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128 Market Street
Stateline, NV 89449

Contact
Phone: 775-588-4547
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www.trpa.gov

August 15, 2024

Basin Strategies Planning & Consulting
Attn: Karin Hoida
1046 Lucerne Way
Incline Village, NV 89451
basinstrategies@gmail.com

**NEW LAKEFRONT ACCESSORY CABANA STRUCTURE, 1951 GLENBROOK INN ROAD, GLENBROOK, NV,
ASSESSOR'S PARCEL NUMBER (APN) 1418-10-802-007, TRPA FILE NUMBER ERSP2024-0468**

Dear Ms. Hoida,

Enclosed, please find the Tahoe Regional Planning Agency (TRPA) permit and attachment R, 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 of 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 itself constitute acknowledgment of the permit but rather an 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 email me all the final documents to finalize your project.

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 attention to this matter. If you have questions, please feel free to contact me by phone at (775) 589-5261 or by e-mail at jself@trpa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Self".

Jennifer Self,
Principal Planner
Permitting and Compliance Department

CC: Postmistress Properties LLC, 8400 South Jones Blvd., Las Vegas, NV 89139



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PERMIT

PROJECT DESCRIPTION: NEW LAKEFRONT ACCESSORY STRUCTURE APN: 1418-10-802-007

PERMITTEE(S): POSTMISTRESS PROPERTIES LLC

FILE #: ERSP2024-0468

COUNTY/ADDRESS: DOUGLAS / 1951 GLENBROOK INN ROAD

Having made the findings required by Agency ordinances and rules, the TRPA HEARINGS OFFICER approved the project on **AUGUST 15, 2024** subject to the standard conditions of approval attached hereto (Attachment R), and the special conditions found in this permit.

This permit shall expire on **AUGUST 15, 2027**, without further notice unless the construction has commenced prior to this date and is 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 the 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/CITY BUILDING PERMIT. TRPA'S ACKNOWLEDGEMENT IS NECESSARY TO OBTAIN A COUNTY/CITY BUILDING PERMIT. THE COUNTY/CITY 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

August 15, 2024
 Date

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) _____

Date _____

PERMIT CONTINUED ON NEXT PAGE

of this project including access to Lake Tahoe. The construction of the project includes 100 cubic yards of cut and 5 cubic yards of fill with excavation of less than five feet below grade. No vehicle parking areas are proposed or approved as part of the project. The cabana structure is accessory to residential uses on the property and shall have pedestrian access. The project will construct a new structure visible from Lake Tahoe, submitted under Scenic Mitigation Level 5: Option 2. The project was approved based on information contained in the scenic assessment report dated July 19, 2024 and submitted to TRPA on July 25, 2024. The project area is within Shoreline Unit #26, Cave Rock, which is Visually Modified and is in non-attainment. The total new lakefront facade is 760 square feet. The mitigated project scores a composite contrast rating score of 20 and proposes 549 square feet of visible area. The project will utilize existing screening of 211 square feet of vegetation. No tree removal or trimming of vegetation is approved. All finishes shall be flat or matte non-glare. Window glass shall be ~~11-13~~13% reflectivity and the glass railings shall be 5-7% reflectivity. A Best Management Practices (BMP) certificate was issued for the parcel on November 4, 2011. (BMP Certificate # 14710) Upon completion of the project and passing a TRPA final inspection, the parcel's BMP certificate shall be reissued.

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:
 - A. The applicant shall pay the required Hearings Officer multiplier per [TRPA Fee Schedule](#). This fee was not included with the initial application filing.
 - B. This building site is part of a project area deed restriction for land coverage purposes with APNs 1418-10-802-007 (subject site), 1418-10-802-010, 1418-10-702-009, 1418-10-702-008, and 1418-10-802-004. There are two outstanding TRPA approvals on the property impacting coverage: ERSP2024-0162 and ERSP2022-1371. The permittee shall complete the following:
 - (1) The use of said land coverage requires agreement by all parties owning property within the project area. The permittee shall provide signed authorization from Gary R Clemons and Susan M Clemons at trustees for the Gary R Clemons Revokable Trust and the Susan M Clemons Revokable Trust, owners of APN 1418-10-702-008 (2055 Glenbrook Rd.), authorizing Postmistress Properties LLC to use available land coverage within the project area for this proposed project.
 - (2) The plan drawings shall depict land capability and land coverage for the modified land coverage project area (include all parcels), consistent with the associated approvals and coverage tables. Include a tracking table for TRPA applications and permits within the project area. Reference the location of each application/permit on a plan sheet. Please keep the tracking table updated and include it in future project applications.
 - (3) The permittee shall complete special condition 3.I of ERSP2024-0162 as follows: The permittee shall record the TRPA provided project area deed restriction that will permanently treat land coverage for these parcels as though they had been consolidated. A copy of the recorded deed restriction or the original recorded deed restriction shall be provided to TRPA prior to acknowledgement of the permit.
 - C. The plan set shall be revised to include:

- (1) The permittee shall submit an Exterior Lighting Plan with specifications and/or details for all proposed exterior lighting fixtures and a proposed location plan. All exterior lighting shall be consistent with the 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.
- (2) Extent, location and depth of all associated grading, fill, and excavation with the project on the site plans. Maximum excavation depths, including during construction, as proposed and approved as part of this permit are less than five feet below grade. Permanent disturbance within the SEZ or SEZ setback is not permitted.
- (3) Indicate staging area for construction equipment and materials. Construction vehicles and equipment shall not impede roadway.
- (4) Indicate location of utilities on plans. All utilities must be ungrounded. No new utility poles are proposed or approved within project area.
- (5) Add the note: "Excavation shall not exceed five feet in depth."
- (6) Add the BMP detail for reference to Proposed BMP treatment "C" on sheet A1.10
- (7) Insert the scenic assessment contrast rating sheet and plan sheet within the scenic report dated July 19, 2024 into the final plan set.
- (8) Add the note: "Areas disturbed during construction shall be restored with native vegetation species from TRPA's recommended plant list of the Home Landscaping Guide for Lake Tahoe and Vicinity and be appropriate for the site-specific location. Planting shall occur in late fall or early spring. Naturally occurring groundwater to be the source of irrigation with supplemental hand watering as necessary. Lawn grass is not appropriate for this site and shall not be planted within the SEZ or SEZ setback. Fertilizer shall not be used due to close proximity of SEZ and the SEZ setback."
- (9) Add the note: "No fertilizer shall be used within the SEZ or SEZ setback."
- (10) Add the note: "Any mechanical equipment visible from the roadway or Lake Tahoe shall be screened."
- (11) The final construction drawings shall have notes indicating conformance to the following design standards for color, roofs, and fences:
 - (a) Color: The color of this structure, including any fences on the property, shall be compatible with the surroundings. Subdued colors in the earthtone and woodtone 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.

(b) Roofs & Reflectivity: Roofs shall be composed of non-glare earthtone or woodtone materials that minimize reflectivity. Metal, plastic, composite, and other low texture building surfaces that directly reflect sunlight glare onto Lake Tahoe, a scenic roadway unit, or a scenic recreation area shall be constructed with a non-glare finish that minimizes reflectivity.

(c) 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.

(12) The floor plans shall be revised to include a note that all appliances (e.g. fireplaces) shall meet air quality standards set forth in the TRPA Code of Ordinances section 65.1.4, Combustion Appliances.

D. A water quality mitigation fee of \$3,078.30 shall be paid to TRPA. This fee is based on the creation of 1,655 square feet of land coverage at a rate of \$1.86/square foot.

E. The affected property has excess land coverage remaining to be mitigated and is located within Hydrologic Transfer Area – Cave Rock. The permittee shall mitigate a portion of the excess land coverage on this property as part of this project.

The permittee shall submit updated accounting of excess coverage for the property per approvals and pending approvals as outlined in condition 3.B above.

In accordance to the TRPA Code of Ordinances and the online [Excess Coverage Mitigation Fee Worksheet](#), the excess coverage mitigation fee shall be calculated as follows:

(1) *Coverage reduction square footage*: Estimated project construction cost (only the materials to construct the bearing elements of a structure) multiplied by the fee percentage of 1% (as identified in TRPA Code of Ordinances Subsection 30.6.1.C, Table A) divided by the mitigation factor of 8.

(2) *Excess coverage mitigation fee*: Coverage reduction square footage (as determined by formula above) multiplied by the coverage mitigation cost fee of \$25.00 for projects within Hydrologic Transfer Area Cave Rock.

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.

F. The permittee shall submit accounting of off-site coverage resulting as part of the project and an off-site coverage mitigation fee (based on hydrologic area cost per 3.E above) for the creation of land coverage in the public right-of-way.

G. The permittee shall submit the security required under Standard Condition I.B. of Attachment Q. The security 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 the required security administration fee.

~~H. The permittee shall submit a shoreland scenic security of \$3,000 as required per TRPA Code of Ordinances Section 5.9. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and the required security administration fee. The scenic security shall be held for a minimum of five years to ensure that scenic screening and mitigation as proposed to receive a contrast rating score of 20 is completed, including ensuring any landscaping is healthy and well established. Any landscaping that fails shall be replaced on an annual basis with native or adapted species from the TRPA plant list or as otherwise approved by TRPA. Additional landscaping may be required to replace landscaping that fails to meet the screening mitigation required for the project. When the scenic mitigation requirements have been met, the following documentation shall be submitted at www.trpa.org/permitting/inspections-securities/:~~

~~(1) Post construction photos taken from the vantage point approved by TRPA.~~

~~(2) Invoices demonstrating the reflectivity of windows installed.~~

~~(3) Post project revised scenic assessment. This is only required if there are significant changes from the approved scenic assessment.~~

~~I. The permittee shall submit a scenic inspection fee of \$146.00 (TRPA Fee Schedule item #111.)~~

~~J.H.~~ The permittee shall submit an electronic version of the final plan set for electronic stamping.

4. Due to the location of the construction within the Glenbrook Historic District, it is possible that artifacts or other archaeological and/or below grade resources may be discovered. Whenever historical, pre-historical, or paleontological materials appearing to be 50 years or older are discovered during grading activity and have not been accounted for previously pursuant to Section 67.3, grading shall cease and TRPA shall be notified immediately. TRPA shall suspend grading and consult with the appropriate local, state, or federal entities and determine whether the site should be nominated as a historic resource. The property owner shall provide protection for the discovered material during this period. If a nomination is made, the site shall be subject to the provisions of Chapter 67: Historic Resource Protection.
5. This approval assumes and is contingent upon the proposed project meeting setback standards of the Douglas County rules, regulations, and ordinances for the access road located adjacent to the building site.
6. The project includes a lakefront accessory structure that is visible from the waters of Lake Tahoe. (Shoreland Scenic Unit #26, which is Visually Modified and not in attainment.) The visual assessment for the proposed project was evaluated under and complies with Level 5, Option 2 of the Visual Magnitude System (TRPA Code of Ordinances Section 66.3.3). The total square feet of visible area proposed for this project per code is 549 square feet. By acceptance of this permit, the permittee agrees that the scenic mitigation authorized under this permit shall be maintained in perpetuity unless otherwise approved by TRPA, including colors, materials, reflectivity, and landscape screening. 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. The trees on this parcel, other than those marked for removal on the approved plan set, shall be considered as scenic mitigation and shall not be removed or trimmed for the purposes of view enhancement. Any such removal or trimming shall constitute a violation of project approval. Removal of any additional trees on the lakefront side of the property may trigger the requirement for a revised scenic analysis.

7. Tree roots must be protected during excavation to prevent damage to the tree. The following practices are recommended:
 - A. Tree roots four inches in diameter or greater shall not be severed, if avoidable. Hand dig around roots if necessary.
 - B. If roots cannot be avoided, cut as far away from the trunk as possible.
 - C. A clean, vertical cut will provide more protection for the tree than leaving roots torn or crushed.
 - D. Construction materials shall not be stored within the dripline of the tree.
8. All excavated materials that are not to be reused on site shall be hauled to a disposal site approved by the TRPA Compliance Inspector or to a location outside of the Tahoe Basin.
9. Existing natural features outside of the building site shall be retained and incorporated into the site design to the greatest extent feasible. The site shall be designed to avoid disturbance to rock outcrops and to minimize vegetation removal and maintain the natural slope of the project site.
10. The permittee shall prepare and provide photographs to the TRPA Compliance Inspector that have been taken during construction that demonstrate any subsurface BMPs or trenching and backfilling proposed on the project have been constructed correctly (depth, connection, fill material, etc.).
11. 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.
12. 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. The 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.

END OF PERMIT