

**HOMEWOOD VILLAS SALE AND TRANSFER OF
RESIDENTIAL DEVELOPMENT RIGHTS**

Summary: Staff recommends the sale and transfer of six Residential Development Rights to the Homewood Villas Project.

Location: The Project is located between State Route 89 and Lake Tahoe in Homewood, Placer County Assessor's Parcel Numbers 097-130-027, 028, 029.

Fiscal Summary: Revenue of \$45,000, incidental staff costs

Recommended Action: Adopt Resolution 13-09-04 (Attachment 2)

Background

The Homewood Villas Project (Villas) site, originally called Villas at Harborside, comprises 1.56 acres between State Route 89 and Lake Tahoe in Homewood. The Project is co-permitted by the Tahoe Regional Planning Agency (TRPA) and Placer County. The Placer County Planning Commission approved nine timeshare units in 2005. TRPA code defines these units as Tourist Accommodation Units (TAUs). TRPA review and permit approval subsequently limited the Project to six units.

After the Villas project was partially built, the property fell into loan default. The bank sold the property to Homewood Villas, LLC. The current owners subsequently changed the name to Homewood Shores and wish to change the use from fractional ownership to single family dwelling (SFD). Under TRPA rules, the owners must transfer residential units of use to the project. A residential unit of use consists of a Residential Development Right (RDR) and a residential building allocation. The new owners wish to acquire the six RDRs from the Conservancy and the six residential

allocations from Placer County so they may proceed with development of six new residences.

Project Description

Staff recommends the Board authorize the sale and transfer of six RDRs to meet permit conditions for the Homewood Shores project. The sale and transfer is consistent with both TRPA and Placer County approvals.

Project Budget

The Conservancy sells RDRs in Placer County for \$7,500 each. The sale and transfer of six RDRs will generate \$45,000 in net revenues. Revenues from the sale will be deposited in the Lake Tahoe Conservancy Fund. Only incidental staff time is required to complete the transaction.

Project Evaluation

The new residences will be constructed on high capability land consistent with TRPA and Placer County permits, the TRPA Code of Ordinances and Plan Area Statement, and the West Shore General Plan. 52 RDRs are available in the Land Bank's Placer County RDR inventory to meet Placer County residential permit conditions. The sale is consistent with adopted Land Bank Guidelines, the Board's most recent (June 2013) Annual Authorization for Staff to Conduct Land Bank Activities, and the Conservancy's Memorandum of Understanding (MOU) with TRPA to operate the Land Bank.

Project Implementation

If the Board approves the resolution (Attachment 2), staff will execute appropriate sale documents allowing for the transfer of six RDRs from the Conservancy's Land Bank to the approved Homewood Shores project.

Compliance with the California Environmental Quality Act (CEQA)

Placer County, acting as the lead agency, prepared an Initial Study/Mitigated Negative Declaration (IS/MND) for the Villas at Harborside Project (Project) on August 18, 2005.

The IS/MND proposed nine units on three subdivided lots. Each unit proposed four interval ownerships. The use is proposed to be changed from interval ownership/timeshare to SFD. The IS/MND considered potential environmental impacts and proposed mitigation measures. Notices of Determination (NOD) were filed on September 28, 2005 by the Placer County Planning Department and on June 22, 2007 by the Placer County Community Development Resource Agency.

An Addendum to the MND was prepared on July 2, 2012 to address minor technical changes to the Project, and Placer County determined “no new impacts or increases to previously disclosed impacts will result, and no new mitigation measures are required.” A subsequent NOD was filed by Placer County on August 31, 2012.

The Conservancy, acting as a responsible agency, prepared an Addendum to the MND to address a modification showing the need for the sale and transfer of six RDRs for the Project (Attachment 5). The 2012 Addendum to MND shows the need for a conversion of TAUs to Existing Residential Units of Use (ERUUs), but not a transfer of these rights. Although this information is not included in the IS/MND, staff does not consider the requirement to be a substantial change to the proposed Project involving any new significant effects. The Addendum prepared by the Conservancy determined that there were no substantial changes in the environmental effects of the Project, that no new information of substantial importance has arisen, and that there has been no substantial change to the circumstances under which the Project is being undertaken.

Board authority is needed to enable completion of a RDR transaction with the Conservancy. The transfer of these rights is a required TRPA permit condition. Copies of the IS/MND and Addenda have been provided to the Board under separate cover and are available for public review at the Conservancy office, 1061 Third Street, South Lake Tahoe, CA (Attachment 3).

As a responsible agency, the Conservancy must consider the MND prepared by Placer County, along with the associated Addenda, and reach its own conclusions on whether and how to approve the Project. Staff has reviewed the IS/MND/Addenda and believes the improvements proposed have been adequately analyzed in the documents. Staff has determined that the Project, as proposed, would not cause a significant effect on the

environment. The mitigation measures for the Project can be found on pages 3-11 of the IS for the Villas at Harborside Project.

Staff recommends that the Board review and consider the IS/MND and Addenda, together with any comments received during the public review process; certify that it has independently considered and reached its own conclusions regarding the environmental effects of the Project; make the findings as set forth in the Resolution (Attachment 2); and authorize the sale and transfer of six RDRs. If the Board considers and concurs with the MND and authorizes the Project, staff will file a Notice of Determination (NOD) with the State Clearinghouse pursuant to CEQA Guidelines (Cal. Code Regs., title 14, § 15000 et seq.), section 15096. Attachment 4 contains the Conservancy's proposed NOD.

List of Attachments:

Attachment 1 – Location Map

Attachment 2 – Resolution 13-09-04

Attachment 3 – Placer County Initial Study and Mitigated Negative Declaration (Villas at Harborside Project), Placer County Addendum to Mitigated Negative Declaration (Homewood Villas Project), Placer County Notices of Determinations, and California Department of Fish and Wildlife (formerly California Department of Fish and Game) filing receipts for Mitigated Negative Declaration (on attached CD)

Attachment 4 – Conservancy Notice of Determination

Attachment 5 – Conservancy Addendum to Initial Study and Mitigated Negative Declaration

Conservancy Staff Contact:

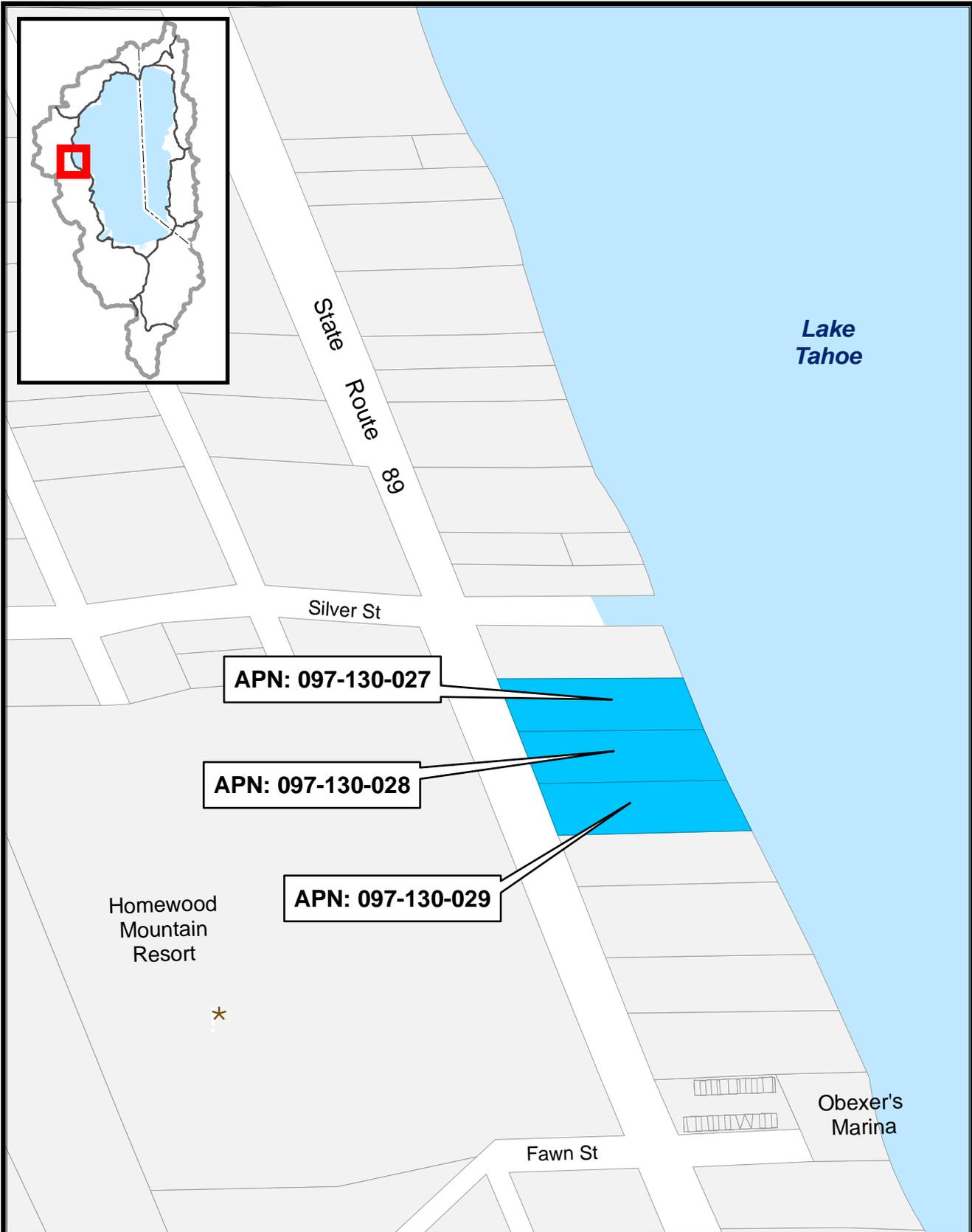
Amy Cecchetti

Phone: (530) 543-6033

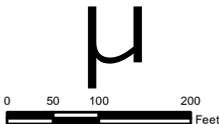
Email: amy.cecchetti@tahoe.ca.gov

ATTACHMENT 1

Location Map



 **Subject Parcels**



California Tahoe Conservancy
September 2013
Map for reference purposes only.
Sources: TRPA; USGS; Placer County



ATTACHMENT 2

California Tahoe Conservancy
Resolution
13-09-04

HOMEWOOD VILLAS SALE AND TRANSFER OF RESIDENTIAL DEVELOPMENT RIGHTS

Staff recommends the California Tahoe Conservancy make the following finding based on the accompanying staff report pursuant to Public Resources Code section 21000 et seq.:

“The California Tahoe Conservancy, in its role as a responsible agency under the California Environmental Quality Act, has reviewed and considered the Homewood Villas Initial Study and Mitigated Negative Declaration (IS/MND) adopted by Placer County on September 22, 2005. Placer County prepared an Addendum in 2012, and the Conservancy prepared an additional Addendum to the IS/MND on July 30, 2013, to address a need for the sale and transfer of six Residential Development Rights. The Conservancy certifies that it has independently considered and reached its own conclusions regarding the environmental effects of the project and finds, on the basis of the whole record before it, that there is no substantial evidence that the project will have a significant effect on the environment. There is no new information or substantial changes to the project which would involve any new significant effect not analyzed in the MND and Addenda. Furthermore, since Placer County’s certification of the MND, there are no project changes that would require new or different mitigation measures. The potential significant adverse effects will be mitigated by the mitigation measures, and the Conservancy adopts these mitigation measures as a condition of the project. The Conservancy hereby directs staff to file a Notice of Determination for this project with the State Clearinghouse.”

Staff further recommends that the Conservancy adopt the following resolution pursuant to Government Code sections 66905 et seq. and 66908:

“The California Tahoe Conservancy hereby authorizes the sale and transfer of six Residential Development Rights to complete the Homewood Villas Project consistent with the applicable program guidelines and the accompanying staff report.”

I hereby certify that the foregoing is a true and correct copy of the resolution duly and regularly adopted by the California Tahoe Conservancy at a meeting thereof held on the 19th day of September, 2013.

In WITNESS THEREOF, I have hereunto set my hand this 19th day of September, 2013.

Patrick Wright
Executive Director

ATTACHMENT 3

**HOMEWOOD VILLAS SALE AND TRANSFER OF
RESIDENTIAL DEVELOPMENT RIGHTS**

Placer County Initial Study and Mitigated Negative Declaration with attachments

Placer County Addendum to Mitigated Negative Declaration

Placer County Notice of Determination

California Department Fish and Wildlife filing receipt for
Mitigated Negative Declaration

On attached CD

ATTACHMENT 4

NOTICE OF DETERMINATION

TO: Office of Planning and Research
1400 10th Street, Room 121
Sacramento, CA. 95814

FROM: California Tahoe Conservancy
1061 Third Street
South Lake Tahoe, CA 96150

Subject:

Filing of Notice of Determination in compliance with sections 21108 of the Public Resources Code.

Project Title:

Homewood Villas Sale and Transfer of Residential Development Rights

State Clearinghouse Number:

2005082077

Contact Person:

Amy Cecchetti

Telephone Number:

(530) 543-6033

Project Location:

Placer County Assessor's Parcel Numbers 097-130-027, 028, 029 is bounded by Lake Tahoe to the east, West Lake Boulevard/State Route 89 and Homewood Ski Area to the west.

Project Description:

The Conservancy proposes to sell and transfer six Residential Development Rights to Homewood Villas to enable construction of three new structures, each containing two residential units.

This is to advise that the California Tahoe Conservancy, acting as a responsible agency, has approved the above described project on September 19, 2013 and has made the following determinations regarding the above described project:

1. The project will not have a significant effect on the environment.
 2. A Mitigated Negative Declaration (MND) for the project was prepared and adopted by Placer County on September 22, 2005. Notices of Determinations were filed by Placer County on September 28, 2005 and June 22 2007. Placer County prepared an Addendum to the MND on July 2, 2012, and filed a Notice of Determination on August 31, 2012. The Notices of Determination, MND, Addendum, and record of project approval may be examined at Placer County Community Development Resource Agency, 3091 County Center Drive, Suite 190, Auburn, CA 95603. In July 2013, the California Tahoe Conservancy prepared an Addendum to the MND to address the need for six Residential Development Rights. The California Tahoe Conservancy reviewed and considered the MND and Addenda prior to project approval. The 2013 Addendum to the MND may be examined at the California Tahoe Conservancy, 1061 Third St., South Lake Tahoe, CA 96150.
 2. Mitigation measures were made a condition of the approval of the project by Placer County and the California Tahoe Conservancy.
 3. The Conservancy finds that no substantial changes are proposed in the project, and no substantial changes have occurred with respect to the circumstances under which the project is being implemented that would result in any potentially significant environmental effects. Furthermore, there are no changes regarding the project that would require new or different mitigation measures.
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Fish and Wildlife Fees: California Department of Fish and Wildlife Environmental Filing Fees were paid for this project on September 28, 2005, June 22 2007, and August 21, 2012. A copy of the receipts will be filed with this notice.

Date Received for Filing:

Patrick Wright
Executive Director

ATTACHMENT 5

ADDENDUM TO VILLAS AT HARBORSIDE MITIGATED NEGATIVE DECLARATION

State Clearinghouse Number 2005082077
August 2013

Project Description: The project is located on Lake Tahoe, east of West Lake Boulevard/State Route 89, across from the Homewood Ski Area on Placer County Assessor's Parcel Numbers 097-130-027, 028, 029.

Description of Project Changes: This Addendum to the Villas at Harborside Mitigated Negative Declaration (MND) has been prepared by the California Tahoe Conservancy (Conservancy) pursuant to California Environmental Quality Act (CEQA) Guidelines section 15164(b). The MND was originally prepared for Villas at Harborside. The project was purchased by Homewood Villas, LLC. Today, the project is called Homewood Shores.

An Addendum to the MND for the new project was prepared by Placer County on July 2, 2012 to comply with CEQA. In the Addendum, Placer County determined "no new impacts or increases to previously disclosed impacts will result and no new mitigation measures are required." The 2012 Addendum considered the change in use from timeshare to residential use. It was determined that this change does not alter the appearance, location, or area of the proposed buildings. The project also involves merging three lots, then subdividing them into six footprint lots with resultant common area. This new arrangement will accommodate three new structures containing two units each.

Greenhouse Gas Emissions (GHG) were also analyzed in the 2012 Addendum. The number of vehicle trips have been reduced from the original timeshare/fractional use to the new project of single-family residential use. It was determined that the project would not substantially hinder the State's ability to meet the goals identified in AB 32.

Additionally, the project will be required to comply with current fire safety building codes, which have become more stringent since the original adoption of the MND. Furthermore, an updated storm water runoff discharge permit will be required from

Lahontan Regional Water Quality Control Board. Lastly, a change was requested to convert carports to garages for most single family residences.

The Conservancy has prepared this Addendum to the MND to address modification of the sale and transfer of rights to the Homewood Villas Project. Conservancy Board authority is needed to enable completion of a Residential Development Right (RDR) transaction for the project. The transfer of these rights is required by Tahoe Regional Planning Agency (TRPA) and Placer County permit conditions.

The Project area is 1.56 acres and has a verified Class 5 land capability with a Lake Tahoe backshore area of Class 1b. The MND and 2012 Addendum considered the conversion of Tourist Accommodation Units (TAUs) to Existing Residential Units of Use (ERUUs), but not the transfer of RDRs and allocations. Considering one RDR plus one allocation equals one ERUU, staff does not consider this a significant change to the IS/MND. Therefore, there are no substantial changes in the environmental effects of the project, or new information of substantial importance that has arisen, and there has not been a substantial change to the circumstances under which the project is being undertaken. Lastly, the mitigation measures in the adopted MND remain the same.

Preparation of Addendum: This Addendum reflects the following update to the project.

The Conservancy finds that the proposed change to the project is not substantial nor does it involve any new significant environmental effects based upon the following facts:

1. Similar development rights already exist on the project area.
2. The Conservancy's Land Bank is capable of providing six RDRs for sale and transfer to meet the project's TRPA permit requirements, resulting in the retirement of this quantity from Conservancy property located within Placer County incorporated into the Land Bank's supply.