



**Attachment B
Conditional Permit**

PROJECT DESCRIPTION: New multiple-parcel/multiple-use pier

APNs: 093-072-039/-040 & 093-094-001

PERMITTEES: Barbara Oliver
Randall and Cynthia Pond
Nicholas Furchner

FILE #: ERSP2022-0034

COUNTY/LOCATION: Placer/3230, 3240, & 3250 Edgewater Drive

Having made the findings required by Agency ordinances and rules, the TRPA Governing Board approved the project on **July 26, 2023**, 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 **July 26, 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, 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.

TRPA Executive Director/Designee

7/26/23
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 _____

Signature of Permittee(s) _____ Date _____

Signature of Permittee(s) _____ Date _____

(PERMIT CONTINUED ON NEXT PAGE)

APNs 093-072-039/-040 & 093-094-001

FILE NO. ERSP2022-0034

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

Excess Coverage Mitigation Fee (2): Amount \$ _____ Type Paid _____ Receipt No. _____

Excess Coverage Mitigation Fee (3): Amount \$ _____ Type Paid _____ Receipt No. _____

Project Security Posted (4): Amount \$ 10,000 Type Paid _____ Receipt No. _____

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

Shorezone Mitigation Fee (6): Amount \$ 14,160 Type Paid _____ Receipt No. _____

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

Notes:

- (1) Amount to be determined. See Special Condition 3.I, below.
- (2) Amount to be determined. See Special Condition 3.J, below.
- (3) Amount to be determined. See Special Condition 3.K, below.
- (4) See Special Condition 3.L, below.
- (5) Consult the TRPA filing fee schedule for the current security administration fee.
- (6) See Special Condition 3.M, below.
- (7) See Special Condition 3.M, 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 a new multiple-parcel/multiple-use pier to serve three littoral parcels located at 3230, 3240, and 3250 Edgewater Drive, Placer County, California. The proposed pier will extend 236 feet from the High Water Line elevation of 6,229.1, Lake Tahoe Datum, to approximately 72 feet past the TRPA pierhead line. The pier includes one 6,000-pound boatlift and one 3-foot by 30-foot catwalk located at the pierhead, as well as low level deck lighting on the pier deck. The boatlift will be the result of the conversion of one legally existing buoy. The pierhead will be 15 feet wide. The pier will extend from an existing deck that covers the TCPUD lift station on the shoreline. The proposed pier complies with development and location standards for multiple-parcel piers serving three littoral parcels and is consistent with TRPA Code of Ordinances chapters 80 through 85.

This property is located in both spawning and feed and cover fish habitat. The new pier will have 18 new pilings resulting in approximately 12.5 square feet of new lake bottom disturbance. The project will mitigate the additional lake bottom disturbance at a 1.5 to 1 ratio (minimum) by placing 25 square feet of spawning gravels and cobble adjacent to the mapped spawning habitat portion of the project area. The pier will be constructed using an open piling methodology, resulting in a pier that is 90 percent open.

The three parcels associated with the project area will be deed restricted to one shared pier. Once the permit has been acknowledged, the project area will include the following shorezone development:

APN 093-072-039 – two mooring buoys

APN 093-072-040 – one mooring buoy and one boatlift (converted from existing buoy)

APN 093-094-001 – two mooring buoys

All APNs: one multiple-parcel pier

The three parcels associated with this project shall be considered a project area for scenic mitigation purposes. The proposed contrast rating scores for the parcels are as follows:

APN 093-072-039: Composite Contrast Rating Score of 25

APN 093-072-040: Composite Contrast Rating Score of 26

APN 093-094-001: Composite Contrast Rating Score of 25

Project Area: Composite Contrast Rating Score of 25

The proposed project is located within Scenic Shoreline Unit 16, Lake Forest, which is not in attainment with the TRPA Scenic Threshold. Up to 460 square feet of visible mass is allowed for multiple-parcel/use piers serving three or more primary residential littoral parcels. The allowable visible mass is not inclusive of accessory structures such as boatlifts, handrails, and ladders. The proposed pier has a total visible mass of 286.3 square feet which counts towards the 460 square feet of allowable visible mass. The project area is located in a Visually Modified scenic character type, requiring mitigation of all additional mass, including accessory structures associated with a pier, at a 1:2 ratio. There is a total visible mass, including accessory structures, of 387 square feet. This means that 774 square feet of visible mass will be mitigated within the project area. The project area must also demonstrate that it can meet a Composite Scenic Score of 25 within 6 months of project completion. The project area proposes to meet a Composite Scenic Score of 25 by adding perimeter screening at both 3230 and 3250 Edgewater Drive and by painting some building components darker colors at 3250 Edgewater Drive. Visible mass associated with the pier will be mitigated by utilizing remaining allowable visible mass associated with the project area composite contrast rating score of 25. The three properties will be deed restricted for scenic purposes.

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 project area plans shall be revised to include the following:

1. Delineate the location of the turbidity curtain and include allowance for barge access (Sheet 1).
 2. Include a plan notation indicating that there will be no staging activity on the shoreline, and that all access associated with pier demolition and construction activities shall occur from the lake by barge; and that delivery, removal, and staging of all construction equipment and materials shall occur on the barge (Sheet 1).
 3. 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. Placement of turbidity curtain shall be in consideration of substrate make-up and access to the project area necessary for construction equipment. 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 construction/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 (Sheet 1).
 4. The proposed fish habitat mitigation shall be located in an area of lake bottom that is not underneath the proposed pier, but is in an appropriate area adjacent to the project area. The site plan shall reflect this change prior to permit acknowledgement (Sheet 1).
 5. The table titled "Proposed Visible Area" on Sheet 3 shall be revised to reflect a total of 84 square feet for the boatlift.
- B. The final scenic plans shall include the following information for each property to mitigate 774 square feet of additional visible mass associated with the pier (387 square feet x 2 for a project in a Visually Modified Area):

APN 093-072-039

Composite Contrast Rating Score – 25

| | |
|---------------------------------------|--------------------|
| Total Allowable Visible Mass | 1,190 s.f. |
| <u>Existing Visible Mass</u> | <u>-1,016 s.f.</u> |
| Remaining Allowable Visible Mass | 174 s.f. |
| <u>To Be Used for Pier Mitigation</u> | <u>-174 s.f.</u> |
| Remaining Allowable Visible Mass | 0 s.f. |

APN 093-072-040

Composite Contrast Rating Score – 26

| | |
|---------------------------------------|------------------|
| Total Allowable Visible Mass | 1,365 s.f. |
| <u>Existing Visible Mass</u> | <u>-866 s.f.</u> |
| Remaining Allowable Visible Mass | 499 s.f. |
| <u>To Be Used for Pier Mitigation</u> | <u>-300 s.f.</u> |
| Remaining Allowable Visible Mass | 199 s.f. |

APN 093-094-001

Composite Contrast Rating Score – 25

| | |
|---------------------------------------|------------------|
| Total Allowable Visible Mass | 1,190 s.f. |
| <u>Existing Visible Mass</u> | <u>-692 s.f.</u> |
| Remaining Allowable Visible Mass | 498 s.f. |
| <u>To Be Used for Pier Mitigation</u> | <u>-300 s.f.</u> |
| Remaining Allowable Visible Mass | 198 s.f. |

- C. 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 approved pier will be built as well as the area where the buoy block for the buoy that will be converted to a boatlift will be removed. 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 all components of the buoy block have been removed, the area of lake bottom restored, and the fish habitat mitigation put in place.
- D. The final elevation drawings for each of the three properties shall have notes indicating conformance to the following design standards for color, roofs, and fences:
- (1) Color: The color of this structure, including any fences on the property, shall be compatible with the surroundings. Subdued colors in the earthtone and wood tone ranges shall be used for the primary color of the structure. Hues shall be within the range of natural colors that blend, rather than contrast, with the existing vegetation and earth hues. Earthtone colors are considered to be shades of reddish brown, brown, tan, ochre, and umber.
- (2) Roofs: Roofs shall be composed of non-glare earthtone or woodtone materials that minimize reflectivity.
- (3) Fences: Wooden fences shall be used whenever possible. If cyclone fence must be used, it shall be coated with brown or black vinyl, including fence poles.
- E. 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.
- F. The permittees shall record a deed restriction to be prepared by TRPA that will create a project area of the subject APNs (093-072-039/-040 & 093-094-001) for the purpose of limiting potential future shorezone development, to allow for only one pier between the subject parcels. The deed restriction shall also create a project area for the purposes of scenic review. The permittee shall record the deed restriction with the Placer County Recorder's Office and provide either the original recorded deed restriction or a certified copy of the recorded deed restriction to TRPA prior to permit acknowledgement.

- G. The permittee shall provide written authorization from the Tahoe City Public Utility District (TCPUD) that the proposed pier can connect to the deck that covers the lift station.
- H. The Permittee shall conduct a Tahoe Yellow Cress survey for the subject property prior to the commencement of construction. 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.
- I. The subject property, APN 093-072-039, has 3,877 square feet of unmitigated excess land coverage. The Permittee 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.

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

Estimated project construction cost multiplied by 0.015, 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.

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:

Square footage of required coverage reduction (as determined by formula above) multiplied by the excess coverage mitigation fee of \$8.50 per square foot for projects located within the Hydrologic Transfer Area 8 (Tahoe City).

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.

- J. The subject property, APN 093-072-040, has 5,273 square feet of unmitigated excess land coverage. The Permittee 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.

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

Estimated project construction cost multiplied by 0.0175, 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.

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:

Square footage of required coverage reduction (as determined by formula above) multiplied by the excess coverage mitigation fee of \$8.50 per square foot for projects located within the Hydrologic Transfer Area 8 (Tahoe City).

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.

- K. The subject property, APN 093-094-001, has 3,717 square feet of unmitigated excess land coverage. The Permittee 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.

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

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.

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:

Square footage of required coverage reduction (as determined by formula above) multiplied by the excess coverage mitigation fee of \$8.50 per square foot for projects located within the Hydrologic Transfer Area 8 (Tahoe City).

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.

- 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 tag for the buoy that is removed for the conversion. The permittees must also demonstrate that scenic mitigation has been achieved.**

- M. Pursuant to Section 10.8.5.E.4.a.i of the TRPA Rules of Procedure, the permittee shall submit a shorezone mitigation fee of \$14,160 for the construction of 236 feet of pier length for a new pier (assessed at \$60.00 per linear foot).

- 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 \$600.00 for the addition of a boatlift to the proposed pier (assessed at \$600 per addition).

- O. 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 lakebed 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

DRAFT