TAHOE REGIONAL PLANNING AGENCY

Mail
PO Box 5310
Stateline, NV 89449-5310

Location
128 Market Street
Stateline, NV 89449

Contact
Phone: 775-588-4547
Fax: 775-588-4527
www.trpa.org

March 15th , 2022

Wyatt Ogilvy
Ogilvy Consulting Land Use and Development Strategies
P.O. Box 6350
Tahoe City, CA 96145

ADELMAN SINGLE PARCEL PIER ADDITION/MODIFICATION, 1590 N LAKE BOULEVARD, PLACER COUNTY, CALIFORNIA, ASSESSOR'S PARCEL NUMBER (APN) 094-160-008, TRPA FILE NUMBER ERSP2020-2095

Dear Applicant:

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 schedule an appointment with me to finalize your project. Due to time demands, TRPA cannot accept drop-in or unannounced arrivals to finalize plans

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, (April 5th , 2022).

Thank you very much for your patience in this matter. Please feel free to call me if you have any questions regarding this letter or your permit in general.

Sincerely,

Tiffany Good
Principal Planner
Planning Department

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Conditional Permit

PROJECT DESCRIPTION: Single parcel pier addition/modification

APN: 094-160-008

PERMITTEES: Robert Adelman

FILE #: ERSP2020-2095

COUNTY/LOCATION: Placer/ 1590 N Lake Boulevard

Having made the findings required by Agency ordinances and rules, TRPA staff approved the project on **March 15th , 2022**, subject to the standard conditions of approval attached hereto (Attachments Q and S) and the special conditions found in this permit.

This permit shall expire on **March 15th , 2025**, without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of pouring concrete for a foundation and does not include grading, installation of utilities or landscaping. Diligent pursuit is defined as completion of the project within the approved construction schedule. 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, 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 APPROPRIATE COUNTY PERMIT. TRPA'S ACKNOWLEDGEMENT MAY BE NECESSARY TO OBTAIN A COUNTY 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.

_____ 3/15/2022_____

TRPA Executive Director/Designee Date

PERMITTEES' 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_____

(PERMIT CONTINUED ON NEXT PAGE)

APN 094-160-008

FILE NO. ERSP2020-2095

Excess Coverage Mitigation Fee (1): Amount $_____ Type Paid _____Receipt No._____

Project Security Posted (2): Amount $ 10,000 Type Paid _____Receipt No._____

Security Administrative Fee (3): Amount $_____ Paid _____ Receipt No._____

Project Security Posted (4): Amount $_____Type Paid _____Receipt No._____

Security Administrative Fee (5): Amount $_____ Paid _____ Receipt No._____

Shorezone Mitigation Fee (6): Amount $ 5,730 Type Paid _____ Receipt No._____

Shorezone Mitigation Fee (7): Amount $ 600 Type Paid _____ Receipt No._____

Notes:

(1) Amount to be determined. See Special Condition 3.K, below.

(2) See Special Condition 3.L below.

(3) Consult the TRPA filing fee schedule for the current security administration fee.

(4) See Special Condition 3.M below.

(5) Consult the TRPA filing fee schedule for the current security administration fee.

(6) See Special Condition 3.N, below.

(7) See Special Condition 3.O, below.

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 and is eligible for a county building permit:

_____ _____

TRPA Executive Director/Designee Date

SPECIAL CONDITIONS

1. This permit authorizes the demolition and reconstruction of an existing single parcel pier located at 1590 N Lake Boulevard, Placer County Assessor's Parcel Number (APN) 094-160-008, in Tahoe City, California. The existing pier extends approximately 70 feet from the High Water Line, 6,229.1' and includes a catwalk. The proposed pier will be 165 feet 6 inches in

length and will terminate at lake bottom elevation 6,221. The new pierhead will be 10 feet wide and will include a new 3-foot by 30-foot adjustable catwalk on the north side of the pier. An existing buoy registered to the property will be converted to a boatlift and placed on the south side of the pier. The pier is located in an area mapped as marginal fish habitat. Tahoe Yellow Cress (TYC) has existed in the project area vicinity in the past and therefore TYC mitigation will be required as a part of the project. As a part of this project, the applicants will purchase and retire restoration credits from the California Tahoe Conservancy to allow for access from the upland development to the adjusted pier location, in accordance with TRPA Code Section 85.5.4 *Access to Structures or Uses in the Nearshore or Foreshore.*

Existing shorezone development includes a total of two moorings and one single parcel pier:

Mooring #11130/Tag #A1046
Mooring #11131/Tag #A1047

As a result of the project, the shorezone development associated with the project area will include a single parcel pier, one mooring buoy, and one boatlift.

The permittees shall provide evidence of which mooring buoy will be removed to facilitate the installation of the boatlift on the pier per Special Conditions 3.B.1 and 3.F, below.

2. The Standard Conditions of Approval listed in Attachment S shall apply to this permit.

3. Prior to permit acknowledgement, the following conditions of approval must be satisfied:

   A. The applicant shall submit a demolition plan for the removal of the existing pier structure on 1590 N Lake Boulevard which includes:

      (1) Clear indication of coverage and structures to be removed.

      (2) Construction staging areas.

      (3) Temporary erosion control structures located downslope of the proposed upland demolition areas. (Please Note: 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.)

      (4) Include a notation indicating that no staging activity is authorized on the shoreline or within the shorezone.

      (5) The applicant shall submit a methodology to include detailed information regarding the delivery, removal, and staging of all equipment, (2) access, (3) deconstruction, disposal of material, (4) equipment to be used, (5) Spill Prevention Plan for the use of any hazardous materials or equipment (i.e., fuel,

epoxy glue, other volatile substances, welding and torch equipment, etc.), and (6) location and type of temporary BMPs.

(6) The applicant shall submit a demolition schedule to identify dates for the following activities: (1) installation of temporary BMPs, (2) demolition commencement, (3) removal of demolition debris, (4) demolition completion, and (5) and site restoration where applicable.

(7) The applicant shall submit a re-vegetation plan for the area where existing pier access will be removed, consistent with TRPA code section 61.4 *Revegetation* (if applicable).

B. The project plans for the project area shall be revised to include the following:

1. On Sheet L2.0 note which mooring buoy will be converted, identified by the mooring number and the corresponding tag number.

2. On Sheet L2.0 delineate the location of the turbidity curtain and include allowance for barge access.

3. On Sheet L2.0 add a note stating "There will be no staging activity on the shoreline, and all access associated with pier demolition and construction activities shall occur from the lake by barge; and delivery, removal, and staging of all construction equipment and materials shall occur on the barge."

4. On Sheet L2.0 add a note stating no containers of fuel, paint, or other hazardous materials may be stored on the pier or shoreline.

5. On Sheet L2.0 include a plan notation that indicates pile driving operations and other piling installation methods (i.e. pinning, etc.) shall require the installation of caissons for turbidity control **upon the discretion of the TRPA inspector upon a pre-grade inspection**. A floating fine mesh fabric screen or other material approved by TRPA shall be installed underneath the pier decking to capture any fallen materials during pier demolition and reconstruction. The floating screen and caissons may be removed upon project completion and after a satisfactory inspection by TRPA to ensure that all suspended materials have settled.

6. On Sheet L2.0 identify that the existing pier structure will be removed. All existing structure lakeward of the High Water Line of 6,229.1 shall be removed as a result of this project.

7. Temporary erosion control details/structures located downslope of the proposed construction areas where the existing pier and pier access will be demolished and removed. Also not temporary erosion control details/structures located downslope *Please Note: 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.

8. Revise the coverage table on Sheet L1.0 to reflect the proposed changes associated with the necessary change in pier access. Include a breakdown between the removed coverage in Class 1c and Class 1b as well as the relocated coverage in Class 1c and Class 1b. Identify the amount of restoration credits that will be required for the additional coverage in Class 1b.

C. The Permittee shall submit a projected construction completion schedule to TRPA prior to acknowledgment. Said schedule shall include completion dates for each item of construction.

D. Sheet L2.1 shall include the following language:

The project area complies with Level 5 Scenic Review, Option 2 – Visual Magnitude System (Subsection 66.3.3.E.2 of the TRPA Code of Ordinances). The existing structures at the property result in a composite contrast rating score of 27, with an allowable visible area of 1,565 square feet. The total existing visible area is 1,093.7 square feet, leaving 471.3 square feet of remaining allowable visible area. The additional visible mass associated with the pier will be mitigated through a reduction of the visible mass associated with the property of 439 square feet (219.5 s.f. additional visible mass x 2.0). The remaining allowable visible mass associated with the property will be 32.3 square feet (471.3 s.f. – 439 s.f. = 32.3 s.f.).

E. The permittee shall provide a photo via email looking from the waters of Lake Tahoe looking back towards the project area to demonstrate existing conditions. Upon project completion, the permittee shall provide a photo looking from Lake Tahoe looking back towards the project area demonstrating the scenic conditions have not substantially changed and that the project area is in substantial conformance with the scenic analysis reviewed and approved (Sheets L3.0 and L3.1).

F. The permittee shall provide underwater photos of the project area indicating the conditions prior to the start of construction. For the purposes of this condition, the project area shall include the areas where the existing pier structure will be removed, the areas where the existing mooring blocks are, and the area where the reconstructed pier will be built. The locations from which the underwater photos are taken shall be noted on the proposed site plan, Sheet L2.0. Prior to security return, the permittee shall provide post-construction underwater photos of the same locations of the project area. Note that prior to security return, the permittee must demonstrate proof that the block associated with the mooring buoy that is converted has been removed and the area of lake bottom restored.

G. The Permittee shall conduct a Tahoe Yellow Cress survey for the subject property. Surveys shall be conducted during the growing season of June 15th through September 30th prior to commencement of proposed work**. If TYC or TYC habitat are present, the Permittee shall submit a TYC avoidance and protection plan to TRPA prior to acknowledgement of this permit.**

H. The subject property at 1590 N Lake Boulevard does not have a Water Quality BMP certificate. Prior to acknowledgement of this permit, the permittee shall provide a plan and details for all proposed Best Management Practices on the upland portion of the parcel and shall provide corresponding BMP calculations demonstrating conformance with TRPA infiltration requirements. A separate BMP security shall be posted (Special Condition 3.M, below).

I. The permittees shall transfer the appropriate amount of restoration credits for minimum access to the pier in accordance with TRPA Code Sections, 85.5.4, 85.5.1.E, and 30.5.3. Note that all coverage transfers must be in compliance with Chapter 30 of the TRPA Code of Ordinances, and the TRPA Rules of Procedure.

J. The Permittee shall provide a Spill Prevention Plan for the use of any hazardous materials or equipment (i.e., fuel, epoxy glue, other volatile substances, welding and torch equipment, etc.), for construction activities occurring from a barge and/or amphibious vehicle and within the lake. The Plan shall require absorbent sheets/pads to be retained on the barge at all times. A contact list of all emergency response agencies shall be available at the project site at all times during construction.

K. The subject project area has 3,667 square feet of unmitigated excess land coverage. The Permittees shall mitigate a portion or all of the excess land coverage on this property by removing coverage within the Hydrologic Transfer Area 8 (Tahoe City), or by submitting an excess coverage mitigation fee.

<u>To calculate the amount of excess coverage to be removed (in square feet), use the following formula</u>:

Estimated project construction cost multiplied by 0.0125, divided by 8.

If you choose this option, please revise your final site plans and land coverage calculations to account for the permanent coverage removal.

<u>An excess land coverage mitigation fee may be paid in lieu of permanently retiring land coverage. The excess coverage mitigation fee shall be calculated as follows</u>:

Square footage of required coverage reduction (as determined by formula above) multiplied by the excess coverage mitigation fee of $28.5 per square foot for projects located within the Hydrologic Transfer Area 8 (Tahoe City).

<u>Please provide a construction cost estimate by your licensed contractor, architect, or engineer. In no case shall the mitigation fee be less than $200.00.</u>

L. The project security required under Standard Condition A.3 of Attachment S shall be $10,000. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee**. Prior to release of security, the permittee shall provide to the TRPA inspector the GPS**

locations of the buoys that remain in the water as well as the buoy tags for the buoys that are removed for the conversion.

M. The security required under Standard Condition I.B. of Attachment Q shall be equal to 110% of the estimated BMP cost, and shall be determined upon the permittee's submittal of required Best Management Practices plan and related cost estimate. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.

N. Pursuant to Section 10.8.5.E.4.a.ii of the TRPA Rules of Procedure, the permittee shall submit a shorezone mitigation fee of $5,730 for the addition of 95.5 linear feet to an existing pier.

O. Pursuant to Section 10.8.5.E.4.a.iii of the TRPA Rules of Procedure, the permittee shall submit a shorezone mitigation fee of $600 for the addition to an existing pier.

P. The Permittee shall provide an electronic set of final construction drawings and site plans for TRPA Acknowledgement.

4. 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 this 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.

5. It is the Permittee's responsibility to receive authorization, and obtain any necessary permits from other responsible agencies for the proposed project.

6. No pier demolition or construction shall occur between May 1 and October 1 (spawning season) unless prior approval is obtained from the California Department of Fish and Wildlife, the U.S. Army Corps of Engineers, or the U.S. Fish and Wildlife Service.

7. Disturbance of lake bed materials shall be the minimum necessary. The removal of rock materials from Lake Tahoe is prohibited. Gravel, cobble, or small boulders shall not be disturbed or removed to leave exposed sandy areas before, during, or after construction.

8. Best practical control technology shall be employed to prevent earthen materials to be re-suspended as a result of construction activities and from being transported to adjacent lake waters.

9. The discharge of petroleum products, construction waste and litter (including sawdust), or earthen materials to the surface waters of the Lake Tahoe Basin is prohibited. All surplus construction waste materials shall be removed from the project and deposited only at approved points of disposal.

10. Any normal construction activity 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 A.M. and 6:30 P.M.

END OF PERMIT