the IEC, the TCAP amendments would not alter noise policies and the adopted TRPA CNEL threshold standards, and Regional Plan and General Plan noise policies would continue to be applied.

Noise increases associated with traffic under redevelopment buildout conditions would be similar to existing noise levels as traffic levels are relatively the same between existing and new allowed uses. For these reasons, TCAP amendments would not contribute to an adverse cumulative increase in noise levels.

#### III. Conclusion

Based on the foregoing: the completion of the IEC; the previously certified RPU EIS, RTP IS/ND/IEC; and the findings made on December 12, 2012 for the RPU, TRPA finds the Regional Plan and all of its elements, as amended by the project achieves and maintains the thresholds. As described above in more detail, the amendments actively promotes threshold achievement and maintenance by, *inter alia*, (1) incentivizing environmentally beneficial redevelopment, (2) requiring the installation of Best Management Practices improvements for all projects in the Area Plan, (3) requiring conformance with the Development and Design Standards that will result in improvements to scenic quality and water quality, (4) facilitating multi-use development in proximity to alternative modes of transportation in order to reduce vehicle miles traveled (VMT); and (5) incorporating projects identified in the City's Pollutant Load Reduction Plan (PLRP) to guarantee the assigned reductions necessary to meet water quality objectives. In addition, as found in Chapter 4 Findings 1 through 3 and the Chapter 13 Findings, no element of the amendments interferes with the efficacy of any of the other elements of the Regional Plan. Thus, the Regional Plan, as amended by the project, will continue to achieve and maintain the thresholds.

Chapter 13 Findings: The following findings must be made prior to adopting amendments to the TCAP:

1. Finding: The proposed Area Plan Amendment is consistent with and furthers the goals and policies of the Regional Plan.

Rationale: Regional Plan Land Use Policy 4.6 encourages the development of area plans that supersede existing plan area statements and community plans or other TRPA regulations in order to be responsive to the unique needs and opportunities of communities. The proposed TCAP amendments were found to be consistent with the goals and policies of the Regional Plan, as described in the Area Plan Conformance Checklist (Attachment F to the staff summary), and as described in Chapter 4, Finding #1, above. The amendments provide the residential land use, density and height necessary to facilitate redevelopment in the town center and further the attainment of environmental thresholds.

The amended area will be subject to the TCAP General Review Standards, the Load Reduction Plans, and Additional Review Standards for Area Plans with Town Centers or Regional Centers.

The finding of no significant effect based on the initial environmental checklist can be found on the subsequent page.

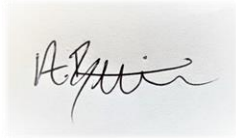


**FINDING OF NO SIGNIFICANT EFFECT**

Project Description: Proposed amendments to the City of South Lake Tahoe’s Tourist Core Area Plan.

Staff Analysis: In accordance with Article IV of the Tahoe Regional Planning Compact, as amended, and Section 6.6 of the TRPA Rules of Procedure, TRPA staff reviewed the information submitted with the subject project.

Determination: Based on the Initial Environmental Checklist (attachment C), Agency staff found that the subject project will not have a significant effect on the environment.



\_\_\_\_\_  
TRPA Executive Director/Designee

April 22, 2024

Date

Attachment E  
Compliance Measures Evaluation

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
<b>WATER QUALITY/SEZ - IN PLACE</b>				
1	BMP requirements, new development: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Fish	N	The proposed Amendment makes no changes to the TCAP's BMP requirements and implementation programs. The proposed multiple-family development within the Amendment Area will comply with existing BMP requirements.
2	BMP implementation program -- existing streets and highways: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Trans, Fish	N	
3	BMP implementation program -- existing urban development: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Fish	N	
4	BMP implementation program -- existing urban drainage systems: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Trans, Fish	N	
5	Capital Improvement Program for Erosion and Runoff Control	WQ, Soils/SEZ, Trans, Fish	N	The proposed amendment makes no changes to the TCAP's policies regarding implementation of the CIP.
6	Excess coverage mitigation program: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ	N	The proposed amendment does not change excess coverage mitigation requirements.
7	Effluent limitations: California (SWRCB, Lahontan Board) and Nevada (NDEP): <i>Code of Ordinances</i> Chapter 5	WQ, Soils/SEZ, Fish	N	The effluent limitations in Chapter 5 of the TRPA Code of Ordinances are not being modified.
8	Limitations on new subdivisions: (See the Goals and Policies: Land Use Element)	WQ, Soils/SEZ, Rec, Scenic	N	All new subdivisions will continue to be limited by the provisions in Chapter 39, Subdivision, of the TRPA Code of Ordinances. No changes are proposed.

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
9	Land use planning and controls: See the Goals and Policies: Land Use Element and Code of Ordinances Chapters 11, 12, 13, 14, and 21	<b>WQ, Soils/SEZ, Trans, Scenic</b>	<b>N</b>	The TCAP was developed to meet the requirements of Chapter 13, Area Plans, and to implement the 2012 Regional Plan. This amendment will allow residential uses to be developed on a parcel already located within the TCAP boundaries and in a Town Center Overlay. The parcel is located within a 1/4-mile of existing commercial and public service uses and transit consistent with Chapter 13.
10	Residential development priorities, The Individual Parcel Evaluation System (IPES): Goals and Policies: Implementation Element and Code of Ordinances Chapter 53	<b>WQ, Soils/SEZ</b>	<b>N</b>	The TCAP maintains the existing Growth Management regulations, Chapters 50 through 53, of the TRPA Code. No changes are proposed with the amendment.
11	Limits on land coverage for new development: Goals and Policies: Land Use Element and Code of Ordinances Chapter 30	<b>WQ, Soils/SEZ, Scenic</b>	<b>N</b>	The TCAP incorporates the existing land coverage provisions in Chapter 30 of the TRPA Code as well as the provisions that allow for high capability lands in Town Centers and the Regional Center to be covered up to 70%. It also includes provisions to protect and restore SEZs, maximize opportunities to remove or mitigate excess land coverage, implement EIP projects (including area wide water quality and erosion control projects), and accelerate BMP implementation. No changes are proposed with the amendment.

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
12	Transfer of development: Goals and Policies: Land Use Element and Implementation Element	WQ, Soils/SEZ	N	The proposed amendment is consistent with Goal LU-6 which is included in the TCAP: To focus development in centers in order to maximize incentives and create transit-, bicycle-, and pedestrian-oriented places that serve the needs of both residents and visitors and LU-6.1: Encourage and allow for the revitalization and consolidation of development within centers by allowing for the transfer of residential units of use and tourist accommodation units that have been converted to commercial floor area pursuant to TRPA Code Section 50.10. Thus, the TCAP includes Goals and Policies from the Land Use Element and Implementation Element of the Regional Plan regarding the transfer of development.
13	Restrictions on SEZ encroachment and vegetation alteration: <i>Code of Ordinances</i> Chapter 30	WQ, Soils/SEZ, Veg, Wildlife, Fish, Rec, Scenic	N	The TCAP Amendment will not alter existing restrictions on SEZ encroachment and vegetation alteration in the TRPA Code of Ordinances, Chapter 30.
14	SEZ restoration program: Environmental Improvement Program.	WQ, Soils/SEZ, Veg, Wildlife, Fish, Scenic	N	The TCAP benefits the EIP's SEZ restoration program through policies and provisions for the protection and restoration of SEZs. No changes are proposed with the amendment.
15	SEZ setbacks: <i>Code of Ordinances</i> Chapter 53	WQ, Soils/SEZ, Veg, Wildlife, Fish	N	SEZ setback requirements in the TRPA Code of Ordinances, Chapter 53, IPES, Section 53.9, were not altered by the TCAP. No changes are proposed.
16	Fertilizer reporting requirements: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Fish, Rec	N	The TCAP maintains the Resource Management and Protection regulations in the TRPA Code, including fertilizer reporting and water quality mitigation requirements. No changes are proposed with the amendment.

Attachment E: Compliance Measures Evaluation

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
17	Water quality mitigation: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ	N	The TCAP maintains the Resource Management and Protection regulations in the TRPA Code, including fertilizer reporting and water quality mitigation requirements. No changes are proposed with the amendment.
18	Restrictions on rate and/or amount of additional development	WQ, Soils/SEZ, Wildlife, Scenic	N	The amendments do not alter restrictions on rate and/or amount of additional development. The proposed multiple-family residential development will use existing units of use banked within the Amendment Area.
19	Improved BMP implementation/enforcement program	WQ, Soils/SEZ	N	See response to Compliance Measures 1 through 4.
20	Increased funding for EIP projects for erosion and runoff control	WQ, Soils/SEZ	N	The TCAP does not increase funding for EIP erosion and runoff control projects but may help to accelerate implementation. No changes are proposed with the amendment.
21	Artificial wetlands/runoff treatment program	WQ, Soils/SEZ	N	The TCAP does not alter the artificial wetlands/runoff treatment program. No changes are proposed in the amendment.

Attachment E: Compliance Measures Evaluation

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
22	Transfer of development from SEZs	WQ, Soils/SEZ, Scenic	N	The TCAP provides incentives for property owners to hasten the transfer of development rights from sensitive lands, including SEZs, or outlying areas to Town Centers and the Regional Center where redevelopment is better suited and will have beneficial or reduced adverse environmental impacts. No changes are proposed with the amendment.
23	Improved mass transportation	WQ, Trans, Noise	Y	The TCAP amendment facilitates the development of multi-family housing within 1/4 mile of existing transit routes, supporting increased usage of the transit system.
24	Redevelopment and redirection of land use: Goals and Policies: Land Use Element and Code of Ordinances Chapter 13	WQ, Soils/SEZ, Scenic	N	One of the main objectives of the TCAP is to encourage the environmental redevelopment of the built environment and implement the Goals and Policies in the Land Use Element of the Regional Plan. Also see response to Compliance Measure 12. No changes are proposed with the amendment.
25	Combustion heater rules, stationary source controls, and related rules: <i>Code of Ordinances</i> Chapter 65	WQ, AQ	N	No changes are being proposed that would impact these Compliance Measures. The existing TRPA Code of Ordinance provisions will remain in effect.
26	Elimination of accidental sewage releases: Goals and Policies: Land Use Element	WQ, Soils/SEZ	N	
27	Reduction of sewer line exfiltration: Goals and Policies: Land Use Element	WQ, Soils/SEZ	N	
28	Effluent limitations	WQ, Soils/SEZ	N	
29	Regulation of wastewater disposal at sites not connected to sewers: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ	N	

Attachment E: Compliance Measures Evaluation

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
30	Prohibition on solid waste disposal: Goals and Policies: Land Use Element	WQ, Soils/SEZ	N	
31	Mandatory garbage pick-up: Goals and Policies: Public Service Element	WQ, Soils/SEZ, Wildlife	N	
32	Hazardous material/wastes programs: Goals and Policies: Land Use Element and Code of Ordinances Chapter 60	WQ, Soils/SEZ	N	
33	BMP implementation program, Snow and ice control practices: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, AQ	N	The TCAP did not change BMP requirements. See response to Compliance Measures 1 through 4. No changes are proposed with the amendment.
34	Reporting requirements, highway abrasives and deicers: Goals and Policies:, Land Use Element and Code of Ordinances Chapter 60	WQ, Soils/SEZ, Fish	N	
35	BMP implementation program--roads, trails, skidding, logging practices: <i>Code of Ordinances</i> Chapter 60, Chapter 61	WQ, Soils/SEZ, Fish	N	
36	BMP implementation program--outdoor recreation: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Fish, Rec	N	
37	BMP implementation program--livestock confinement and grazing: <i>Code of Ordinances</i> Chapter 21, Chapter 60, Chapter 64	WQ, Soils/SEZ, Veg, Wildlife, Fish	N	



Attachment E: Compliance Measures Evaluation

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
38	BMP implementation program--pesticides	WQ, Soils/SEZ	N	
39	Land use planning and controls -- timber harvesting: <i>Code of Ordinances</i> Chapter 21	WQ, Soils/SEZ, AQ, Wildlife, Fish, Scenic	N	The amendment will not alter the effectiveness of compliance measures relating to timber harvesting or outdoor recreation.
40	Land use planning and controls - outdoor recreation: <i>Code of Ordinances</i> Chapter 21	WQ, Soils/SEZ, Wildlife, Noise, Rec, Scenic	N	
41	Land use planning and controls--ORV use: Goals and Policies: Recreation Element	WQ, Soils/SEZ, AQ, Wildlife, Fish, Noise, Rec, Scenic	N	Regional Plan Policy R-1.5 states that "Off-road vehicle (ORV) use is prohibited in the Lake Tahoe Region except on specified roads, trails, or designated areas where the impacts can be mitigated." The TCAP did not expand ORV use, and no changes are proposed.
42	Control of encroachment and coverage in sensitive areas	WQ, Soils/SEZ, Wildlife, Rec, Scenic	N	The existing TRPA Code provisions remain in effect, and no changes are proposed with the amendment.
43	Control on shorezone encroachment and vegetation alteration: <i>Code of Ordinances</i> Chapter 83	WQ, Soils/SEZ, Scenic	N	The existing Code provisions related to the Shorezone remain in effect, and no changes are proposed that would impact Compliance Measures 43 through 50. There is no shorezone within Amendment Area.
44	BMP implementation program--shorezone areas: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ	N	
45	BMP implementation program--dredging and construction in Lake Tahoe: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ	N	

Attachment E: Compliance Measures Evaluation

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
46	Restrictions and conditions on filling and dredging: <i>Code of Ordinances</i> Chapter 84	WQ, Soils/SEZ, Fish	N	
47	Protection of stream deltas	WQ, Soils/SEZ, Wildlife, Fish, Scenic	N	
48	Marina master plans: <i>Code of Ordinances</i> Chapter 14	WQ, AQ/Trans, Fish, Scenic	N	
49	Additional pump-out facilities: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ	N	
50	Controls on anti-fouling coatings: <i>Code of Ordinances</i> Chapter 60	WQ, Soils/SEZ, Fish	N	
51	Modifications to list of exempt activities	WQ, Soils/SEZ	N	The TCAP did not alter the list of exempt activities. No changes are proposed.

**WATER QUALITY/SEZ - SUPPLEMENTAL**

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
52	More stringent SEZ encroachment rules	WQ, Soils/SEZ, Wildlife, Fish	N	The proposed amendment does not include any provisions that would impact Compliance Measures 52 through 61.
53	More stringent coverage transfer requirements	WQ, Soils/SEZ	N	
54	Modifications to IPES	WQ, Soils/SEZ	N	
55	Increased idling restrictions	WQ, Soils/SEZ, AQ	N	
56	Control of upwind pollutants	WQ, Soils/SEZ, AQ	N	
57	Additional controls on combustion heaters	WQ, Soils/SEZ, AQ	N	
58	Improved exfiltration control program	WQ, Soils/SEZ	N	
59	Improved infiltration control program	WQ, Soils/SEZ	N	
60	Water conservation/flow reduction program	WQ, Soils/SEZ, Fish	N	
61	Additional land use controls	WQ, Soils/SEZ, Wildlife	N	

**AIR QUALITY/TRANSPORTATION - IN PLACE**

62	Fixed Route Transit - South Shore: STAGE	Trans, Rec	Y	The TCAP includes Goals and Policies that support the implementation of the City's General Plan, adopted Mobility 2035: Lake Tahoe Regional Transportation Plan, and Lake Tahoe Region Bicycle and Pedestrian Plan (refer to the TCAP, Section 6, Transportation). The plans include a number of projects to improve pedestrian and bike access, including the U.S. 50 South Shore Community Revitalization Project (Loop Road), South Tahoe Greenway, and Pioneer Trail Pedestrian Upgrades. These elements of the TCAP are expected to accelerate implementation of Compliance Measures 71 & 72. The TCAP Amendment does not impact any transit services, bikeways, or pedestrian facilities except to encourage multi-family development within close proximity to South
64	Demand Responsive Transit	Trans	N	
65	Seasonal Transit Services	Trans, Rec	N	
66	Social Service Transportation	Trans	N	
67	Shuttle programs	Trans, Rec	N	
69	Intercity bus services	Trans	N	
70	Passenger Transit Facilities	Trans	N	
71	Bikeways, Bike Trails	Trans, Noise, Rec, Scenic	N	

Attachment E: Compliance Measures Evaluation

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
72	Pedestrian facilities	Trans, Rec, Scenic	N	Shore's year-round and winter routes, potentially increasing ridership.
73	Wood heater controls: <i>Code of Ordinances</i> Chapter 65	WQ, AQ	N	The TRPA Code provisions related to Compliance Measures 73 through 75 remain in effect, and no changes are proposed with the amendment.
74	Gas heater controls: <i>Code of Ordinances</i> Chapter 65	WQ, AQ	N	
75	Stationary source controls: <i>Code of Ordinances</i> Chapter 65	WQ, AQ	N	
76	U.S. Postal Service Mail Delivery	Trans	N	The TCAP amendment will not impact U.S. Postal Service Delivery.
77	Indirect source review/air quality mitigation: <i>Code of Ordinances</i> Chapter 65	WQ, AQ, Trans	N	The TRPA Code provisions related to Compliance Measures 77 through 78 remain in effect, and no changes are proposed with the amendment.
78	Idling Restrictions: <i>Code of Ordinances</i> Chapter 65	WQ, AQ	N	
79	Vehicle Emission Limitations(State/Federal)	WQ, AQ	N	No changes are proposed to the Code's provisions related to established vehicle emission limitations.
80	Open Burning Controls: <i>Code of Ordinances</i> Chapters 61 and Chapter 65	WQ, AQ, Scenic	N	No changes are proposed.
81	BMP and Revegetation Practices	WQ, AQ, Wildlife, Fish	N	See response to Compliance Measures 1 through 4.
82	Employer-based Trip Reduction Programs: <i>Code of Ordinances</i> Chapter 65	Trans	N	No changes are proposed.
83	Vehicle rental programs: <i>Code of Ordinances</i> Chapter 65	Trans	N	
84	Parking Standards	Trans	N	The TCAP amendment does not make any changes that would impact parking standards, parking management, parking fees or facilities, traffic management, signal synchronization, aviation, waterborne transit or excursions, air quality monitoring,
85	Parking Management Areas	Trans	N	
86	Parking Fees	Trans	N	
87	Parking Facilities	Trans	N	

Attachment E: Compliance Measures Evaluation

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
88	Traffic Management Program - Tahoe City	Trans	N	alternative fueled vehicle fleets or infrastructure improvements, north shore transit, or the Heavenly Ski Resort Gondola. The proposed amendment and any subsequent multi-family residential housing project is screened out from a detailed VMT evaluation. Development associated with the amendment will use existing units of use banked within the Amendment Area and would not generate additional demand for waterborne transit services.
89	US 50 Traffic Signal Synchronization - South Shore	Trans	N	
90	General Aviation, The Lake Tahoe Airport	Trans, Noise	N	
91	Waterborne excursions	WQ, Trans, Rec	N	
92	Waterborne transit services	WQ, Trans, Scenic	N	
93	Air Quality Studies and Monitoring	WQ, AQ	N	
94	Alternate Fueled Vehicle - Public/Private Fleets and Infrastructure Improvements	Trans	N	
95	Demand Responsive Transit - North Shore	Trans	N	

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
96	Tahoe Area Regional Transit Maintenance Facility	Trans	N	
97	Heavenly Ski Resort Gondola	Trans	N	

**AIR QUALITY/TRANSPORTATION - SUPPLEMENTAL**

98	Demand Responsive Transit - North Shore	Trans	N	The TCAP Amendment does not impact any transit services, bikeways, or pedestrian facilities except to encourage multi-family development within close proximity to South Shore's year-round and winter routes, potentially increasing ridership. No changes to existing policies are proposed.
99	Coordinated Transit System - South Shore	Trans	Y	
100	Transit Passenger Facilities	Trans	N	
101	South Shore Transit Maintenance Facility - South Shore	Trans	N	
102	Transit Service - Fallen Leaf Lake	WQ, Trans	N	
103	Transit Institutional Improvements	Trans	N	
104	Transit Capital and Operations Funding Acquisition	Trans	N	
105	Transit/Fixed Guideway Easements - South Shore	Trans	N	
106	Visitor Capture Program	Trans	N	
107	Pedestrian and Bicycle Facilities-- South Shore	Trans, Rec	N	
108	Pedestrian and Bicycle Facilities-- North Shore	Trans, Rec	N	
109	Parking Inventories and Studies Standards	Trans	N	

Attachment E: Compliance Measures Evaluation

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
110	Parking Management Areas	Trans	N	
111	Parking Fees	Trans	N	
112	Establishment of Parking Task Force	Trans	N	
113	Construct parking facilities	Trans	N	
114	Intersection improvements-- South Shore	Trans, Scenic	N	
115	Intersection improvements-- North Shore	Trans, Scenic	N	
116	Roadway Improvements - South Shore	Trans, Scenic	N	
117	Roadway Improvements - North Shore	Trans, Scenic	N	
118	Loop Road - South Shore	Trans, Scenic	N	
119	Montreal Road Extension	Trans	N	
120	Kingsbury Connector	Trans	N	
121	Commercial Air Service: Part 132 commercial air service	Trans	N	
122	Commercial Air Service: commercial air service that does not require Part 132 certifications	Trans	N	
123	Expansion of waterborne excursion service	WQ, Trans	N	
124	Re-instate the oxygenated fuel program	WQ, AQ	N	
125	Management Programs	Trans	N	
126	Around the Lake Transit	Trans	N	
<b>VEGETATION - IN PLACE</b>				
127	Vegetation Protection During Construction: <i>Code of Ordinances</i> Chapter 33	WQ, AQ, Veg, Scenic	N	The TCAP did not alter the provisions of Chapter 33, and no changes are proposed with the amendment.
128	Tree Removal: <i>Code of Ordinances</i> Chapter 61	Veg, Wildlife, Scenic	N	The TCAP did not alter the provisions of Chapter 61, and no changes are proposed with the amendment.
129	Prescribed Burning: <i>Code of Ordinances</i> Chapter 61	WQ, AQ, Veg, Wildlife, Scenic	N	

Attachment E: Compliance Measures Evaluation

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
130	Remedial Vegetation Management: <i>Code of Ordinances</i> Chapter 61	WQ, Veg, Wildlife	N	
131	Sensitive and Uncommon Plant Protection and Fire Hazard Reduction: <i>Code of Ordinances</i> Chapter 61	Veg, Wildlife, Scenic	N	
132	Revegetation: <i>Code of Ordinances</i> Chapter 61	WQ, Veg, Wildlife, Scenic	N	
133	Remedial Action Plans: <i>Code of Ordinances</i> Chapter 5	WQ, Veg	N	The TCAP, as amended, is consistent with Chapter 5 of the TRPA Code.
134	Handbook of Best Management Practices	WQ, Soils/SEZ, Veg, Fish	N	The Handbook of Best Management Practices will continue to be used to design and construct BMPs.
135	Shorezone protection	WQ, Soils/SEZ, Veg	N	See responses to Compliance Measures 43 through 50
136	Project Review	WQ, Veg	N	Projects on the rezoned parcels will be reviewed and inspected according to the MOU between the City and TRPA.
137	Compliance inspections	Veg	N	
138	Development Standards in the Backshore	WQ, Soils/SEZ, Veg, Wildlife, Scenic	N	See responses to Compliance Measures 43 through 50.
139	Land Coverage Standards: <i>Code of Ordinances</i> Chapter 30	WQ, Veg, Wildlife, Fish, Scenic	N	See response to Compliance Measure 11.
140	Grass Lake, Research Natural Area	WQ, Veg, Wildlife, Fish, Scenic	N	N/A
141	Conservation Element, Vegetation Subelement: Goals and Policies	Veg, Wildlife, Fish	N	No changes are proposed.
142	Late Successional Old Growth (LSOG): <i>Code of Ordinances</i> Chapter 61	Veg, Wildlife, Fish	N	No changes are proposed.



## Attachment E: Compliance Measures Evaluation

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
143	Stream Environment Zone Vegetation: <i>Code of Ordinances</i> Chapter 61	WQ, Veg, Wildlife, Fish	N	
144	Tahoe Yellow Cress Conservation Strategy	Veg	N	No changes are proposed.
145	Control and/or Eliminate Noxious Weeds	Veg, Wildlife	N	No changes are proposed.
146	Freel Peak Cushion Plant Community Protection	Veg	N	N/A
<b>VEGETATION - SUPPLEMENTAL</b>				
147	Deepwater Plant Protection	WQ, Veg	N	No changes are proposed.
<b>WILDLIFE - IN PLACE</b>				
148	Wildlife Resources: <i>Code of Ordinances</i> Chapter 62	Wildlife, Noise	N	No changes are proposed.
149	Stream Restoration Program	WQ, Soils/SEZ, Veg, Wildlife, Fish, Rec,	N	No changes are proposed.
150	BMP and revegetation practices	WQ, Veg, Wildlife, Fish, Scenic	N	No changes are proposed.
151	OHV limitations	WQ, Soils/SEZ, AQ, Wildlife, Noise, Rec	N	No changes are proposed.
152	Remedial Action Plans: <i>Code of Ordinances</i> Chapter 5	Wildlife	N	See response to Compliance Measure 133.
153	Project Review	Wildlife	N	See response to Compliance Measures 136 and 137.
<b>FISHERIES - IN PLACE</b>				
156	Fish Resources: <i>Code of Ordinances</i> Chapter 63	WQ, Fish	N	No changes are proposed.
157	Tree Removal: <i>Code of Ordinances</i> Chapter 61	Wildlife, Fish	N	The TCAP does not change tree removal provisions of Chapter 61.
158	Shorezone BMPs	WQ, Fish	N	See response to Compliance Measures 43 through 50.

Attachment E: Compliance Measures Evaluation

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
159	Filling and Dredging: <i>Code of Ordinances</i> Chapter 84	WQ, Fish	N	
160	Location standards for structures in the shorezone: <i>Code of Ordinances</i> Chapter 84	WQ, Fish	N	
161	Restrictions on SEZ encroachment and vegetation alteration	WQ, Soils/SEZ, Fish	N	No changes are proposed.
162	SEZ Restoration Program	WQ, Soils/SEZ, Fish	N	No changes are proposed.
163	Stream restoration program	WQ, Soils/SEZ, Fish	N	No changes are proposed.
164	Riparian restoration	WQ, Soils/SEZ, Fish	N	
165	Livestock: <i>Code of Ordinances</i> Chapter 64	WQ, Soils/SEZ, Fish	N	No changes are proposed.
Compliance M	BMP and revegetation practices	WQ, Fish	N	See response to Compliance Measures 1 through 4.
167	Fish habitat study	Fish	N	No changes are proposed.
168	Remedial Action Plans: <i>Code of Ordinances</i> Chapter 5	Fish	N	See response to Compliance Measure 133.
169	Mitigation Fee Requirements: <i>Code of Ordinances</i> Chapter 86	Fish	N	No changes are proposed.
170	Compliance inspection	Fish	N	No changes are proposed.

## Attachment E: Compliance Measures Evaluation

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
171	Public Education Program	Wildlife, Fish	N	The TCAP does not include a public education component, but does address the City's education and outreach efforts regarding green building. No changes are proposed.
<b>NOISE - IN PLACE</b>				
172	Airport noise enforcement program	Wildlife, Fish	N	No changes are proposed.
173	Boat noise enforcement program	Wildlife, Fish, Rec	N	No changes are proposed.
174	Motor vehicle/motorcycle noise enforcement program: <i>Code of Ordinances</i> Chapters 5 and 23	Wildlife, Fish	N	No changes are proposed.
175	ORV restrictions	AQ, Wildlife, Noise, Rec	N	No changes are proposed.
176	Snowmobile Restrictions	WQ, Wildlife, Noise, Rec	N	
177	Land use planning and controls	Wildlife, Noise	N	See response to Compliance Measure 9.
178	Vehicle trip reduction programs	Trans, Noise	N	The TCAP should reduce VMT via installation of pedestrian and bike paths and improving public transit. No changes are proposed.
179	Transportation corridor design criteria	Trans, Noise	N	The City of South Lake Tahoe, CalTrans, and Mobility 2035 standards will continue to apply, where applicable.
180	Airport Master Plan South Lake Tahoe	Trans, Noise	N	N/A
181	Loudspeaker restrictions	Wildlife, Noise	N	No changes are proposed.
182	Project Review	Noise	N	See response to Compliance Measures 136 and 137.

Attachment E: Compliance Measures Evaluation

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
183	Complaint system: <i>Code of Ordinances</i> Chapters 5 and 68	Noise	N	Existing complaint systems are not being modified.
184	Transportation corridor compliance program	Trans, Noise	N	No changes are proposed.
185	Exemptions to noise limitations	Noise	N	No changes are proposed.
186	TRPA's Environmental Improvement Program (EIP)	Noise	N	No changes are proposed.
187	Personal watercraft noise controls	Wildlife, Noise	N	No changes are proposed.
<b>NOISE - SUPPLEMENTAL</b>				
188	Create an interagency noise enforcement MOU for the Tahoe Region.	Noise	N	An interagency noise enforcement MOU for the Tahoe Region is not being proposed as part of the TCAP amendment.
<b>RECREATION - IN PLACE</b>				
189	Allocation of Development: <i>Code of Ordinances</i> Chapter 50	Rec	N	See response to Compliance Measure 10.
190	Master Plan Guidelines: <i>Code of Ordinances</i> Chapter 14	Rec, Scenic	N	The TRPA, in coordination with the City of South Lake Tahoe, will continue to process Specific and Master Plan Plans pursuant to Chapter 14 of the TRPA Code of Ordinances.
191	Permissible recreation uses in the shorezone and lake zone: <i>Code of Ordinances</i> Chapter 81	WQ, Noise, Rec	N	See response to Compliance Measures 43 through 50.
192	Public Outdoor recreation facilities in sensitive lands	WQ, Rec, Scenic	N	The TCAP amendment is not altering provisions regarding public outdoor recreation in sensitive lands.
193	Hiking and riding facilities	Rec	N	The TCAP includes hiking and riding facilities reflected in the adopted Mobility 2035: Lake Tahoe Regional Transportation Plan and Lake Tahoe Region Bicycle and Pedestrian Plan. Therefore, the TCAP is expected to accelerate implementation of this compliance measure. No changes are proposed with the amendment.

Attachment E: Compliance Measures Evaluation

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
194	Scenic quality of recreation facilities	Rec, Scenic	N	All proposals for new recreation facilities within the TCAP will have to meet Scenic Quality standards. No changes are proposed.
195	Density standards	Rec	Y	The proposed amendment includes a special policy which would limit uses to multi-family residential at a density of no more than 4 units/acre within the Amendment Area located in the TSC-MU District.
196	Bonus incentive program	Rec	N	The TCAP Amendment does not alter existing bonus unit incentives.
197	Required Findings: <i>Code of Ordinances</i> Chapter 4	Rec	N	All applicable TRPA Code Of Ordinance findings will continue to have to be met with the future approval of projects within the TCAP, as amended.
198	Lake Tahoe Recreation Sign Guidelines	Rec, Scenic	N	No changes are proposed.
199	Annual user surveys	Rec	N	No changes are proposed.
<b>RECREATION - SUPPLEMENTAL</b>				
200	Regional recreational plan	Rec	N	No changes are proposed.
201	Establish fair share resource capacity estimates	Rec	N	The TCAP does not establish or alter fair share resource capacity estimates, alter reservations of additional resource capacity, or include economic modeling. No changes are proposed with the amendment.
202	Reserve additional resource capacity	Rec	N	
203	Economic Modeling	Rec	N	
<b>SCENIC - IN PLACE</b>				
204	Project Review and Exempt Activities: <i>Code of Ordinances</i> Chapter 2	Scenic	N	See responses to Compliance Measures 136 and 137.
205	Land Coverage Limitations: <i>Code of Ordinances</i> Chapter 30	WQ, Scenic	N	See response to Compliance Measure 11.
206	Height Standards: <i>Code of Ordinances</i> Chapter 37	Scenic	N	The TCAP Development and Design Standards (see Table 7) include height standards that are consistent with Chapter 37 of the TRPA Code of Ordinances, as well as take advantage of the new height provisions in the Regional Plan and Chapter 13 of the TRPA Code of Ordinances. No changes to the adopted height standards are proposed.

Attachment E: Compliance Measures Evaluation

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
207	Driveway and Parking Standards: <i>Code of Ordinances</i> Chapter 34	Trans, Scenic	N	No changes are proposed.
208	Signs: <i>Code of Ordinances</i> Chapter 38	Scenic	N	No changes are proposed.
209	Historic Resources: <i>Code of Ordinances</i> Chapter 67	Scenic	N	See response to Compliance Measures 16 and 17.
210	Design Standards: <i>Code of Ordinances</i> Chapter 36	Scenic	N	No changes are proposed.
211	Shorezone Tolerance Districts and Development Standards: <i>Code of Ordinances</i> Chapter 83	Scenic	N	See responses to Compliance Measures 43 through 50.
212	Development Standards Lakeward of Highwater: <i>Code of Ordinances</i> Chapter 84	WQ, Scenic	N	
213	Grading Standards: <i>Code of Ordinances</i> Chapter 33	WQ, Scenic	N	No changes are proposed.
214	Vegetation Protection During Construction: <i>Code of Ordinances</i> Chapter 33	AQ, Veg, Scenic	N	
215	Revegetation: <i>Code of Ordinances</i> Chapter 61	Scenic	N	See responses to Compliance Measures 16 and 17.
216	Design Review Guidelines	Scenic	N	No changes are proposed.
217	Scenic Quality Improvement Program(SQIP)	Scenic	N	See response to Compliance Measure 194.
218	Project Review Information Packet	Scenic	N	See response to Compliance Measure 194.
219	Scenic Quality Ratings, Features Visible from Bike Paths and Outdoor Recreation Areas Open to the General Public	Trans, Scenic	N	See response to Compliance Measure 194.
220	Nevada-side Utility Line Undergrounding Program	Scenic	N	N/A
<b>SCENIC - SUPPLEMENTAL</b>				
221	Real Time Monitoring Program	Scenic	N	No changes to the real time monitoring program are being proposed with the TCAP amendment.

Attachment E: Compliance Measures Evaluation

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
222	Integrate project identified in SQIP	Scenic	N	No changes are proposed.

Attachment F  
[Area Plan Finding of Conformity Checklist](#)



