Date: $\quad$ September 7, 2023
To: TRPA Hearings Officer
From: TRPA Staff
Subject: Single-Family Residential Rebuild for North Shore TVCA LLC, 6650 North Lake Boulevard, Tahoe Vista, Placer County, CA; Assessor's Parcel Number (APN): 117-072-006; TRPA File No.: ERSP2023-0707

## Requested Action:

Hearings Officer action on the proposed project and a finding of no significant environmental effect.

## Staff Recommendation:

Staff recommends the Hearings Officer make the required findings (Attachment A) and approve the proposed project based on this staff summary and the evidence contained in the project record. The recommended conditions of approval are contained in the attached Draft Permit (see Attachment B).

## Project Description/Background:

The subject property is a 36,585 square foot littoral parcel located primarily in a stream environment zone (Class 1b-SEZ). The existing development includes a residence, two accessory buildings, lakefront deck and gravel driveway. A retaining wall / breakwater, stairs, and pier extend into the shorezone.
The project proposes demolition and reconstruction of the residence and accessory structures. New improvements include a single-story residence, small detached garage/studio, utility shed, and sauna. The driveway will be paved and reconfigured to address fire department standards. The existing retaining wall / breakwater will be repaired, with the rock veneer replaced. Best Management Practices will be installed for the property as part of this project.

## Staff Analysis:

A. Environmental Documentation: TRPA staff has completed the "Project Review Conformance Checklist and Article V (g) Findings" in accordance with Subsection 4.4.2 of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Hearings Officer meeting and at TRPA.
B. $\quad$ Plan Area Statement: The project is located within the Mixed-Use Gateway West (MUGW) subdistrict of the Placer County Tahoe Basin Area Plan. Agency staff has reviewed the subject Area Plan and has determined that the project, with conditions of approval, is consistent with the applicable development standards, guidelines, and special policies. Conditions of approval require a 6-foot sidewalk, landscaping, and pedestrian lighting consistent with Area Plan standards.
C. Land Use: The land use (Single Family Dwelling) requires a Minor Use Permit in the MUGW subdistrict. For lakefront properties requiring TRPA review, the equivalent process is special use permit review and approval by a Hearings Officer in accordance with Section 2.2.2.2.a of the TRPA Code. It should be noted that the Area Plan discourages, but does not prohibit, ground floor residential uses along Highway 28. In this case, the single family residential use is long-standing, the project is improving environmental conditions, and the narrow lot would complicate design options for non-residential projects.
C. Land Coverage: This project complies with land coverage requirements of the TRPA Code of Ordinances. The parcel is located on Class 1b and Class 5 land, per TRPA file LCAP2010-0344. The parcel is 36,585 square feet in size. The 31,620 square feet of Class 1b land has 316 square feet of base allowable coverage and 10,311 square feet of coverage verified as legally existing. The 4,965 square feet of Class 5 land has 1,241 square feet of base allowable coverage and 746 square feet of coverage verified as legally existing. Coverage resulting from this project includes 10,311 square feet on Class 1b land and 1,153 square feet on Class 5 land. New Class 5 coverage is subject to water quality mitigation fees. No new coverage is being created in Class 1b and the total includes 1,304 square feet being retired for relocation mitigation. Excess coverage mitigation is required based on 9,995 square feet of excess class 1 b coverage.
D. Density: This project complies with residential density requirements of the TRPA Code of Ordinances and Area Plan.
E. Historic: The original construction of the structures occurred around 1948. The structures have been significantly modified and are considered not historically significant (historic determination file HIST2023-0887).
F. Scenic: This property is visible from Shoreline Unit 21 (Agate Bay), which is currently in attainment with scenic thresholds. The project has been reviewed under Level 5, Option 2 of the visual magnitude system. The project will result in 890 square feet of visible area (maximum allowed visible area is 900 square feet). Required scenic mitigation includes additional vegetative screening, 11 percent maximum window reflectivity, and use of TRPA approved non-reflective colors and materials. Post-construction monitoring is proposed as a special condition of the permit, to ensure that the project meets the required scenic mitigation. The property is also visible from Scenic Highway Unit 20A (Tahoe Vista), which is not in attainment with threshold standards. The project is in conformance with applicable scenic highway standards.
G. Tree Removal: Four trees sized between $14^{\prime \prime}$ diameter and $24^{\prime \prime}$ diameter are proposed to be removed to accommodate the residence, driveway modification, and shed. Over 30 small trees and saplings under 14 inches diameter are also proposed for removal. At least 50 trees remain on site, including most of the larger trees, all of the trees between the home and Lake Tahoe, and all of the trees along the highway 28 frontage.

## Contact Information:

If you have any questions, please contact Julie Roll, Senior Planner at jroll@trpa.gov or (775) 589-5247.

Required Actions: Staff recommends that the Hearings Officer take the following actions:
I. Approve the findings contained in this staff summary, and a finding of no significant environmental effect.
II. Approve the project, based on the staff summary, and record evidence, subject to the conditions contained in the attached Draft TRPA Permit (Attachment B).

Attachments:
A. Required Findings/Rationale
B. Draft Permit
C. Vicinity Map
D. Proposed Project Plans
E. Photos

Attachment A
Required Findings/Rationale

## Attachment A: Required Findings/Rationale

The following is a list of the required findings as set forth in Chapters 4, 21, 30, and 37 of the TRPA Code of Ordinances. Following each finding, Agency staff has indicated if there is sufficient evidence contained in the record to make the applicable findings or has briefly summarized the evidence on which the finding can be made.

## 1. Chapter 4-Required Findings:

(a) The project 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.

Based on the findings provided on the Article $\mathrm{V}(\mathrm{g})$ Findings Checklist, there is sufficient evidence in the project file to make this finding.
(b) The project will not cause the environmental threshold carrying capacities to be exceeded.

The project meets the provisions of the TRPA Code of Ordinances; no significant environmental impacts will occur, and it will not cause the environmental threshold carrying capacities to be exceeded.
(c) Wherever federal, state or local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article $\mathrm{V}(\mathrm{g})$ of the TPRA Compact, the project meets or exceeds such standards.

All potential effects are temporary and shall be mitigated through temporary and permanent Best Management Practices (BMPs). The applicant will meet or exceed all federal, state, or local water quality standards. Upon completion of construction, the project will have no impact upon water quality standards.

## 2. Chapter 21 - Special Use Findings:

(a) The 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.

A single family dwelling requires a minor use permit in the MU-GW Area Plan subdistrict. For lakefront properties requiring TRPA review, the equivalent process is special use permit review and approval by a Hearings Officer in accordance with Section 2.2.2.2.a of the TRPA Code. This is required despite the residence already existing.

The Area Plan identifies the MU-GW subdistrict as a TDR receiving area. A variety of residential, commercial, and lodging uses are allowed. Street frontage improvements are a priority and are required for significant projects. Along highway 28, ground floor residential uses are discouraged, but not prohibited.

In this case, the single family residential use is long-standing and is appropriate for the parcel. The adjoining property to the west is also developed with a single family residence. The larger parcel to the east has a cabin-style lodging development. The subject parcel is narrow and deep, which would complicate design options for a nonresidential project.

The existing development pattern is not ideal, with extensive land alteration and coverage in class 1 b land and extending to the retaining wall / breakwater near the high water line. The home was originally built around 1948 and has been significantly modified since then. The home and accessory structures are considered not historically significant per historic determination file HIST2023-0887.

The proposed project retains the existing retaining wall / breakwater (with repairs) and the same general building site. As proposed, the remodel will remain single-story, and will blend in the with the existing tree canopy.

Design non-conformances will be reduced and compatibility enhanced by converting the lakeside deck to landscaping, relocating buildings and other coverage to be outside the 10 foot backshore setback, retiring class 1b coverage, limiting building height to one story, color and material improvements, retaining existing trees, street frontage improvements, dark sky lighting, BMPs, and additional scenic mitigation.

The proposed project is a significant improvement to the existing single family home, does not change or intensify land uses, and is appropriate for the site and compatible with the surrounding area.
(b) The 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 surrounding property owners.

The project will comply with all TRPA and Placer County rules and regulations.
The project retains and enhances the current development site and improvements. No health, safety, or general welfare impacts have been identified. Existing nonconformities are reduced with the improvements listed above. Water Quality Best Management Practices will be installed on the entire site.
(c) The project, to 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.

The proposed project retains existing land use patterns and neighborhood character. The project is a permissible use, utilizes small scale structures similar to those in the surrounding area, and provides streetscape improvements consistent with area plan
standards. For these reasons, the project will not change the character of the neighborhood or detrimentally affect the purpose of this Area Plan subdistrict.
3. Chapter 30-Coverage Relocation
A. The relocation is to an equal or superior portion of the parcel or project area, as determined by reference to the following factors:
(1) Whether the area of relocation already has been disturbed;
(2) The slope of and natural vegetation on the area of relocation;
(3) The fragility of the soil on the area of relocation;
(4) Whether the area of relocation appropriately fits the scheme of use of the property;
(5) The relocation does not further encroach into a stream environment zone, backshore, or the setbacks established in the Code for the protection of stream environment or backshore;
(6) The project otherwise complies with the land coverage mitigation program set forth in Section 30.6.

Small amounts of coverage along the driveway edge are relocated within Class 5 areas of comparable capability. Relocations are consistent with factors 1-6 and do not encroach into SEZ setbacks.

Significant amounts of coverage are relocated within Class 1b areas. The relocations eliminate encroachments into backshore setbacks, reduce the driveway size, and reduce coverage near Lake Tahoe. Receiving areas are located further from Lake Tahoe in the front yard and along the driveway edge. See additional discussion below.
B. The area from which the land coverage was removed for relocation is restored in accordance with subsection 30.5 .3

The project will restore all coverage removal areas.
C. The relocation shall not be to Land Capability Districts 1a, 1b, 1c, 2, or 3 from any higher numbered land capability district.

No coverage is relocated into class 1 b land.
D. If the relocation is from one portion of a stream environment zone to another portion, there is a net environmental benefit to the stream environment zone. "Net environmental benefit to a stream environment zone" is defined as an improvement in the functioning of the stream environment zone and includes, but is not limited to:
(1) Relocation of coverage from a less disturbed area to a more disturbed area or to an area further away from the stream channel or water body, as applicable;
(2)

Retirement of land coverage in the affected stream environment zone in the amount of 1.5:1 of the amount of land coverage being relocated within a stream environment zone; or
(3) For projects involving the relocation of more than 1,000 square feet of land coverage within a stream environment zone, a finding, based on a report prepared by a qualified professional, that the relocation will improve the functioning of the stream environment zone and will not negatively affect the

2,607 square feet of class 1 b coverage is relocated to other class 1 b land.
Relocated coverage is moved further from Lake Tahoe and is entirely removed from the backshore setback area (except for pier/beach access). Driveway coverage is reduced to the minimum necessary by replacing the gravel loop drive with a paved $y$-turn design. An alternative materials and methods request was approved by the North Tahoe Fire Protection District to minimize driveway coverage.

Relocated coverage is mitigated at a 1:1.5 ratio, resulting in the retirement of 1,304 square feet of class 1 b coverage with this project.

The project involves more than 1,000 square feet of relocated class 1 b coverage. A Stream Environment Zone Analysis Report was prepared by Geoff Cline, the Principal Biologist for Provost \& Prichard Consulting Group. The report documented improved functioning of the stream environmental zone resulting from reduced coverage in the backshore setback, 1,304 square feet of retired class 1 b coverage, and site plan enhancements.

For these reasons, the proposed coverage transfers are expected to result in a net environmental benefit and the findings for coverage relocation are satisfied.

## 4. Chapter 37-Height

(a) 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 will not cause a building to extend above the forest canopy, when present, or a ridgeline.

The slope across the building site is about 4 percent. With a predominate roof pitch of 10:12, the maximum allowed height is $37^{\prime} 0^{\prime \prime}$. The residence will remain single-story, and the proposed height is $26^{\prime} 4^{\prime \prime}$, within the maximum allowed per TRPA Code Section 37.7. The home will not extend beyond the forest canopy or ridgeline when viewed from a distance of 300 feet from any designated scenic viewpoint. Photos taken from 300-feet off the shore have been provided as part of the application.
(b) When outside a community plan, the additional height is consistent with the surrounding uses.

The surrounding area is a mix of single-story and multi-story buildings. The residence will remain as a single-story building, which is consistent with other homes in the surrounding area.
(c) The maximum building height at any corner of two exterior walls of the building is not greater than 90 percent of the maximum building height. The maximum height at the corner of two exterior walls is the difference between the point of lowest natural ground elevation along an exterior wall of the building and point at which the corner of the same exterior wall meets the roof.

The maximum building height at any corner of two exterior walls is not greater than 90 percent of the maximum building height ( 33.2 feet).

Attachment B
Draft Permit

TAHOE

Location
128 Market Street
Stateline, NV 89449

## Contact

Phone: 775-588-4547
Fax: 775-588-4527
www.trpa.gov

September 14, 2023
Ogilvy Consulting
Post Office Box 6315
Tahoe City, CA 96145

## SINGLE FAMILY RESIDENTIAL REBUILD, 6650 NORTH LAKE BLVD, APN 117-072-006, PLACER COUNTY, CALIFORNIA, TRPA FILE NUMBER ERSP2023-0707

Dear Ogilvy Consulting:
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 in 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 or submit final documents electronically via email.

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.

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

Sincerely,

Julie Roll
Senior Planner

## Contact

Phone: 775-588-4547
Fax: 775-588-4527
www.trpa.gov

## Draft <br> PERMIT

PROJECT DESCRIPTION: Single-Family Residential Rebuild

APN: 117-072-006
PERMITTEE(S): North Shore TVCA LLC
FILE \#: ERSP2023-0707

## COUNTY/LOCATION: Placer County/6650 North Lake Blvd.

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on September 14, 2023 subject to the standard conditions of approval attached hereto (Attachment $R$ ) and the special conditions found in this permit.

This permit shall expire on September 14, 2026 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, 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.


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)
$\qquad$

## APN 117-072-006

FILE NO. ERSP2023-0707

Water Quality Mitigation Fee:
Excess Coverage Mitigation Fee (1):
Amount \$757.02__Paid___ Receipt $\qquad$
Amount $\$$ $\qquad$ Paid $\qquad$ Receipt $\qquad$
Security Posted (2):
Amount $\$ 3,300$ Paid $\qquad$ Receipt $\qquad$
Security Administrative Fee (3):
Amount $\qquad$ Paid $\qquad$ Receipt $\qquad$
Scenic Security Posted (4):
Security Administrative Fee (3):
Scenic Inspection Fee (4):

## Notes:

(1) To be Determined, See Special Condition 3.L below
(2) See Special Condition 3.M below
(3) Security Administrative fee subject to changes; see filing fee schedule for current fee amount.
(4) See Special Condition 3.N below

Required plans determined to be in conformance with approval: Date: $\qquad$
TRPA ACKNOWLEDGEMENT: The permittee has complied with all pre-construction conditions of approval as of this date:

## TRPA Executive Director/Designee Date

## SPECIAL CONDITIONS

1. This permit specifically authorizes the demolition and reconstruction of an existing lakefront single-family residence and accessory structures within the Mixed-Use Gateway West subdistrict of the Placer County Tahoe Basin Area Plan, along with breakwater repairs extending into the shorezone. This approval is based on the revised plan set that was submitted on August 16, 2023. The property is verified as Class 1 b and Class 5 . Verified land coverage totals 10,311 square feet in Class 1 b and 746 square feet in Class 5 . The proposed project will use 10,311 square feet of Class 1 b coverage (including 1,304 square feet permanently retired) and 1,153 square feet of Class 5 coverage. As a result of the project, 88 square feet of Class 5 coverage will be available for future use or transfer. New water quality Best Management Practices (BMPs) will be installed
as part of this project and the parcel will be issued a BMP Certificate upon passing the final inspection.

The subject parcel is visible from Shoreline Unit 21, Agate Bay, which is currently in attainment with scenic thresholds. The visual assessment for the proposed project was evaluated under and complies with Level 5 , Option 2. (Section 66.3.3.E.2. of the TRPA Code of Ordinances). The project proposes a contrast rating score of 23 points. The total square feet of the visible area allowed for this project area is 900 square feet. The total proposed visible area is 890 square feet.
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:

- Expand the final plan set to include information contained in the scenic visibility sheet (sheet L1.0), planting plan (sheet L1.1), and exterior materials exhibit.
- Provide a landscaping and/or restoration plan that at a minimum includes the Highway 28 frontage, the area between the residence and Lake Tahoe, and all coverage removal areas.
- Provide street frontage improvements consistent with special policy 2 of the Area Plan standards (subsection 2.04.C.2.b.ii) and the design standards for street frontage improvements (subsection 2.04.C.4). Improvements shall include curb and 6 foot wide sidewalk for the entire street frontage, enhanced landscaping within the 20 foot front setback area (including screening of the new utility shed), and pedestrian street lights consistent with one of the Area Plan design options. Special policy 10 also requires undergrounding of overhead utilities, with exceptions. For this property, undergrounding onsite utilities is required, but the existing powerline along the highway 28 street frontage may remain overhead. This waiver is appropriate because the power line is not underground on nearby properties, is not interfering with views of Lake Tahoe, and the additional pole required to underground utilities for this property may offset scenic benefits.
- Provide product information, noise reducing design features, and/or a noise analysis as needed to demonstrate that noise from the proposed generator will not exceed 55 dB at the front property line during regular generator operations.
- The civil improvement plans (Sheets C1.1 through C2.3) shall be revised to include the following:
(1) Label the vegetation protection detail drawings on sheet C2.1 consistent with the labels on plan sheet C1.1.
(2) Label additional locations for tree trunk protection in constrained areas (detail 2/C2.0). Include protections for the lakefront trees, the 26 inch tree along the east building elevation, the 26 inch tree near the entry gate, and the retained front yard trees within the construction boundary fencing.
(3) Extend the temporary erosion control barrier to follow the entire length of the construction area boundary fence.
(4) Indicate staging areas for construction equipment and materials.
(5) Modify drawings and notes for shorezone improvements. Depict and label existing and planned beach stairs. Depict and label the relocated opening in the retaining wall / breakwater that will be required. Add a prominent note for shorezone improvements: "Note: Plans depict shorezone improvements including relocated pier, beach stairs, and opening in the retaining wall / breakwater. These improvements reflect property owner plans for a future shorezone permit application and are not approved with this permit. A pier relocation or demolition/banking permit shall be issued prior to final inspection. Separate permits are required for any improvements in the shorezone, except repair of the existing retaining wall / breakwater." Add the same note on the site plan (sheet A1.1).
(6) Provide BMPs and calculations for the sauna coverage area.
(7) Provide ground armor (3 inch deep by 12 inch wide drain rock or suitable alternative) beneath the roof driplines that have gutters in lieu of dripline trenches.
(8) Remove the perforated pipe from BMP treatments $C$ and D. Reference detail 9/C2.1 for treatment D.
(9) Modify BMP treatments E and K to use shallow infiltration facilities that do not extend below elevation 6,230.1' (the high water elevation of Lake Tahoe plus 1 foot). Also modify treatment $M$ to not extend below elevation 6,230.1'.
(10) Enhance driveway BMPs with 3 cleanable sediment traps (detail 2/C2.2) located at 2 points along treatment $P$ and where treatments $P$ and $M$ meet. Provide driveway edge armor ( 3 inch deep by 12 inch wide infiltration trench or suitable alternative) adjacent to the driveway edges that do not have BMP treatments. Expand armor width to the toe of slopes adjacent to the driveway.
(11) Correct inconsistencies for treatments $\mathrm{M}, \mathrm{N}, \mathrm{O}$, and P ; including contributing areas, BMP treatments, labels and calculations. Contributing areas for the driveway BMPs (areas M and P) are less than proposed driveway coverage. Treatment N is included in calculations but not in plan drawings. There are two surface O areas not fully reflected in calculations.
(12) Specify materials and appropriate BMPs for the path to the proposed pier and the adjacent stairs. If the path is impervious, drain to an extension of treatment L.
(13) Add a note indicating: "All 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."

Add a note indicating: "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."

Special provisions are required for tree protection in the rear yard. Update plans to reflect the following:
(a) Note that demolition of the existing rear yard deck, fencing, and tree surrounds shall be completed by hand. No construction equipment (excavators, backhoes, etc) are allowed to the south of the proposed building and deck.
(b) Where tree exists within the construction area, the vegetation protection fencing must be placed beyond the drip-line of the outermost branches or, in limited instances, at the limit of the residential foundation. No equipment, personnel or disturbance is allowed within the vegetation fencing. The vegetation protection fencing required for the four rear yard trees shall be located to the driplines of the tree to the fullest extent possible until excavation for the lakefront building elevation and deck commences. This will block access to the rear yard. Only the portion of the vegetation fencing necessary to access the rear yard may be removed while rear yard work is occurring. A second row of temporary fencing is required around construction areas in the rear yard. Please note this condition on the site plan and ensure the contractors working on site are notified and aware of this permit condition.

Special provisions are required for erosion control in the backshore and shorezone. Update plans to reflect the following:
(a) Note that all repairs on the rear yard retaining wall / breakwater shall be completed by hand. No construction equipment (excavators, backhoes, etc) is allowed to the south of the proposed building and deck.
(b) Note that the lakefront retaining wall / breakwater will be repaired, not reconstructed, and the rock veneer will be replaced consistent with the exterior materials exhibit.
(c) Add a note to verify completion of a Tahoe Yellow Cress survey, and mitigation if required, prior to work on the retaining wall.
(d) Provide shorezone BMPs for the retaining wall work.

- The coverage plan (sheet A1.2) shall be revised to include the following:
(1) Updated coverage calculations as follows:
(a) Round coverage totals to the nearest whole number. 10,311 square feet of class 1 coverage is used, with none banked.
(b) Change "coverage to be banked" section to "coverage available for future use" and update class 1 b to have 0 square feet available.
(c) Add excess coverage information. There is 9,995 square feet of excess class 1 b coverage, with none previously mitigated.
- The floor plans shall be revised to include the following:
(1) TRPA-approved wood stove, fireplace, space and water heaters.
- The building elevations shall be revised to include the following:
(1) Show elevations of the bottom of foundations and support footings. Locate and label the maximum depth of excavation. Excavations shall not exceed 5 feet in depth and shall not extend below elevation 6,230, $1^{\prime}$.
(2) Provide additional material and color specifications for non-reflective (matte) paint or unfinished/weathering surfaces for the metal fence, metal roofing, exposed metal flashings/trim, metal chimney, and metal gutters/downspouts.
(3) Specify 11 percent maximum reflectivity for the south elevation windows.
(4) Add notes on the garage and utility shed elevation sheets "Materials and colors for accessory buildings shall match materials and colors for the main house (see sheet A3.1)."
- Provide a lighting plan for the project area with light fixtures that are consistent with TRPA Code of Ordinances, Section 36.8, Exterior Lighting Standards, including proposed fixture details. Fixtures that meet these requirements are generally dark sky friendly; examples can be found at www.darksky.org.
- 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 on the retaining wall extending into the shorezone. If TYC or TYC habitat are present, the Permittee shall submit a TYC avoidance and protection plan to TRPA prior to work in the shorezone.
- A water quality mitigation fee of $\$ 757.02$ shall be paid to TRPA. This fee is based on the creation of 407 square feet of Class 5 land coverage at a rate of $\$ 1.86 / \mathrm{sq}$. ft .
- The affected property has 9,995 square feet of excess Class 1b land coverage. The permittee shall mitigate a portion or all of the excess land coverage on this property by removing coverage within Hydrologic Transfer Area \#9 Agate Bay CA or by submitting an excess coverage mitigation fee.

To calculate the amount of excess coverage to be removed, use the following formula:

Estimated project construction cost multiplied by the fee percentage of $2.25 \%$ (as identified in Table A of Subsection 30.6.1.C, Chapter 30 of the TRPA Code of Ordinances) divided by the mitigation factor of 8 . If you choose this option, please revise your final site plans and land coverage calculations to account for the permanent coverage removal.

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:

Coverage reduction square footage (as determined by formula above) multiplied by the coverage mitigation cost fee of $\$ 8.50$ for projects within Hydrologic Transfer Area \#9 Agate Bay CA. Please provide a construction cost estimate by your licensed contractor, architect or engineer. In no case should the mitigation fee be less than $\$ 200.00$.

- The security required under Standard Condition I.B 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.
- The shorezone scenic security of $\$ 5,000$ shall be required per TRPA Code of Ordinances Section 5.9. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee. A \$141 non-refundable inspection/review fee is due at permit acknowledgement.
- The permittee shall submit an electronic version of the plan set for electronic stamping.

4. 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 23 will be achieved to comply with the required scenic mitigation and qualify for security return. 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 at https://www.trpa.gov/inspections-and-

## securities/

- evidence of the installation of $9-11 \%$ reflectivity glass windows
- Post construction photos taken from 300 feet and one quarter mile offshore, with at least one photo from center and perpendicular to the project area, and photos of onsite existing conditions.

5. 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.
6. 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.

7. No trees shall be removed (other than those shown on the approved site plan) or trimmed for view enhancement purposes without prior TRPA written approval as per the conditions of the Landscape and Revegetation Plan.
8. Maximum excavation depths shall not exceed 5 feet.
9. 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.
10. Prior to security release, photos shall be provided to TRPA taken during the construction of any subsurface BMP's or of any trenching and backfilling with gravel.
11. Temporary and permanent BMPs may be field fit by the Environmental Compliance Inspector where appropriate.
12. 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.
13. Disturbance of the lakebed materials shall be kept to the minimum necessary for project construction.
14. 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.
15. To the maximum extent allowable by law, the Permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board (including individual members), its Planning Commission (including individual members), 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, administrative appeal, 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.

Attachment C
Vicinity Map

## ERSP2023-0707 6650 North Lake Blvd



Attachment D
Proposed Project Plans


PROPOSED DRIVEWAY CENTERLINE PROFILE


DRIVEWAY CENTERLINE PROFILE

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STORMWATER CALCULATIONS (20 YEAR-1 HOUR STORM)


STORMWATER CALCULATIONS (20 YEAR-1 HOUR STORM) - contd


VOID SPACE CALCULATIONS



(1.2) NRCS PARKING BARRIERS DETALL

(2.2) SEDIMENT TRAP INLET



(c.2.2) $\underset{\text { GAS SERVICE TRENCH }}{\text { wosale }}$

(c2.2) SIDEWALK / PATIO PAVER DETAIL

(62.2) STACKED ROCK PROTECTION (<4' HIGH-FILL)

(c2.2) NDS FLO-WELL IN GRAVEL BACKFILL


(1.2.3) JoINT UTLITY SERVICE TRENCH



(1) Gate valve
(2) Check valve bypass tee (3) CHECK VALVE
(4) BALL VALVE
(5) TRACER WRE ATTACH
TOP OF FORCE MAIN.

(c.2.3 TYPICAL RESIDENTAL SEWER PUMP STATION

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\text { BEGINNING AT BOXED CHECK }
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\text { BEGINNING AT BOXD CHECK } \\
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Attachment E
Photos










