

**NOTICE OF ACTION/SUMMARY MINUTES OF
SPECIAL PLANNING COMMISSION MEETING OF
MAY 14, 2009**

ITEM I: ROLL CALL

Commissioner Present:

Mike Berg, Chair
Bill Ottman, Vice-Chair
Joy Curry
Gerri Grego
Mort Meiers

Staff Present:

Teri Jamin, Community Development Director
Hilary Hodges, Planning Manager
Judy Finn, Assistant Planner
Cathy DiCamillo, City Attorney
Gene Palazzo, Red. & Housing Director
Gaby Barrett, TRPA Hearings Officer
Jennifer Quickel, Assistant Engineer arrived at 2:30
Stan Hill, Engineering Manager arrived at 2:30

The decision of the Planning Commission may be appealed to the City Council by an application or anyone adversely affected by such decision. This appeal shall be filed with the City Clerk within five business days from the date of the decision and included a fee of \$191.00

ITEM II: ADOPTION OF AGENDA.

Commissioner Curry made a motion to adopt the agenda as prepared. Vice-Chair Ottman seconded it. The motion unanimously carried.

ITEM III: APPROVAL OF THE MINUTES OF 4/30/09

Vice-Chair Ottman made a motion to adopt the minutes as prepared. Commissioner Meiers seconded it. The motion unanimously carried.

ITEM IV: COMMUNICATION FROM THE AUDIENCE ON NON-AGENDA

None

ITEM V: Project #08-100: THE CITY OF SOUTH LAKE TAHOE PROPOSES TO IMPROVE THE EXISTING DAY USE RECREATION AREA AT EL DORADO BEACH (1004 LAKEVIEW AVE, APN 026-050-06) TO ADDRESS DEFICIENCIES WITH EXISTING IMPROVEMENTS. IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AN INITIAL STUDY FOR THE PROJECT WAS PREPARED AND A NEGATIVE DECLARATION IS RECOMMENDED. THE PLANNING COMMISSION WILL CONSIDER ADOPTION OF THE NEGATIVE DECLARATION AND APPROVAL OF THE DESIGN REVIEW APPLICATION.

Deb Vreeland, Consultant presented a power point presentation of the El Dorado Improvement Project at Lakeview Commons to the Commission.

The following comments and concerns were addressed:

- Why is the boat ramp not included in the project? The boat ramp was not part of the original project area. Perhaps it can be added in the next phase.
- Has anyone addressed the issue of the pump out station shortage around the lake? No one has raised any concerns related to a pump out station shortage. We have nothing in the current design.

At this time, Jay Kniep Planning Consultant commented that there was interest in expanding the pier. The pier was taken out of the project due to funding. The pier and the boat ramp are related, and when we get the pier, perhaps we can look at the boat ramp as a follow up.

Mr. Kniep, continued by reviewing the staff report with the Commission and clarified that the number of parking spaces will not be changing. The neighbors are concerned with parking issues in the area, since there's already a parking problem. Mr. Kniep concluded his report by reviewing and addressing the concerns raised by Lahontan. He also provided a copy of an email received from Lahontan stating they are in agreement that the backshore is not considered SEZ.

A copy of the email was submitted for the record.

Hilary Hodges, Planning Manager reviewed Attachment G with the group. Ms. Hodges reiterated that the main issue during the most recent workshop was parking. She concluded her report by outlining the recommended actions with the group.

A short discussion took place regarding the exact parking lots, other parking related issues, ADA parking, and parking signs/informational kiosks for the project. Teri Jamin, Community Development Director added that the project designers are looking for a way to provide a pull-out area that could be used for ADA access, and also for people to drop off their beach toys.

Chair Berg opened the public hearing.

Dan McHale Lakeview Commons Steering Committee, added that the amount of input has been amazing. This is an outstanding project for our local community. He encouraged the Commission to approve the Design Review for this project.

Peter Eichar, CTC spoke in support of the project. He informed the Commission that the once this project is complete, this will be the only project in the area where there's an ADA path down to the water's edge.

Parking is a tricky issue. We want people to walk to the beach, or use our transportation system, etc., etc.. He encouraged the Commission to approve the project.

Gary Bowen, commended Jay Kniep and Peter Eichar on his work. He requested that the designers re-look at the project so that it can be considered for platinum LEED certification status rather than gold.

Nancy Enterline, Representing the Library added that the agency highly supports the project. The library was concerned with restrooms prior to this project, however now that this project is coming forward they are very excited to have all year round restrooms on that site. The library staff fully supports his project and hopes this project is approved by the Commission.

Chair Berg added that he is excited to see this project come forward and it's gratifying to see the details of the project.

Vice-Chair Ottman noted that he is also pleased with the public participation and glad to see the project come before the Commission.

Vice-Chair Ottman made a motion that the Planning Commission adopts the Negative Declaration. Commissioner Meiers seconded it. The motion unanimously carried.

Vice-Chair made a motion that the Planning Commission approves the Design Review based on the staff report and public record, subject to the conditions in the draft permit (Attachment G). Commissioner Curry seconded it. The motion unanimously carried.

ITEM VI: PROJECT #09-037: CITY OF SOUTH LAKE TAHOE ENGINEERING DIVISION PROPOSES CONSTRUCTION OF THE SIERRA TRACT EROSION CONTROL PROJECT (ECP) 1B. THE ECP AREA IS LOCATED IN THE SOUTHEASTERN PORTION OF THE SIERRA TRACT NEIGHBORHOOD, AN AREA WHICH DRAINS EASTWARD TO TROUT CREEK, A TRIBUTARY TO LAKE TAHOE. IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AN INITIAL STUDY FOR THE PROJECT WAS PREPARED AND A NEGATIVE DECLARATION IS RECOMMENDED. THE PLANNING COMMISSION WILL CONSIDER ADOPTION OF THE NEGATIVE DECLARATION AND APPROVAL OF THE DESIGN REVIEW APPLICATION.

Hilary Hodges, Planning Manager provided a background report on this item to the Commission. Ms. Hodges introduced Jennifer Quickel, Assistant Engineer to the group, at this time, Ms. Quickel presented a brief description of the project.

The following comments and concerns were addressed:

- Will any of these improvements be an assessment to the property owners? No, the State of California is funding this project.
- Have there been any other issues with the vertical curbs? The curbs are holding up very well.
- Will this project complete the phase where the water runs into Trout Creek? No, Public Works decided to have an additional phase, which would be phase 1C for a late date, until additional funding is available.

Ms. Hodges outlined the findings and the actions listed on the staff report to the Commission.

Chair Berg opened the public hearing.

Janet Cavallero, spoke in support of the project. Ms. Cavallero noted that it is a pleasure working with staff on this project. Over the past couple of years major improvements have come about and have enhanced treatment sites.

Chair Berg closed the public hearing.

Vice-Chair Ottman made a motion that the Planning Commission adopts the Negative Declaration. Commissioner Grego seconded it. The motion unanimously carried.

Vice-Chair Ottman made a motion that the Planning Commissioner approve the Design Review subject to the conditions in the staff report. Commissioner Curry seconded it. The motion unanimously carried.

ITEM VII: DESIGN REVIEW AND SPECIAL USE PERMIT FOR A CHANGE OF USE TO BUILDING MATERIAL AND HARDWARE AT 1875 LAKE TAHOE BOULEVARD

Commissioner Meiers recused himself from this item due to a personal conflict

Judy Finn, Assistant Planner presented her staff report to the group. Ms. Finn provided a detailed analysis of the traffic study report completed by Fehr & Peers to the Commission.

Ms. Finn also reviewed condition #32 with the group and informed that the delivery vehicles will be using Lake Tahoe Blvd. for entering and exiting the property. She also added that condition #33 has been added to eliminate deliveries during the time of the day that are identified as the high peak hours.

Ms. Finn presented the landscape and parking lot maintenance proposal that is included as condition #34 in the permit.

Katie Cole, Fehr and Peers Transportation Consultant reviewed the traffic volumes with the group. She added that the peak times are from 7:00am-8:00am and again around the 2:00pm hour.

Ms. Finn concluded her report by summarizing the recommended actions to the Commission.

Chair Berg opened the public hearing.

Nancy Enterline

- Expressed her concerns regarding traffic congestion.
- There's no turning lane in that area.

- Local business owners add more value to our community. They volunteer, donate, and assist in different community events.
- She encouraged the Commission not to allow this project to move forward.

Robert Cosmi

- Will the building be required to install BMP's whether the center moves in or not?
Yes (Gabby Barrett from TRPA)
- Traffic analysis does not add up, for the volume of sales the new center will be doing.
- The Mammoth location was needed because there were no hardware stores near by.
- No other building in South Lake Tahoe can accommodate an auto dealership.

Amy Hackleman

- Requested a speed trap from PD for the Gardner and Clement intersection , and she was informed they were broken down or in use.
- The empty lot across from her house is used as a play ground for kids on bikes
- Would like to see the City install a 4-way stop
- The City should install a center turn lane for people to exiting onto Lake Tahoe Blvd.

Jim Hildinger

- A few years ago, the City allowed Staples and Office Depot to come in and it was obvious that one of them would go out of business.
- We have plenty of hardware store in our area
- Find a way to stop this project

Lew Feldman, Representing the applicant noted that the traffic study has been provided and an increase of 92 trips is innocuous. Architecturally we have a major upgrade coming forward. He added that competition is under the law something that people are entitled to pursue. With regards to desirability, there's a 18,000 sq. ft. building that's sitting empty, and many locals without jobs. The Center is an opportunity to provide our community with 30 jobs. Mr. Feldman concluded by reminding the Commission that under the matter of the law, the Commission can not deny the permit based on competition.

Chair Berg asked what types of jobs will be provided? Mr. Feldman informed the Commission that many jobs will be available ranging from entry level positions to managerial level.

Mike Mauck, Vice-President and General Manager added that his company offers benefits, which include 401(k) plans. They are a small family company and like to retain their employees. He informed the Commission that his company is a large sponsor for many communities. He provided the group an overview of the different events his company has been involved with.

Duane Wallace

- If you have 30 employees and they each take a lunch hour, you will have your 92 trips, where does that leave the customers trips?
- Desirability-are there too many of one type of business?
- The Chamber of Commerce will be addressing their concerns at a later time.

Chair Berg closed the public hearing.

Commissioner Grego asked the City Attorney, what would be undesirable? Cathy DiCamillo, City Attorney noted that undesirable would be a business that changes the use to a use that is not allowed, and one that would bring a significant impact to the neighborhood.

Commissioner Ottman added that there were a lot of issues that were brought up and all of those issues have been addressed by staff. We don't know what's going to happen in the next few years. Mr. Ottman spoke in favor of the project and encouraged the Commission to approve the project.

Vice-Chair Ottman made a motion that the Planning Commission approves the project subject to the revised conditions in the draft City/TRPA Permit. Commissioner Grego seconded it.

A short discussion took place regarding adding a stop sign by the City's Public Works Department at the corner of Gardner and Clement.

The following condition was added:

#27. Install signage, stop sign or traffic controlling device on project private property at the Gardner Street exit subject to Public Works and Engineering approval to caution motorists existing project area that pedestrians and children may be present on Gardner Street.

The motion carried.

Gabby Barrett, TRPA Hearing Officer approved the findings contained in the staff report, and a finding of no significant environmental effect.

Gabby Barrett, approved the special use permit and Project Review, based on the staff summary, subject to the revised conditions contained in the attached draft City/TRPA Permit, and the associated findings in the staff report.

Teri Jamin, Community Development Director reviewed the appeal process with the group.

**ITEM VIII: STATELINE/SKI RUN COMMUNITY PLAN AMENDMENTS.
TRANS-SIERRA INVESTMENTS PROPOSES TO RECLASSIFY EXISTING
USES AS ALLOWED (A) INSTEAD OF SPECIAL (S) AND ADD ADDITIONAL**

PERMISSIBLE (A) USES WITHIN DISTRICTS 1B AND 2A OF THE STATELINE/SKI RUN COMMUNITY PLAN.

Commissioner Curry recused herself from this item.

Christian Svensk, Associate Planner presented his staff report to the Commission. Mr. Svensk focused on the following main points as noted in the report:

- Project Description
- Environmental Review
- Findings
- Attachment A

Mr. Svensk concluded his staff report by reviewing the actions with the Commission.

Teri Jamin, Community Development Director informed the Commission that the TRPA Advisory Planning Commission, recommended approval of these amendments to the Governing Board on May 13, 2009.

Chair Berg opened the public hearing.

Lew Feldman, spoke on behalf of the applicant and thanked staff for their work. He added that the applicant is looking forward to favorable consideration by the Commission.

Chair Berg closed the public hearing.

Vice-Chair Ottman made a motion that the Planning Commission recommend that the City Council adopt the Negative Declaration. Commissioner Meiers seconded it. The motion carried.

Vice-Chair Ottman made a motion that the City Council approve the Community Plan Amendment (Attachment A). Commissioner Grego seconded it. The motion carried.

ITEM IX: PROJECT #09-32: LAKE TAHOE DEVELOPMENT COMPANY PROPOSES A REVISED TENTATIVE SUBDIVISION MAP FOR THE CHATEAU AT HEVENLY VILLAGE PROJECT (REDEVELOPMENT PROJECT #3). THE SUBDIVISION INCLUDES PROPERTY THAT IS APPROXIMATELY 11.5 ACRES BOUND BY LAKE TAHOE BLVD. TO THE EAST, CEDAR AVE. TO THE WEST, STATELINE AVENUE TO THE NORTH AND FRIDAY AVENUE TO THE SOUTH. THE PROPOSED SUBDIVISION WILL CONSOLIDATE THE EXISTING LOTS IN TO 5 LOTS AND ABANDON PORTIONS OF LAUREL, POPLAR, AND CEDAR AVE.

Hilary Hodges, Planning Manger presented her staff report to the Commission. Ms. Hodges reviewed the following points:

- Project Background- outlined the changes
- Project description
- Findings

Ms. Hodges informed the Commission that the applicant has submitted a revised tentative map to address the recommended conditions of approval. Staff has not been able to review the map in detail at this time. Therefore, staff would still like to recommend that the conditions listed in the staff report be part of your recommendation to the City Council.

A short discussion took place regarding Lot 3 and Lot 4. Ms. Hodges added that Project A, would be constructed on lot 3 and lot 4. This would include retail space, condominium hotel and the convention center. Lot 5 would contain Project B, would be additional retail, and condominium or hotel.

At this time, Ms. Hodges reviewed a recommended revision to condition of approval #9. The revised condition would read: There shall be no change or expansion of uses within the existing buildings on the site and no transfer of title to any of the property within the project area unless existing buildings are demolished or modified to meet all City Code requirements at the time of the change or transfer, unless a transferee, and upon the City's prior written consent, which will not be unreasonable withheld, has agreed to maintain the existing buildings in their "as-is" condition, and such transferee agrees to enter into the Operation, Maintenance and Occupancy Agreement referred to in the following sentence. Prior to the recordation of a Final Map, owner shall enter into an Operation, Maintenance and Occupancy Agreement providing for, among other things, the terms and conditions for the maintenance of the existing buildings on the site. The Operation, Maintenance and Occupancy Agreement shall be recorded against the site.

Chair Berg opened the public hearing.

Lew Feldman spoke on behalf of the applicant and noted that the applicant concurs with the conditions, with the exception of a minor revision. At this time, Mr. Feldman reviewed the requested revision to condition 7.h which would delete the language: "Add lines that extend from the entire frontage of Lot 4 and add the abbreviation, PAE to describe a public access easement."

Ms. Hodges and the applicant concurred with this change.

Chair Berg closed the public hearing.

Vice-Chair Ottman made a motion that the Planning Commission recommends that the City Council approves the revised Tentative Map with the revised conditions as previously noted. Commissioner Grego seconded it. The motion unanimously carried.

**ITEM X: PROPOSED SOUTH TAHOE REDEVELOPMENT AGENCY
PROJECT AREA NO. 2: RESOLUTION OF DELETION OF CERTAIN
TERRITORY FROM THE BOUNDARIES OF PROPOSED SOUTH TAHOE
REDEVELOPMENT PROJECT AREA NO. 2**

Chair Berg and Commissioner Curry both recused themselves from this item.

Gene Palazzo, Redevelopment and Housing Director provided a detail background regarding this item to the Commission.

A short discussion took place regarding Exhibit A- Vice-Chair Ottman asked if anyone from that list has contacted staff. Mr. Palazzo informed the group that no one has called the City as of right now.

Vice-Chair Ottman opened the public hearing.

Hal Cole, City Council Member spoke on his behalf, and added that he was not aware this item was coming before the Commission. Mr. Cole noted that if the Commission wishes to modify the Redevelopment areas, to do so; only if it's the best for the plan and the community or if the property owners requested the modification.

Mr. Cole informed the group that it is not appropriate to modify the boundary simply because an elected official can or can not vote on this item. Mr. Cole urged the Commission not to approve the resolution.

John Springmeyer, spoke on behalf of his family, and reviewed where his family's properties are located on Exhibit A. Mr. Springmeyer noted that he concurs with Council Member Cole. He requested additional time to review the entire Exhibit A, before the Commission moves forward with a decision. He would like to reserve the right to evaluate some other parcels that are located within the yellow portion of the map.

The following comments and concerns were addressed:

- Once the City puts a label of redevelopment on a property, it changes a lot of things.
- It changes the way that people who own the property, deal with the property.
- It changes the way buyers and sellers look at the property.

Mr. Palazzo clarified that the property owners of such parcels have not been notified that their properties are being consider for removal from the proposed boundary. Nothing has been recorded on the deeds; we are still going through the preliminary process.

Vice-Chair closed the public hearing.

Commissioner Grego made a motion that the Planning Commission denies Resolution No. 2009-02. Vice-Chair Ottman seconded it. The motion carried.

ITEM XI: GENERAL PLAN ANNUAL REPORT: THE CITY IS REQUIRED TO PREPARE AN ANNUAL REPORT ON THE STATUS OF GENERAL PLAN IMPLEMENTATION AND FILE THE REPORT WITH THE STATE HOUSING AND OCMMUNITY DEVELOPMENT DEPARTMENT (HCD) AND TO THE OFFICE OF PLANNING AND RESEARCH (OPR)

Hilary Hodges, Planning Manager outlined the report to the Commission.

A short discussion took place regarding Section D- Very- Low Income levels.

Chair Berg requested clarification as to why the Herbert project was not included in the report? Staff noted that the Herbert project can be verified and included in the report before it's sent out.

The Commission thanked Ms. Hodges for her report. No comments or concerns were addressed.

Commissioner Grego made a motion to receive, file and forward copies to the City Council, State Clearinghouse and State Office of Housing and Community Development with the amendment if necessary. Commissioner Curry seconded it. The motion unanimously carried.

ITEM XII: STAFF'S REPORT

Teri Jamin, Community Development Director encouraged the Commission to attend the General Plan Update workshop on May 21, 2009. Ms. Jamin added that this workshop will focus on the alternatives for the General Plan Update and the different areas of policy that staff has been developing.

Ms. Jamin also reminded the Commission about the Special Planning Commission meeting on May 28, 2009 and she reviewed couple of items scheduled for Planning Commission in June.

Ms. Jamin briefed the Commission regarding the City's cost containment plan, and informed the Commission that she will be retiring and her position will be left vacant until revenues improve. She concluded her report by outlining the different changes that will take place as a result of the cost containment plan.


ITEM XIII: PLANNING COMMISSIONER'S REPORT

None

ITEM IX: ADJOURNMENT: 5:25pm

Attest:


Lydia Zuniga
Recording Secretary


Mike Berg
Chair