

**KINGS BEACH HOUSING NOW, SITE #2, TROUT STREET PROJECT
TRANSFER OF COVERAGE**

Summary: Staff recommends adoption of the Placer County Initial Study/ Mitigated Negative Declaration for the Kings Beach Housing Now, Site #2 Trout Street Project, and transfer of 3,358 square feet of potential coverage.

Location: The Project is located on Trout Avenue, west of Coon Street and east of Bear Avenue in Kings Beach, Lake Tahoe (Placer County Assessor's Parcel Number 90-122-039).

Fiscal Summary: Incidental staff costs

Recommended Action: Adopt Resolution 13-03-02 (Attachment 2)

Project Description

Staff recommends that the Board authorize the transfer of 3,358 square feet (sq. ft.) of potential land coverage to the Kings Beach Housing Now, Site #2, Trout Street Project (Project). The Project was designed and constructed by Domus Development as an affordable housing project. It is located on Trout Avenue, west of Coon Street, and east of Bear Avenue in Kings Beach on Placer County Assessor's Parcel Number 90-122-039, formerly 90-122-035, 036 and 037 (Attachment 1). The Project involved merging five lots to accommodate a new five unit apartment structure containing nine parking spaces. Construction was completed in May 2012.

The project site has verified Class 5 Bailey land capability and 25% base coverage. The provision of 3,358 sq. ft. of potential coverage will allow satisfaction of a Tahoe Regional Planning Agency (TRPA) permit condition increasing land coverage on the project site

from 25% to 50% as allowed for multi-family facilities of five units or more if located within a community plan area, as provided under the TRPA Code of Ordinances.

The recommended coverage transfer would take place pursuant to a 1994 Memorandum of Understanding (MOU) between the Conservancy and Placer County. The MOU deals with coverage rights generated by Placer County's abandonment of a portion of its Brockway Vista Avenue right-of-way as part of the construction of the Conservancy's Kings Beach Plaza project. The MOU recognizes that 6,073 sq. ft. of Bailey Class 5 soft land coverage within the County right-of-way was restored as part of the Kings Beach Plaza project and then banked in the Conservancy's Land Bank. In exchange for these coverage rights, the MOU provides that 6,073 sq. ft. of potential land coverage will be transferred from the Land Bank to a County-designated project(s) at a future date.

Conservancy and Placer County staff concur that this is an appropriate project for receipt of a 3,358 sq. ft. portion of the 6,073 sq. ft. of reserved potential coverage.

Project Evaluation

The Project area is located on high capability land, and is suitable for development of the described Project. The transfer of these land coverage rights is consistent with TRPA Code of Ordinances, the MOU, and the Land Bank Guidelines. Implementation of this Project allows for "quality affordable housing", under the TRPA Kings Beach Community Plan.

Compliance with the California Environmental Quality Act (CEQA)

Placer County, acting as the lead agency, prepared an Initial Study and Mitigated Negative Declaration (IS/MND) for this Project to comply with CEQA. Placer County approved the Project on July 22, 2009 and a Notice of Determination (NOD) was filed on July 22, 2009 with the County Clerk as filing number 2009062013.

The Conservancy, acting as a responsible agency, prepared an Addendum to the MND to address a modification showing the need for land coverage rights for the Project. The TRPA permit shows that the Project may receive up to 50% coverage. 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 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.

Construction was completed in May 2012 with mitigation measures in place. All environmental impacts were analyzed in the IS/MND. Board authority is needed to enable completion of a land coverage transaction with the Conservancy. The transfer of these coverage rights is a required TRPA permit condition. Once the coverage transaction is completed, the TRPA permit can be finalized and the security deposit will be released to Domus Development.

Copies of the IS/MND and Addendum 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 (Attachments 3a, 3b, and 5).

As a responsible agency, the Conservancy must consider the MND prepared by Placer County, along with the associated Addendum, and reach its own conclusions on whether and how to approve the Project. Staff has reviewed the IS/MND/Addendum 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 6-8, 11-13, 16-17, and 22 of the MND.

Staff recommends the Board approve the transaction, and review and consider the IS/MND and Addendum, and make the findings as set forth in the Resolution (Attachment 2). If the Board adopts the MND and authorizes the Project, staff will file a Notice of Determination (NOD) with the State Clearinghouse pursuant to State 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 13-03-02

Attachment 3a – Placer County Notice of Intent, Initial Study and Mitigated Negative Declaration (see attached CD)

Attachment 3b – Placer County Notice of Determination, and California Department of Fish and Wildlife (formerly California Department of Fish and Game) filing receipt for Mitigated Negative Declaration (see attached CD)

Attachment 4 – Conservancy Notice of Determination

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

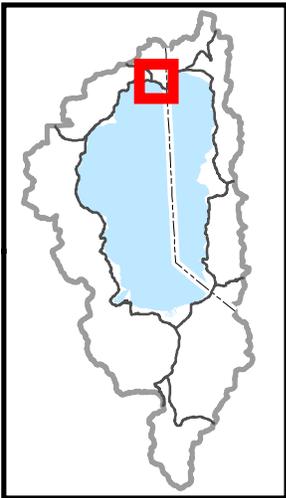
Conservancy Staff Contact:

Amy Cecchettini

Phone: (530) 543-6033

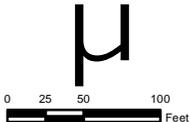
ATTACHMENT 1

Location Map



APN: 090-122-039

 Subject Parcel



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



ATTACHMENT 2

California Tahoe Conservancy

Resolution

13-03-02

Adopted: March 21, 2013

KINGS BEACH HOUSING NOW, SITE #2, TROUT STREET PROJECT TRANSFER OF COVERAGE

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 Kings Beach Housing Now, Site #2, Trout Street Project Initial Study and Mitigated Negative Declaration (IS/MND) certified by Placer County on July 22, 2009. The Conservancy drafted an Addendum to the IS/MND on February 1, 2013, to address a need for land coverage rights as required by a Tahoe Regional Planning Agency permit for this project. Neither new impacts nor mitigation measures result from the Addendum. 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. 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 Conservancy authorized the transfer of 3,358 square feet of coverage rights to complete the Kings Beach Housing Now, Site #2, Trout Street

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 21st day of March, 2013.

In WITNESS THEREOF, I have hereunto set my hand this 21st day of March, 2013.

Patrick Wright
Executive Director

ATTACHMENTS 3a and 3b

**KINGS BEACH HOUSING NOW, SITE #2, TROUT STREET PROJECT
TRANSFER OF COVERAGE**

Placer County Notice of Intent
Placer County Initial Study and Mitigated Negative Declaration
California Department Fish and Wildlife filing receipt for
Mitigated Negative Declaration
Placer County Notice of Determination

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 and 21152 of the Public Resources Code.

Project Title:

Kings Beach Housing Now, Site #2, Trout Street Project

State Clearinghouse Number:

2009062013

Contact Person:

Amy Cecchetti

Telephone Number:

(530) 543-6033

Project Location:

Placer County Assessor's Parcel Number 90-122-039 (formerly 90-122-035, 036, 037) is located on Trout Avenue, east of Bear Avenue and west of Coon Street in Kings Beach, Lake Tahoe.

Project Description:

Domus Development merged five lots to enable construction of a new apartment structure containing five affordable housing units and nine parking spaces.

This is to advise that the California Tahoe Conservancy, acting as a responsible agency, has approved the above described project on March 21, 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 by Placer County and approved by the Placer County Design Committee on July 22, 2009. A Notice of Determination was filed on July 22, 2009. The Notice of Determination, MND, and record of project approval may be examined at Placer County Community Development Resource Agency, 3091 County Center Drive, Suite 190, Auburn, CA 95603.
 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 taken that would affect any potentially significant environmental effects. Furthermore, there are no changes regarding the project that would require new or different mitigation measures.
-

Fish and Wildlife Fees: A California Department of Fish and Wildlife Environmental Filing Fee was paid for this project on July 22, 2009. A copy of the receipt will be filed with this notice.

Date Received for Filing:

Patrick Wright
Executive Director

ATTACHMENT 5

ADDENDUM TO INITIAL STUDY WITH MITIGATED NEGATIVE DECLARATION FOR THE KINGS BEACH HOUSING NOW, SITE #2, TROUT STREET PROJECT TRANSFER OF COVERAGE

Placer County

Filed Placer County Clerk on July 22, 2009 as filing number 2009062013

Prepared pursuant to the California Environmental Quality Act (CEQA) of 1970, section 15164 of the CEQA Guidelines.

Placer County, acting as lead agency, prepared an Initial Study with Mitigated Negative Declaration (IS/MND) for the Kings Beach Housing Now Site #2, Trout Street Project (Project) to comply with CEQA. Placer County approved the Project, and a Notice of Determination (NOD) was filed on July 22, 2009 with the County Clerk.

Project Description: The Project is located on Trout Avenue, west of Coon Street, and east of Bear Avenue in Kings Beach on Placer County Assessor's Parcel Number 90-122-039 (formerly 90-122-035, 036, 037). The Project, proposed by Domus Development, involved merging five lots to accommodate a new apartment structure containing five units and nine parking spaces. The new building provides affordable housing for the community of Kings Beach.

Description of Project Changes: The Placer County Design Review Committee approved the IS/MND on July 22, 2009. A NOD was filed with the County Clerk on July 22, 2009 as filing number 2009062013. Staff has reviewed the IS/MND and believes the improvements were adequately analyzed in this document.

This Project was completed in May 2012 with mitigation measures in place. All environmental impacts that were analyzed in the IS/MND. Board authority is needed to enable completion of a land coverage transaction with the

Conservancy. The transfer of these coverage rights is a required TRPA permit condition. Once the coverage transaction is completed, the TRPA permit can be finalized and the security deposit will be released to Domus Development. Coverage regulations under the Tahoe Regional Planning Agency (TRPA) Code of Ordinances state that any proposed project may contain a total of up to 50% coverage for multi-family facilities containing five units or more located within a community plan. The proposed Project meets these TRPA requirements; therefore it is allowed up to 50% coverage. The TRPA permit for this Project specifies that the Project's on-site coverage shall not exceed 50%.

Specifically, the Project has a verified Class 5 land capability and 25% base coverage. Since the Project's base coverage is 25%, a transfer of coverage is needed to reach 50% coverage. The Project plans show the need for an additional 3,358 square feet of potential coverage rights, which will total less than 50% coverage allowed under the TRPA Code. The IS/MND did not consider the transfer of coverage rights.

A Memorandum of Understanding (MOU) was signed by the Conservancy and Placer County on May 17, 1994 to formalize a land coverage exchange for a Placer County Right-of-Way. This MOU states that 6,073 square feet of soft land coverage rights are located in Bailey Land Capability District 5 within the Placer County Right-of-Way. These rights were restored during the Kings Beach Lakefront Enhancement Project (Kings Beach Plaza) construction and then banked in the Conservancy's Land Bank in 1994. The MOU states that in exchange for these rights, the Conservancy Land Bank will transfer 6,073 square feet of potential land coverage rights to a County-designated project at a future date.

Pursuant to this agreement, 3,358 square feet of land coverage rights will be transferred from the Conservancy's Land Bank to Placer County in order to meet TRPA permit requirements for this Project. The Conservancy has designated three Land Bank parcels, located in the Abate Bay Hydrologic Area, to transfer these land coverage rights to this Project.

On February 1, 2013 the Conservancy prepared this Addendum to the IS/MND to comply with CEQA. The purpose of this Addendum is to address modification to the Kings Beach Housing Now Site #2, Trout Street Project. 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. The land coverage already exists.
2. Best Management Practices (BMPs) have already been installed.
3. The Conservancy's Land Bank is capable of providing 3,358 square feet of land coverage rights for transfer to meet the Project's TRPA permit requirements, resulting in the retirement of this quantity from Conservancy property located within the Agate Bay Hydrologic Area incorporated into the Land Bank's supply. This transfer will result in no net gain in land coverage within the Agate Bay Hydrologic Area.