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.gov

STAFF REPORT

Date: July 20, 2022

To: TRPA Governing Board

From: TRPA Staff

Subject: Appeal of Condition of Approval for Reconstruction and Expansion of an Existing Pier, 1590 North Lake Tahoe Blvd., Placer County, California, Assessors' Parcel Number (APN) 094-160-008, TRPA File Number ERSP2020-2095; Appeal No. ADMIN2022-0014

Requested Action:
To consider and act upon an appeal filed by Robert Adelman of Special Condition 3.B.6 to Permit No. ERSP2020-2095. Attachment A. The permit allowed Mr. Adelman to remove an existing nonconforming pier and reconstruct a new, conforming, expanded pier. Special Condition 3.B.6 requires Mr. Adelman to remove all of the old existing pier lakeward of highwater (6229.1'). Mr. Adelman asks the Governing Bard to remove the special condition because he desires to keep a portion of the old pier deck and a nonconforming sun deck bump out in addition obtaining the new expanded pier.

Staff Recommendation:
Staff recommends that the Governing Board uphold the Executive Director's determination that to reconstruct and expand an existing nonconforming pier, all of the old existing pier must be removed. Staff recommends that the Governing Board deny the appeal.

Motion:

1. A motion to grant the appeal, which motion should fail in order to affirm the Executive Director's decision.

In order to deny the appeal, the Governing Board should vote "no." The motion to grant the appeal will fail unless it receives five affirmative votes from California and nine overall.

Background:
This appeal centers on the definition of a pier. TRPA defines a "pier" as a structure extending from the backshore into Lake Tahoe for a certain length or depth:

> A fixed or floating structure intended as a landing or temporary mooring for watercraft and either extending from the backshore to at least 10 feet beyond the line marking the high water elevation of a lake, or extending into Lake Tahoe to a depth of 6,226.1 . . . .

TRPA Code Chapter 90.2. TRPA defines the "backshore" as "the area located between the highwater line of the lake and the upland area of instability or the wave run-up area." Id. In short, a pier is defined as the structure running from a bit upland of high water to out in the lake.

An owner's ability to reconstruct, modify, or enlarge an existing pier on Lake Tahoe depends on whether the pier conforms to development standards for new piers. If the pier conforms to development standards, then an owner may reconstruct, modify, or enlarge the pier up to development standards. If the pier does not conform to development standards (i.e., is "nonconforming"), the owner's options are more limited as a nonconforming pier may be reconstructed in kind, or modified but not expanded (with one minor, inapplicable exception for boat houses). These Code provisions implement the Regional Plan's direction to allow nonconforming structures to continue to exist but when opportunities arise move the Tahoe Basin toward the conformance with development standards. See Goals and Policies §§ LU 2.4, 2.5; SZ 1.11.

Mr. Adelman's structure extends from the backshore out beyond highwater for longer than 10 feet and therefore meets the definition of a pier. See Attachment B at 1. It is nonconforming because of the use of the boulder to support the walkway and the presence of the small sundeck bump out on the rock (a "deck" is not an allowed accessory structure in the shorezone).

Mr. Adelman initially applied to expand his existing pier by extending it further into Lake Tahoe and adding a boat lift. Mr. Adelman's proposed plans retained the walkway on top of the boulder and accompanying sundeck feature. TRPA informed Mr. Adelman's consultant that it could not approve the project as proposed because it constituted a prohibited expansion of a nonconforming pier. TRPA staff then worked with Mr. Adelman's consultant to shift the project location a bit north to avoid the boulder. The resultant pier conforms to design standards and is approvable. See Attachment B at 3. In order to make the necessary finding for consistency with the Code, TRPA staff conditioned the permit for the reconstructed pier on removal of the remaining (nonconforming) portions of the old pier, namely the old walkway and deck bump out that sits on top of the boulder.

Mr. Adelman wants to retain the nonconforming section of the old pier while also obtaining a new pier and boat lift. He therefore appealed Special Condition 3.B.6.

Issues on Appeal

To keep the nonconforming walkway and sundeck bump out sections of the pier, Mr. Adelman makes a series of arguments that depend on segmenting the pier into discrete sections. For example, Mr. Adelman asserts that the pier walkway and sun deck bump out are separately labelled on plans and apparently built successively (one as the "sun deck" supported by the boulder and the other the "pier" - the stairs down to lake level and the decking supported by wood piles. See Statement of Appeal, Attachment C, at 2. Mr. Adelman therefore argues that under various TRPA code sections he should be entitled to keep the nonconforming sun deck and walkway because it allegedly "is a separate freestanding structure, which operates and functions independently from the" lakeward remainder of the pier. Attachment C at 6. By chopping the pier into discrete nonconforming (the "Deck") and conforming (the "Pier") sections, Mr. Adelman argues that he should be entitled to expand and rebuild the conforming section lakeward section into a separate pier and boat lift.

Mr. Adelman's arguments, however, ignore the definition of a pier as used in the Code, i.e., a structure that extends from the backshore out into the lake for at least 10 feet beyond highwater or to a set depth. Under this definition, Mr. Adelman has an existing, nonconforming pier that he can either keep as is or expand if he rebuilds the pier conforming to development standards. Mr. Adelman wants it both ways; he wants to claim his structure as a pier under the Code definition so he can expand it and, at the

same time, he wants to sever the structure to keep the nonconforming sun deck and walkway as existing structures. However, if he severs the walkway and sun deck from the adjoining lakeward section, then the lakeward section no longer meets the pier definition of extending from the backshore and cannot be expanded. If Mr. Adelman wants to rebuild and expand his pier, he must remove the remaining portions of the old, nonconforming, pier.

Because Mr. Adelman ignores the Code definition of the pier, he mistakenly expresses concern for maintenance of unrelated otherwise legally existing backshore structures. See Attachment C, at 7. The definition of a pier limits TRPA's discretion to just removal of the old pier in exchange for a rebuilt one. Indeed, it is Mr. Adelman's contentions that will create the precedent to encourage other pier owners to attempt to divide their structures to retain desired segments and obtain a new pier.

Finally, the standard land use practice of requiring bringing a nonconforming structure into conformance does not present a constitutional issue under the Nollan/Dolan line of cases as the exchange of expansion of a structure for removal of the old structure is reasonably related to a legitimate governmental objective. Indeed, Mr. Adelman states that he "agrees that the Code authorizes removal of the existing Pier as part of the Project." Attachment C at 6.

In sum, Special Condition 3.B.6 legally requires Mr. Adelman to remove the old section of his pier that extend lakeward of highwater when he relocates and builds his expanded pier and boat lift. Mr. Adelman's appeal should therefore be denied.

Contact Information: For questions regarding this agenda item, please contact John Marshall, General Counsel, at (775) 303-4882 or jmarshall@trpa.gov, or Tiffany Good, Senior Environmental Specialist, at (775) 589-5283 or tgood@trpa.gov.

Attachments:

A. Conditional Permit ERSP2020-2095
B. Plans including Existing Conditions
C. Statement of Appeal

Attachment A

Conditional Permit ERSP2020-2095

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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

TAHOE REGIONAL PLANNING AGENCY

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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

Attachment B

Plans including Existing Conditions

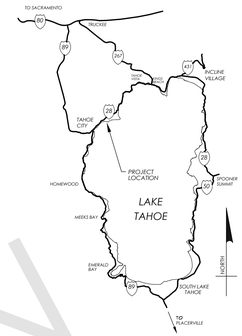
Land Capability and Land Coverage (LCAP2009-0244 and LCAP 2014-0581)

Base Allowable Land Coverage

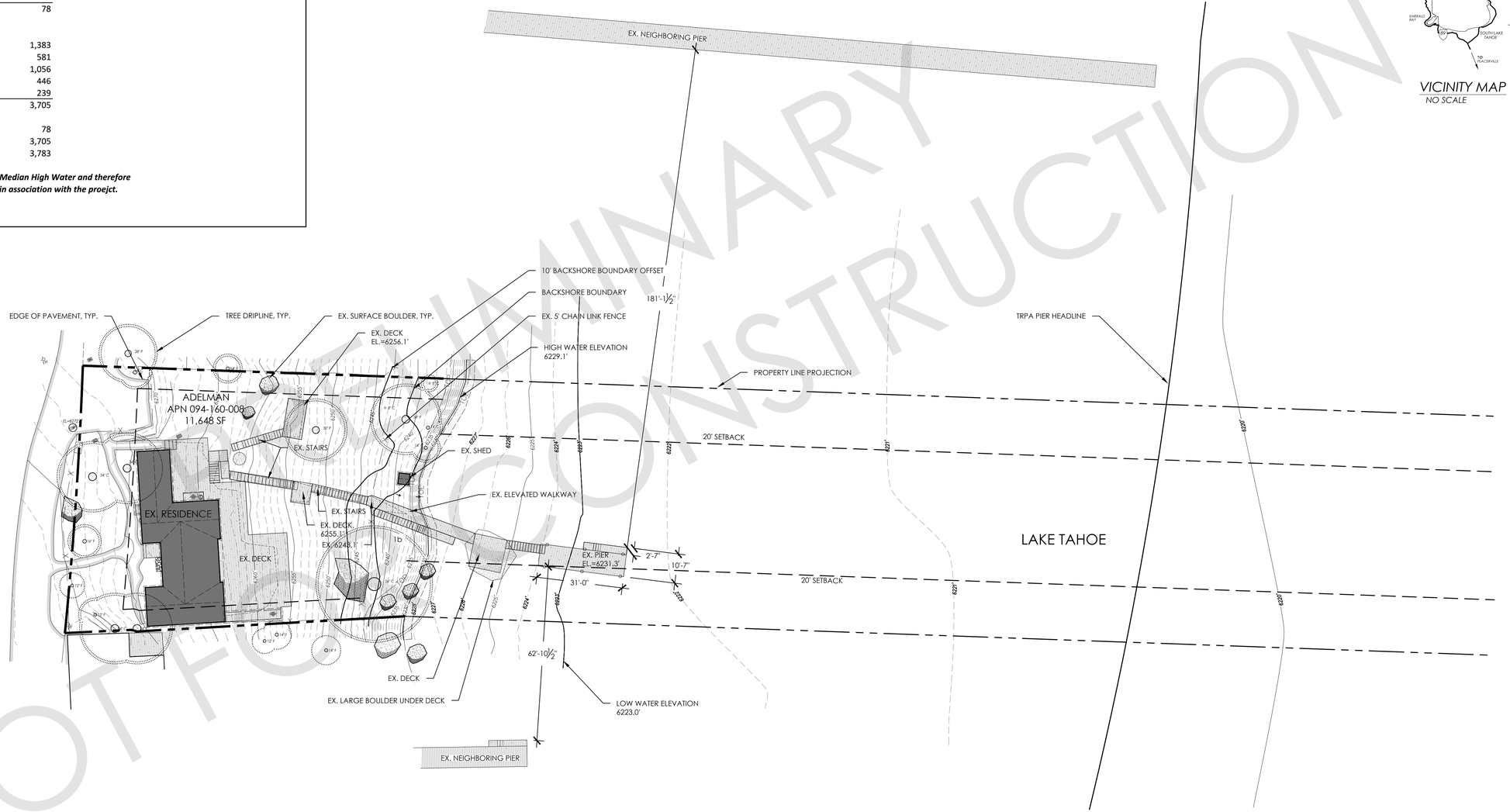
Land Capability District	Percent Coverage	Area (sq. ft.)	Base Allowable Land Coverage (sq. ft.)
Class 1c and Class 1b (Backshore)	1%	11,648	116

Existing Land Coverage	Sq. Ft.
Class 1b (Backshore)	
Stairs and Landings	53
Shed	25
Subtotal	78
Class 1c	
Residence	1,383
Paved Parking Pad	581
Decks	1,056
AC Paths	446
Stairs and Landings	239
Subtotal	3,705
Total Class 1b Coverage	78
Total Class 1c Coverage	3,705
Total Site Land Coverage	3,783

Note: All proposed work is lakeward of Median High Water and therefore no change in land coverage is proposed in association with the proejct.



VICINITY MAP
NO SCALE



EX. PIER PLAN

SCALE: 1"=20'-0"

20' 10' 0 20'

NORTH

PRELIMINARY NOT FOR CONSTRUCTION

Ogilvy Consulting
LAND USE & DEVELOPMENT STRATEGIES
850 North Lake Boulevard, Suite 17
Tahoe City, California 96145
530.583.5800
info @ogilvylanduse.com

HIGH WEST
LANDSCAPE ARCHITECTS
10069 WEST RIVER STREET
TRUCKEE, CA. 96161
28 VINE ST.
RENO, NV 89503
530.553.4000
CA. LIC. 4568, 5717
NV. LIC. 630

Adelman Pier

1590 North Lake Blvd
Tahoe City, CA 96145
Placer County
APN: 094-160-008

Date:	7-20-21
Revisions:	⚠ Pier Shift
Date:	12-15-20
Revisions:	

PIER PROJECT
EXISTING
CONDITIONS

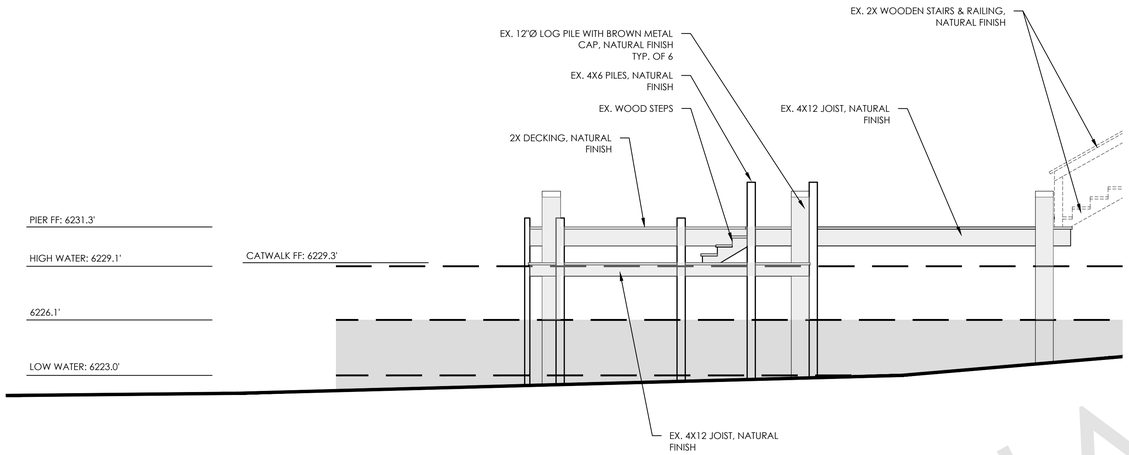
JOB:

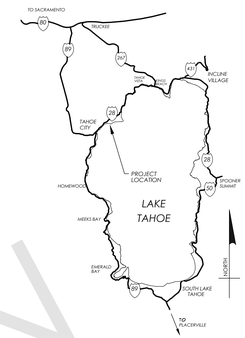
DRAWN BY: KMR

SCALE: AS NOTED

SHEET L1.0

LEGAL COMMITTEE ITEM NO. 3 &
AGENDA ITEM NO. VII. A.

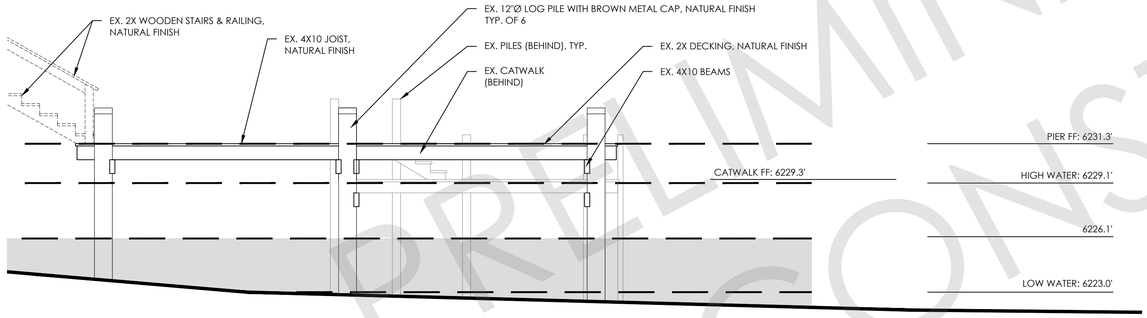


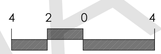


VICINITY MAP
NO SCALE

EXISTING PIER ELEVATION - NORTH

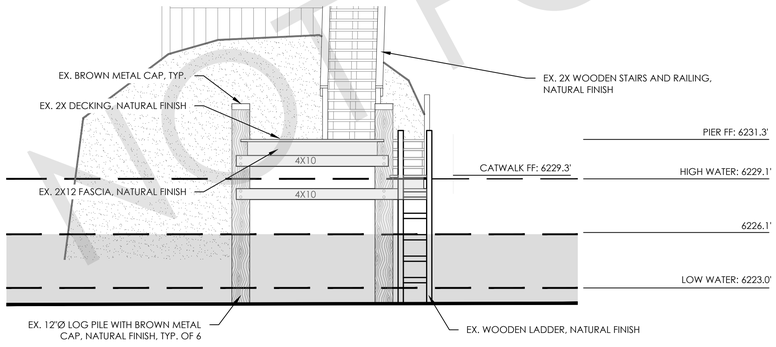
SCALE: 1/4"=1'-0"

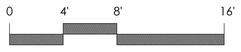




EXISTING PIER ELEVATION - SOUTH

SCALE: 1/8"=1'-0"





EXISTING PIER ELEVATION - EAST

SCALE: 3/16"=1'-0"

EX. VISIBLE AREA: NORTH ELEVATION

STEEL	1.0 SF
WOOD	60.9 SF
TOTAL	61.9 SF

EX. VISIBLE AREA: EAST ELEVATION

STEEL	0.7 SF
WOOD	32.0 SF
TOTAL	32.7 SF

TOTAL AREAS COMBINED:

A.	STRUCTURAL ELEMENTS: STEEL PILINGS AND DECKING	94.6 SF
B.	ACCESSORY ITEMS: HANDRAILS, GUARDRAILS, BUMPERS, STEPS, RAILINGS, ELECTRIC BOX	14.2 SF
TOTAL		108.8 SF

NOTE:

1. ACCESSORY STRUCTURES (I.E. SWIM LADDERS, HANDRAILS, GUARDRAILS, BUMPERS, AND STEPS) ARE NOT INCLUDED IN VISIBLE MASS CALCULATIONS PER TRPA CODE.
2. AREA CALCULATIONS ARE BASED ON VISIBILITY OF PILINGS AT AN ASSUMED 6226.1' ELEVATION WATER LINE.

PRELIMINARY
NOT FOR CONSTRUCTION

Ogilvy Consulting
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Tahoe City, California 96145
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NV. LIC. 630

Adelman Pier
1590 North Lake Blvd
Tahoe City, CA 96145
Placer County
APN: 094-160-008

Date:	7-20-21
Revisions:	⚠ Pier Shift
Date:	12-15-20
Revisions:	

EXISTING PIER ELEVATIONS

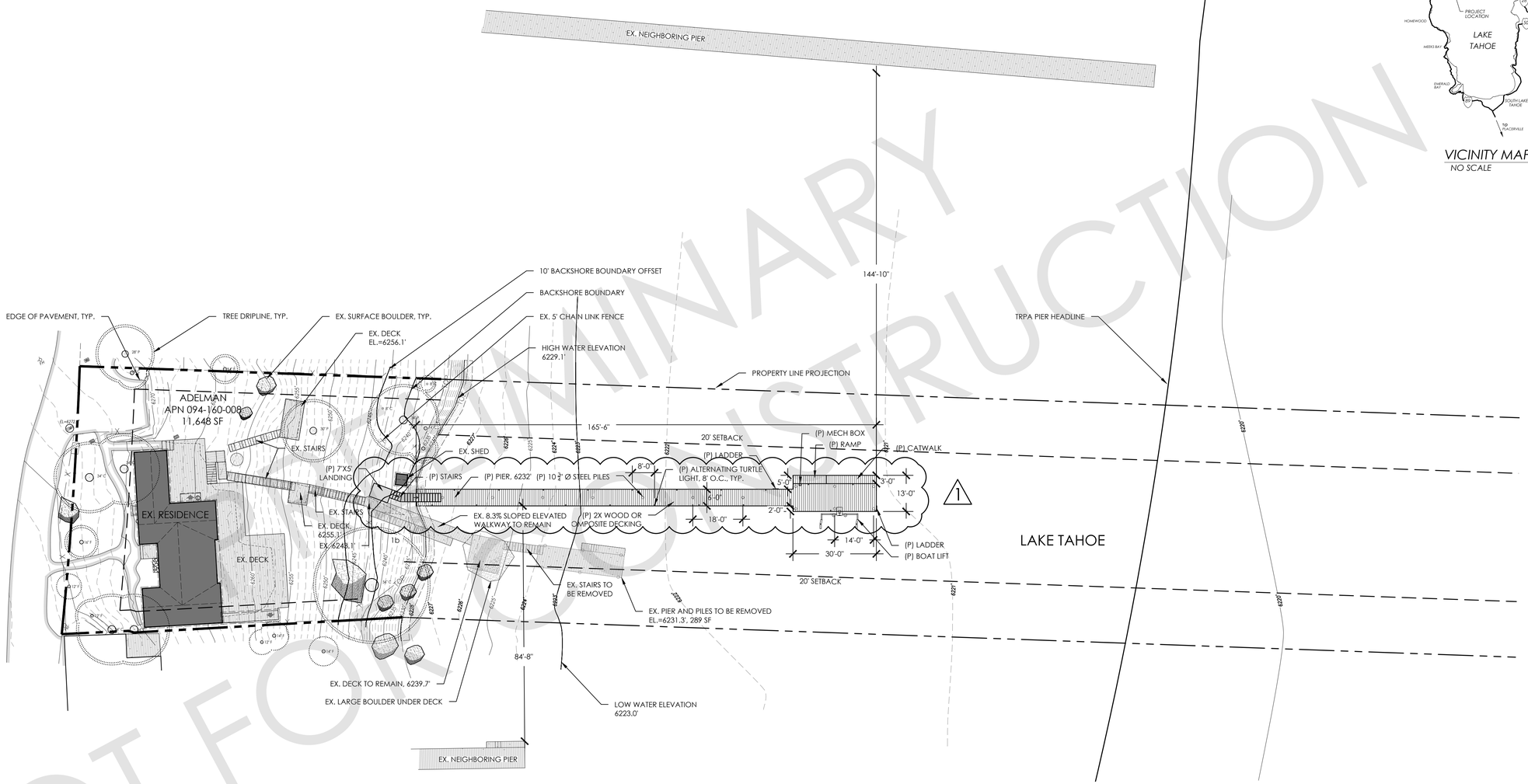
JOB:

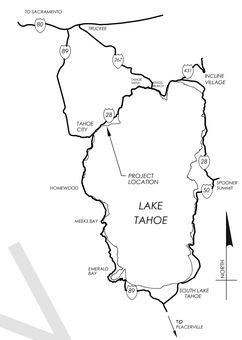
DRAWN BY: KMR

SCALE: AS NOTED

SHEET L1.1

LEGAL COMMITTEE ITEM NO. 3 & AGENDA ITEM NO. VII. A.





VICINITY MAP
NO SCALE

PRELIMINARY
NOT FOR CONSTRUCTION

PROPOSED PIER PLAN

SCALE: 1"=20'-0"

20' 10' 0 20'

NORTH

TURTLE LIGHT DETAIL

NOTE ABOUT BOATLIFT

BOAT LIFT SUBJECT TO TRPA BUOY PERMIT AND CONVERSION OF BUOY TO BOAT LIFT WITH CORRESPONDING SCENIC MITIGATION.

EXISTING LAKEBED DISTURBANCE:	
PILES	4.7 SF
TOTAL:	4.7 SF

1

PROPOSED LAKEBED DISTURBANCE:	
PILES	8.2 SF
BOAT LIFT SUPPORT	0.1 SF
TOTAL:	8.3 SF

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Adelman Pier

1590 North Lake Blvd
Tahoe City, CA 96145
Placer County
APN: 094-160-008

Date: 7-20-21
Revisions: 1 Pier Shift
Date: 12-15-20
Revisions:

PIER PROJECT PROPOSED CONDITIONS

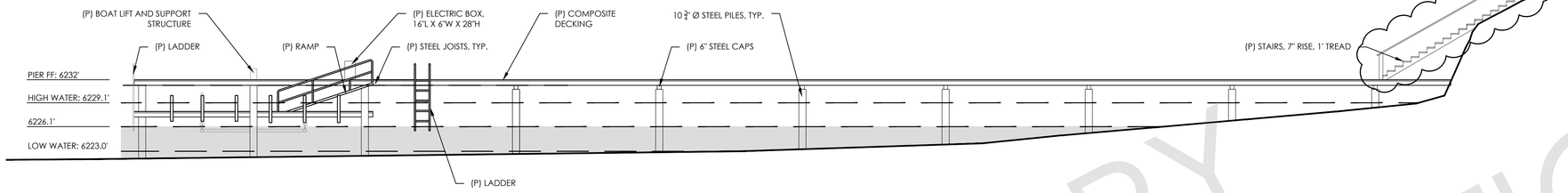
JOB:

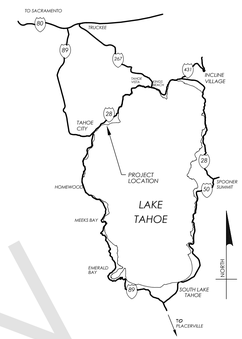
DRAWN BY: KMR

SCALE: AS NOTED

SHEET L2.0

LEGAL COMMITTEE ITEM NO. 3 &
AGENDA ITEM NO. VII. A.



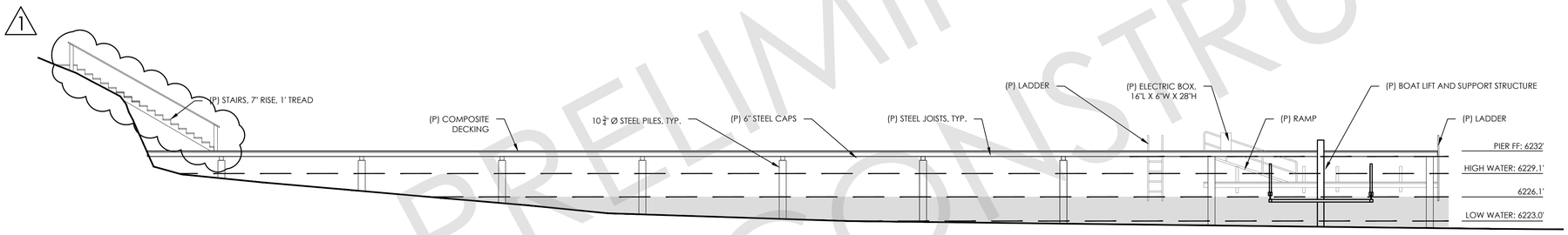


VICINITY MAP
NO SCALE

PROPOSED PIER ELEVATION - NORTH

SCALE: 1/8"=1'-0"

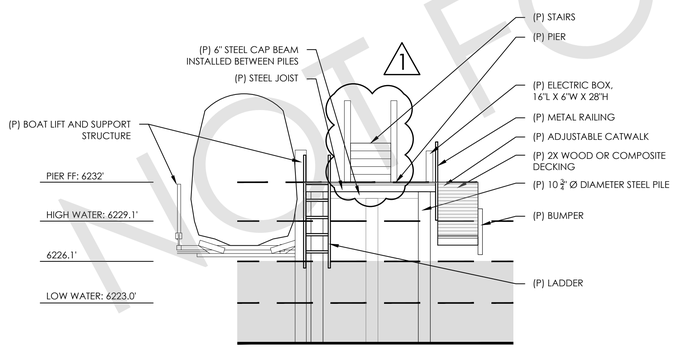
8 4 0 8



8 4 0 8

PROPOSED PIER ELEVATION - SOUTH

SCALE: 1/8"=1'-0"



PROPOSED PIER ELEVATION - EAST

SCALE: 3/16"=1'-0"

0 4' 8' 16'

1

PROPOSED VISIBLE AREA: NORTH ELEVATION

STEEL	162.8 SF
COMPOSITE DECKING	16.1 SF
TOTAL	178.9 SF

PROPOSED VISIBLE AREA: EAST ELEVATION

STEEL	25.2 SF
COMPOSITE DECKING	13.0 SF
TOTAL	38.2 SF

TOTAL AREAS COMBINED:

A.	STRUCTURAL ELEMENTS: STEEL PILINGS AND DECKING	217.1 SF
B.	ACCESSORY ITEMS: HANDRAILS, GUARDRAILS, BUMPERS, STAIRS, RAILINGS, ELECTRIC BOX	45.9 SF
C.	BOAT LIFT	84.0 SF
TOTAL		347.0 SF

NOTE:

1. ACCESSORY STRUCTURES (I.E. SWIM LADDERS, HANDRAILS, GUARDRAILS, BUMPERS, AND STEPS) ARE NOT INCLUDED IN VISIBLE MASS CALCULATIONS PER TRPA CODE.
2. AREA CALCULATIONS ARE BASED ON VISIBILITY OF PILINGS AT AN ASSUMED 6226.1' ELEVATION WATER LINE.

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Adelman Pier

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Date:	7-20-21
Revisions:	1 Pier Shift
Date:	12-15-20
Revisions:	

PROPOSED PIER ELEVATIONS

JOB:

DRAWN BY: KMR

SCALE: AS NOTED

SHEET L2.1

LEGAL COMMITTEE ITEM NO. 3 & AGENDA ITEM NO. VII. A.

Attachment C

Statement of Appeal

LAW OFFICE OF
GREG GATTO

GREG GATTO
PO Box 85
Calpine, CA 96124
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greg@sierralanduselaw.com
www.sierralanduselaw.com

May 5, 2022

VIA EMAIL

Tahoe Regional Planning Agency
Governing Board
c/o John Marshall, General Counsel
128 Market Street
Stateline, NV 89449

Re: Statement of Appeal - Appeal File Number ADMIN2022-0014; TRPA Project File Number ERSP2020-2095

Dear Honorable Members of the Board and Mr. Marshall:

This Statement of Appeal is respectfully submitted on behalf of Robert Adelman (the "Applicant"), owner of the residence located at 1590 N. Lake Blvd., Placer County, California (the "Property"). [1] Applicant is the recipient of a conditional permit (the "Permit") authorizing the demolition and reconstruction of an existing single parcel pier (the "Pier") located on the Property (TRPA File No. ERSP2020-2095) (the "Project"). Applicant is appealing Condition 3.B.6. of the Permit (the "Condition"), which provides that "[a]ll existing structure [sic] lakeward of the High Water Line of 6,299.1 shall be removed as a result of this project."

In addition to the existing Pier that is being demolished and reconstructed as part of the Project, the Property contains an approximately 144 sf sun deck located on a large boulder in the foreshore of Lake Tahoe (the "Deck"), which was built in 1960 and is depicted below:

[1] Applicant hereby incorporates by reference the complete administrative record of proceedings in this matter. Applicant also respectfully requests and reserves the right to submit additional information/justification in support of this appeal.

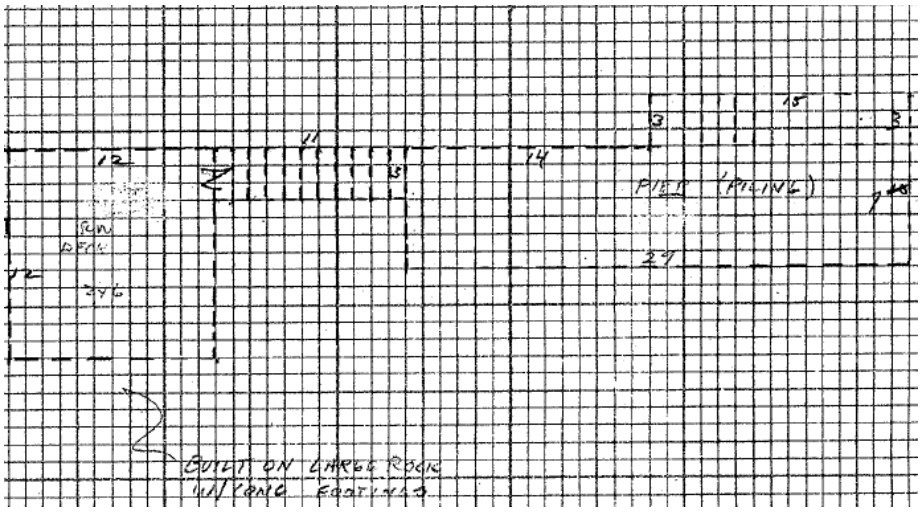
While a portion of the Deck contains a staircase to access the Pier, the Deck was designed and constructed to function and be used separate and apart from the Pier.

Condition 3.B.6. of the Permit would require removal of the Deck, which is a legal nonconforming use and structure under TRPA's Code of Ordinances ("the "Code"). The Condition requiring removal of a separate legal nonconforming structure is not authorized under the Code, nor is there any nexus between the impacts associated with the Pier modification/addition and the Deck removal. Moreover, if taken to its logical conclusion as future precedent, the Condition could have far-reaching ramifications, resulting in the abatement of other legal nonconforming structures unrelated to piers.

Accordingly, Appellants respectfully request that the Board grant the limited appeal of Condition 3.B.6 and allow the Deck to remain as part of the Project.

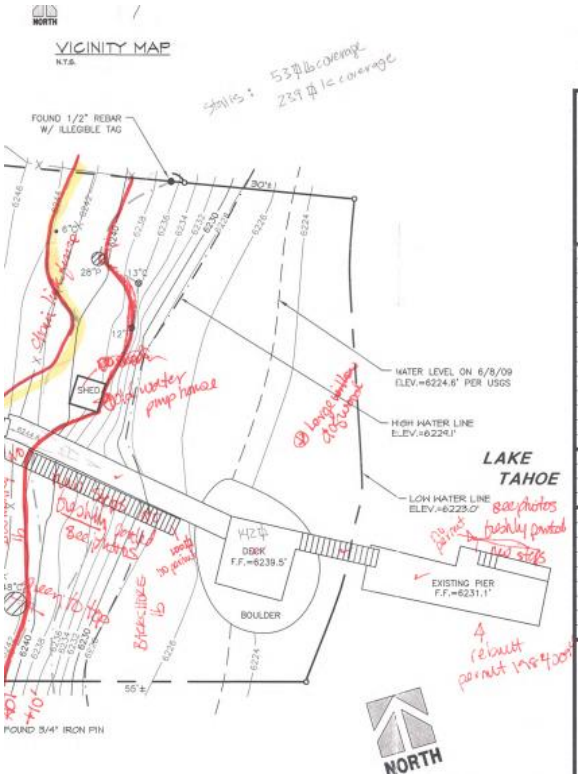
I. Background Facts

In approximately 1960, Applicant's predecessor-in-interest constructed several shorezone structures on the Property, including the Pier and separate Deck. (*See* Placer County Assessor Building Records, attached hereto as Exhibit A.) The Deck was built on a large boulder in the foreshore, which extends upwards from the Lake to an elevation of 6,239.5'. At the time of its construction, the Placer County Assessor separately evaluated and assessed the Deck structure from the Pier. (*See* Exhibit A.)

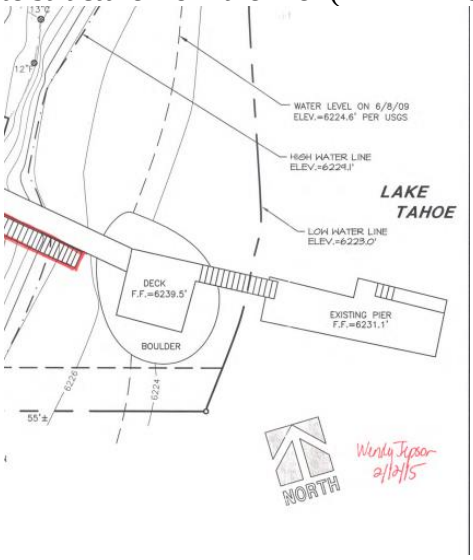


In 2009, the Applicant's predecessor applied to TRPA for a site assessment on the Property (TRPA File No. LCAP2009-0228). The site plan utilized by TRPA as part of the approved site

assessment also designates the Deck and Pier as separate structures.

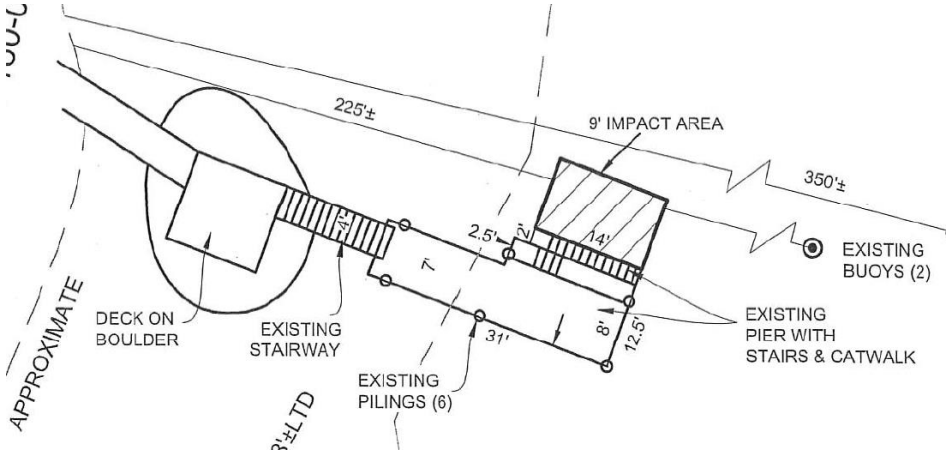


In 2015, TRPA reviewed and approved a subsequent site assessment with a site plan again depicting the Deck as a separate structure from the Pier (TRPA File No. LCAP2014-0581).

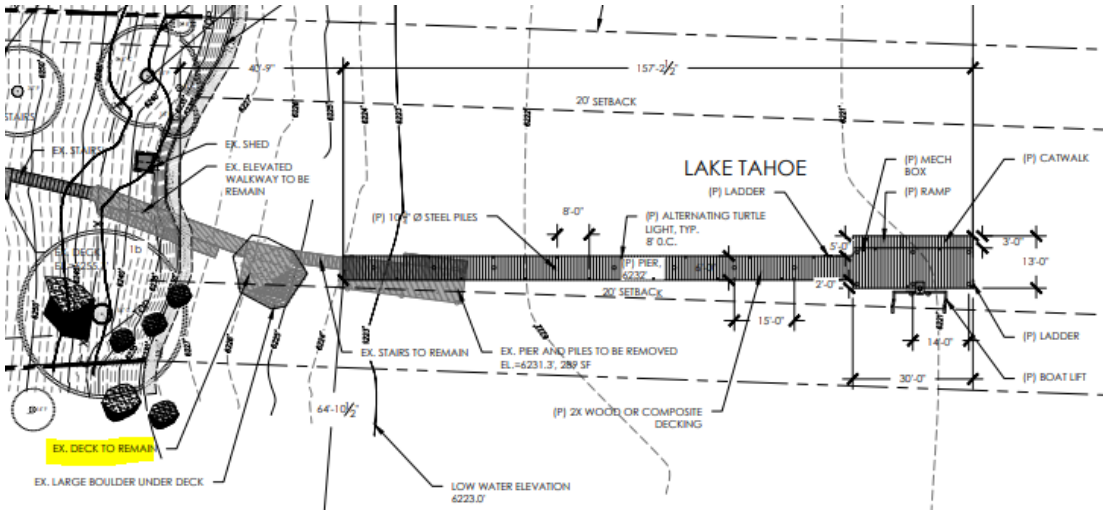


The Applicant purchased the Property in 2018, in part because of the unique amenity the Deck provided. The marketing for the Property proclaimed: "Huge lakeside deck accessed from one of the bedrooms and the living room. An additional sun deck above the pier." (Source: TSMLS #20181002.)

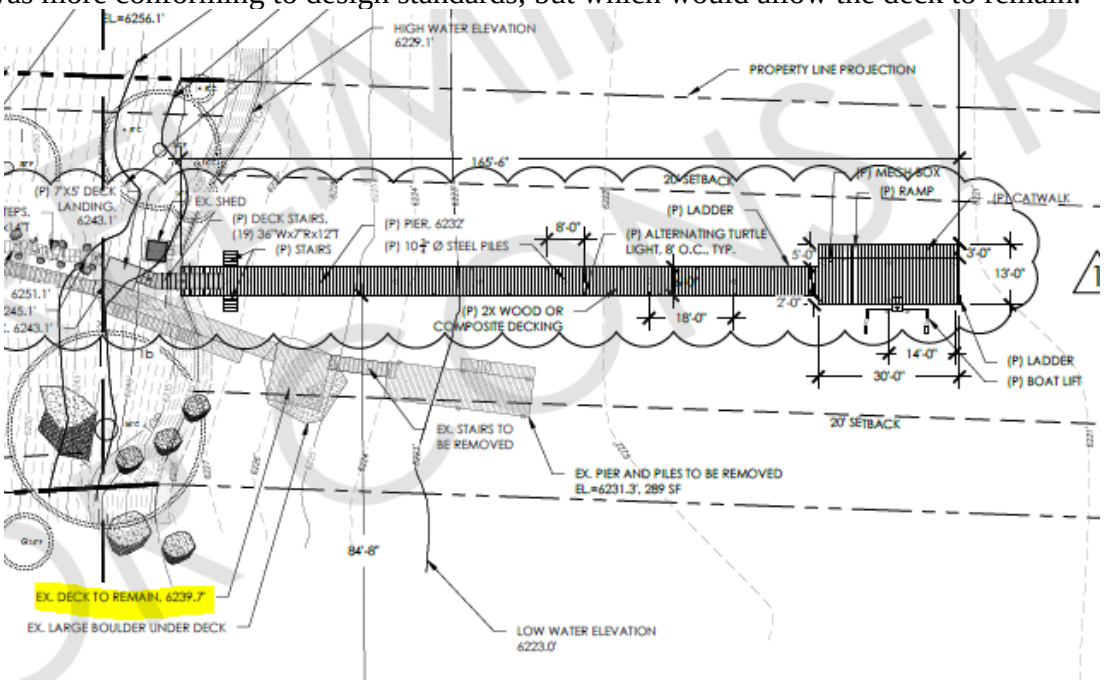
In 2019, the Applicant applied to the California State Lands Commission ("CSLC") for a lease for the Pier and two existing buoys. The Lease Exhibit prepared by CSLC similarly depicts the deck as a freestanding structure separate and apart from the Pier. (*See* CSLC Lease Exhibit attached as Exhibit B.)



In 2020, the Applicant submitted an application for the Pier modification Project. The application identified the Deck as a separate structure that was proposed to remain as part of the Project.



Upon consultation with staff, the Applicant revised his plans to realign the pier to a configuration that was more conforming to design standards, but which would allow the deck to remain.



On March 15, 2022, TRPA staff issued the Conditional Permit approving the Project. Condition No. 3.B.6. requires that "[a]ll existing structure [sic] lakeward of the High Water Line of 6,299.1 shall be removed as a result of this project." Applicant filed the instant appeal to challenge this Condition on the bases set forth below.

II. Bases for Appeal

A. The Deck Is Allowed to Remain As a Legal Nonconforming Use/Structure.

The Deck was legally existing prior to February 10, 1972, and is therefore considered a legal nonconforming use and structure. (Code §§ 21.5.1, 90.2.) Section 82.7.1.A. of the Code governs the existence and maintenance of nonconforming structures in the nearshore and foreshore, providing "[s]tructures that were legally established and are used for a conforming use but are nonconforming with regard to applicable location and design standards *may continue as legal nonconforming structures* and may be maintained and repaired." (Emphasis added.) Similarly, Section 81.6.1 of the Code, regulating nonconforming uses in the shorezone, directs that "[u]ses legally commenced prior to the effective date of ordinance adopting this Chapter, are recognized as existing uses and may be continued, except as otherwise set forth in subparagraphs

81.6.1.A and 81.6.1.B."[2]

The Deck was legally established and recognized by Placer County in 1960 and has been maintained in its current location since that time. (*See* Exhibit A.) Under both Sections 81.6.1 and 82.7.1.A. of the Code, the Deck is considered a legal nonconforming use and structure, and as explained below, there is no authority to require its removal as part of the Project.

B. The Code Does Not Authorize the Condition Requiring Removal of the Deck.

The Project was approved as a modification of and addition to an existing pier. (TRPA Conditional Permit and Approved Findings for ERSP2020-2095.) Pursuant to Code section 84.4.3.F.1., a conforming pier may be modified if the modification results in a net environmental benefit and is consistent with the applicable development standards.[3] Code section 84.4.3.F.3 provides that a conforming pier may be expanded to the extent allowed by applicable development standards. Neither of these provisions, nor any other provision in the Code, requires the removal of a separate legal nonconforming structure as part of a Pier modification/addition.

While the Applicant agrees that the Code authorizes removal of the existing Pier as part of the Project, the Deck is a separate freestanding structure, which operates and functions independently from the Pier. The utility of the Deck is not limited solely to access the Pier - - it serves a separate function and use.

The distinction between the Deck and the Pier is aptly demonstrated by the Code's "unserviceability" regulations. Legally existing structures in the shorezone are allowed to be maintained as long as they have not been unserviceable for the last three years. (Code § 82.2.) The Code defines an "unserviceable" structure as one that "can not [sic] longer serve the function for which it was designed." (Code § 90.2.)

To be serviceable, a Pier must be able to serve as a landing or temporary mooring for watercraft. The Deck, on the other hand, is not required to, and in fact cannot, serve this function.[4] Accordingly, if the Pier was damaged in such a manner that it could not serve as a mooring for watercraft for a period exceeding three years, and the Deck was still able to function as a deck,

[2] Neither Code Section 81.6.1.A, which concerns discontinuance of a nonconforming use for a period of a year, nor Section 81.6.1.B, which governs a use subject to a specific program requiring discontinuance, are applicable to the existing Deck.
[3] The Project requires BMP and scenic compliance, as well as mitigation of excess land coverage, all of which are conditions of Project approval.
[4] The Deck itself does not meet TRPA's definition of a Pier as it cannot serve as a landing or temporary mooring for watercraft.

only the Pier would be required to be removed. It follows that if the Pier is modified, the Deck should also be allowed to remain.

Because there is no authority under the Code to require removal of the Deck, Condition 3.B.6. should be modified accordingly.

C. There is No Nexus Between the Condition Imposed and the Impacts of the Project.

For any condition of approval of a development permit, there must be a "nexus" or connection between the impacts of the project being approved and the condition imposed, and the condition must also bear a "rough proportionality" to the project's impacts. If these "nexus" and "rough proportionality" requirements are not met, the condition imposed is considered an "unconstitutional condition." (*Koontz v. St. Johns River Water Management Dist.*, 570 U.S. 595, 605-06, 133 S.Ct. 2586 (2013*); Nollan v. California Coastal Comm'n*, 483 U.S. 825, 837, 107 S.Ct. 3141 (1987); *Dolan v. City of Tigard*, 512 U.S. 374, 385, 114 S.Ct. 2309 (1994).)

Here, there is simply no nexus between the impacts associated with reconstruction, modification, and expansion of an existing pier to bring the structure into conformance with the current development standards, and the Condition requiring removal of a separate legal nonconforming Deck. The Project does not increase or exacerbate the nonconformity, nor result in any expansion of the Deck. Nor would allowing the Deck to remain result in environmental threshold carrying capacities to be exceeded. Any impacts associated with the Pier modification are adequately mitigated via other Permit conditions. The Condition requiring removal of the Deck does not mitigate any impacts associated with the Project, has no nexus to the Project impacts, and thus, is an unconstitutional condition.

D. The Condition Would Set a Precedent Requiring Removal of Other Nonconforming Structures Unassociated With Piers.

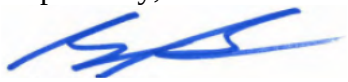
The Condition requiring removal of a separate legal nonconforming structure in order to expand or modify a pier would result in far-reaching precedent with unintended consequences. Because the Condition is not authorized under the Code, there is no limit as to how far the abatement of legal nonconforming structures could extend. For example, would a legal nonconforming pumphouse in the backshore be required to be removed? Or a legal nonconforming seawall crossed by stairs accessing a pier? Precisely because the Governing Board has not adopted a Code provision requiring abatement of legal nonconforming structures as part of a pier modification, the potential scope of similar conditions on other pier modification projects is unlimited.

The Code does contemplate that specific programs requiring discontinuance or modification of nonconforming shorezone uses may be adopted by TRPA. However, the Code expressly provides that "[s]uch specific programs shall be further defined and adopted by ordinance." (Code § 81.6.1.B.) As explained above, the Governing Board has not adopted an ordinance requiring abatement of legal nonconforming structures/uses in conjunction with a pier modification application. Until such a program is adopted, removal of legal nonconforming structures cannot be required as a condition of pier modification approval on an ad hoc basis.

Based on the foregoing, Appellants respectfully request that the Board grant the Applicant's appeal and modify Condition 3.B.6 to allow the Deck to remain as part of the Project.

I declare under penalty of perjury that this Statement of Appeal and all information submitted herewith is true and accurate to the best of my knowledge.

Respectfully,



Greg Gatto

Exhibits

EXHIBIT LIST

Statement of Appeal - Appeal File Number ADMIN2022-0014

Exhibit A Placer County Assessor Building Records

Exhibit B California State Lands Commission Lease No. PRC 8644.1 Exhibits

EXHIBIT A

RESIDENTIAL BUILDING RECORD

ADDRESS

PARCEL 02-340-07 94-160-08

SHEET 2 OF 5 SHEETS

DESCRIPTION OF BUILDING

CLASS & SHAPE: D-X-D

ARCHITECTURE: CONV. — 1 Stories

TYPE

Use	Design
X Single	X
Double	
Duplex	
Apartment	
Flat-Court	
Motel	
Units	

CONSTRUCTION

- Light
- Sub-Standard
- X Standard
- Above-Standard
- Special

FOUNDATION

- X Concrete 1/2
- Reinforced
- Brick
- Wood
- X Piers 1/2

Light | Heavy

STRUCTURAL

- X Frame 1/ 2" x 4" 16"
- Sheathing
- Concrete Block
- B.& B. | T.& G.
- Brick
- Adobe
- Floor Joist:
- X 1ST 2" x 6" 16"
- 2ND " x " "
- X Sub-Floor
- Concrete Floor

EXTERIOR

- Stucco on
- X Siding 1/ 1/2"
- LAP
- Shingle
- Shake
- B.& B. | T.& G.
- Brick
- Stone

WINDOWS

- X D.H. | Casement
- Metal Sash
- Screens

ROOF

- Flat 1/4 Pitch
- X Gable 1/4
- Hip 1/4
- Shed 1/4
- X Cut Up
- Dormers
- X Roft 2" x 6 24"
- Gutters
- X SOL. SH.
- X Shingle
- Shake
- Tile
- Tile Trim
- Compo.; X
- Compo. Shingle

LIGHTING

Wiring: K.T. | Conduit; B.X. X | Cable

Fixtures: Few | Cheap; Avg. X | Med.; Many | Special

PLUMBING

Poor | X Std. | Spec.

- Sink
- Laundry
- X Water Htr.-Auto.
- Water-Softner

AIR CONDITION

- ✓ Heating | Cooling
- Forced | Clean'g
- Gravity | Humid.
- Wall Unit
- Floor Unit
- Zone Unit (90)
- X Central " Gas
- 250
- Oil Burner
- M-B.T.U.
- X Fireplace 700 400

ROOM AND FINISH DETAIL

ROOMS	FLOORS B	1	2	FLOOR FINISH Material	Grade	TRIM	INTERIOR FINISH Walls	Ceilings
All								
Ent. Hall								
Living		1		T&G	G	OP	SH-R	SH-R
Dining		1						
Bed		2		"	"	"	"	"
Bed		1		"	"	"	"	1
SERV.		1		(2) CORK			PNL	T&G
Kitchen		1		TI ~~AST~~ TI	"	"	"	"

Drain Bd. Material: WOOD Lgth: 10 Ft. Splash: 4"

BATH DETAIL

Fl.	No.	FINISH Floors	FINISH Walls	FIXTURES Wc.	La.	Tub	Type	Grade	SHOWER St.	Q.T.	G.D.	Finish
1	2	T&G	S-R	2	2	1		1	X			

SPECIAL FEATURES

	Book Cases		Built-in Beds	Venetian Blinds
	Shutters			

CONSTRUCTION RECORD

Permit No.	Permit For	Amount	Date	EFFEC. YEAR	APPR. YEAR
	REAPPRAISAL			1948	1962
55786	R Furnace	1700	8-89	1948	1967
85296	repairs to bathroom	2,200.	8-95	1954	1969
94384	Remod				1972
95594	repair roof truss	4,100.	4-97	1954	1971

NORMAL % GOOD

Age	Remain'g Life	Table	%
14	41	R55	82
19	37	R55	75
15	45	R60	85
18	43	R60	80
22	39	R60	74

RATING (E, G, A, F, P)

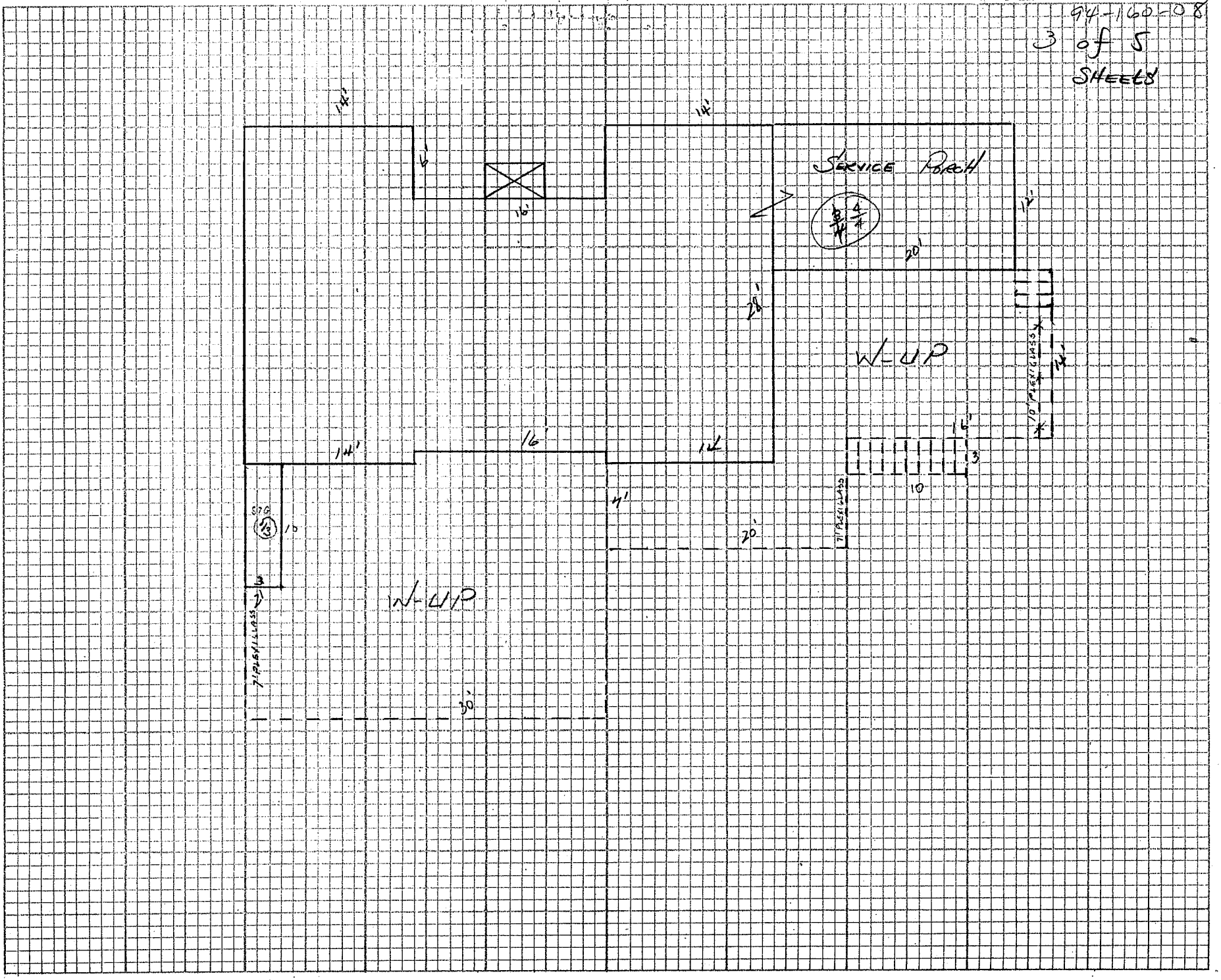
Cond.	Arch. Attr.	Func. Plan	Con-form	Storage Space Cupb'd	Closet	Work-m'nshp
A						A
A	A	A	A	—	—	A
A	A					

TOTAL = 1364.

Appraiser & Date	
Unit	**Area**
1st Story	1124
SERVICE PORCH (1/2)	240
W-UP	~~1240~~
A.C.	1364 ~~#24~~
F.P.	
S T G SHED	30
PLUS PLUMB	
TOTAL	C
NORMAL % GOOD	
R.C.L.N.D	

LEGAL COMMITTEE ITEM NO. 3 &
AGENDA ITEM NO. VII. A.

~~42-340-07~~
94-160-08
3 of 5
SHEETS



MISCELLANEOUS BUILDING RECORD

ADDRESS

PARCEL 82-340-07

SHEET 1 OF 5 SHEETS

DESCRIPTION OF BUILDINGS

Bldg. No.	Structure	Size	Found.	Wall & Exterior	Roof Type	Roof Cover	Floor & Interior Detail	Second Story or Loft	Year Built	Est. Tot. Life Yrs.
1	BD WALK	~~7~~ X 4 x 41	POLES	STRINGERS 4X8 V24			2 X 8 BDS		1960	20
2	SUN DECK + STEPS								"	"
3	PIER	7 x 29							"	"
4	STAIRWAY	@ 3' x 40		GRAVEL FILLED (TO SUN DECK)					"	"
5	CATWALK	3 x 15							"	"

Appraiser - Date	
Bldg. No.	Area
1	164
2	177
3	~~248~~ 203
4	E/20
5	15 LF
Total	C

Appraiser - Date	
Bldg. No.	Area
Total	

LEGAL COMMITTEE ITEM NO. 3 &
AGENDA ITEM NO. VII. A.

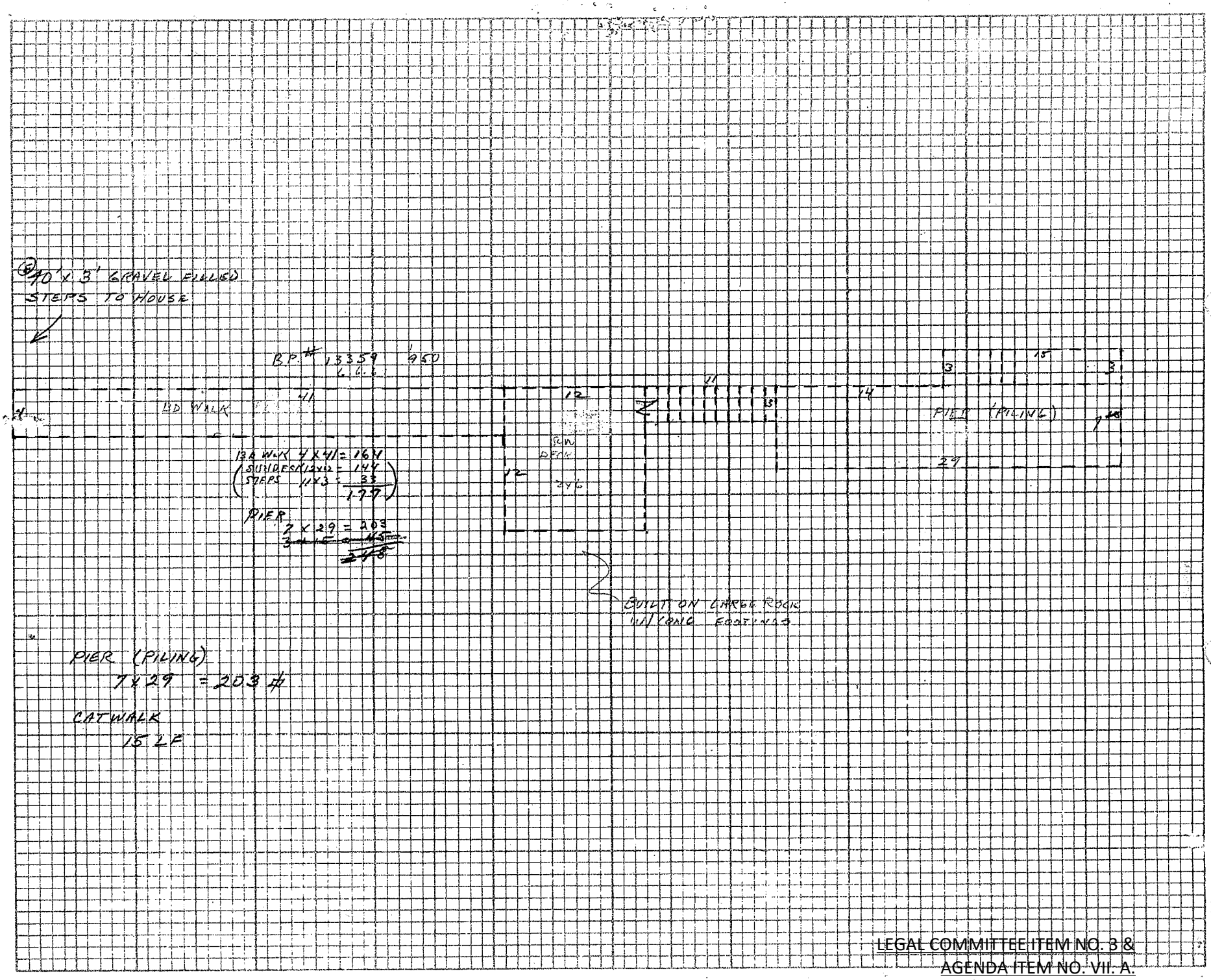

40' x 3' GRAVEL FILLED STEPS TO HOUSE
BP # 13359 6.6.
950
4'
LD WALK
41
12
11
14
3
15
3
PIER (PILING)
29
13.6 WALK 4 X 41 = 164
SUNDECK 12x12 = 144
STEPS 11X3 = 33
177
PIER
2 X 29 = 203
3 X 15 = 45
248
BUILT ON LARGE ROCK W/ CONC FOOTINGS
PIER (PILING)
7 X 29 = 203 #
CATWALK
15 LF

EXHIBIT B

NO SCALE

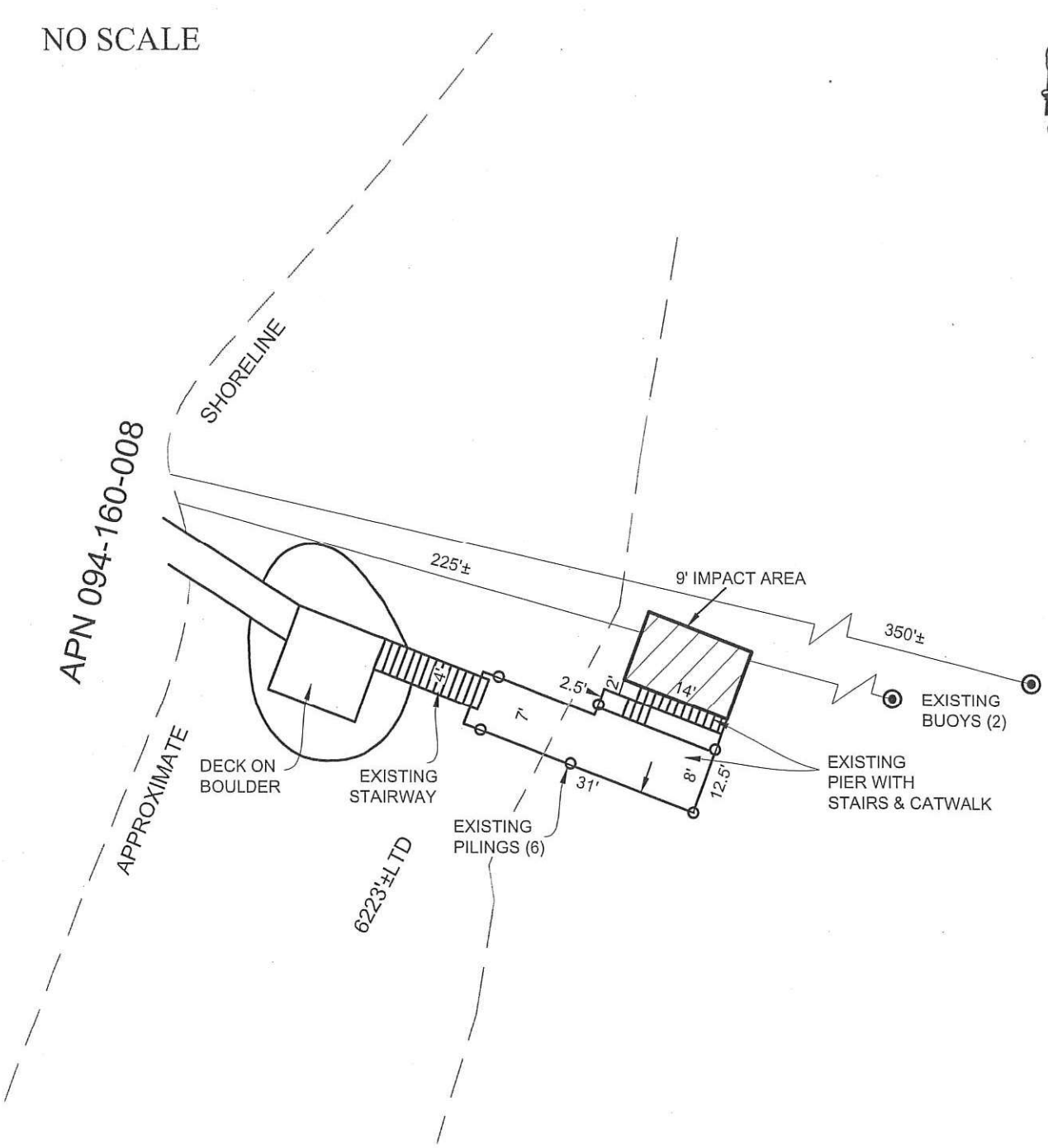


EXHIBIT A

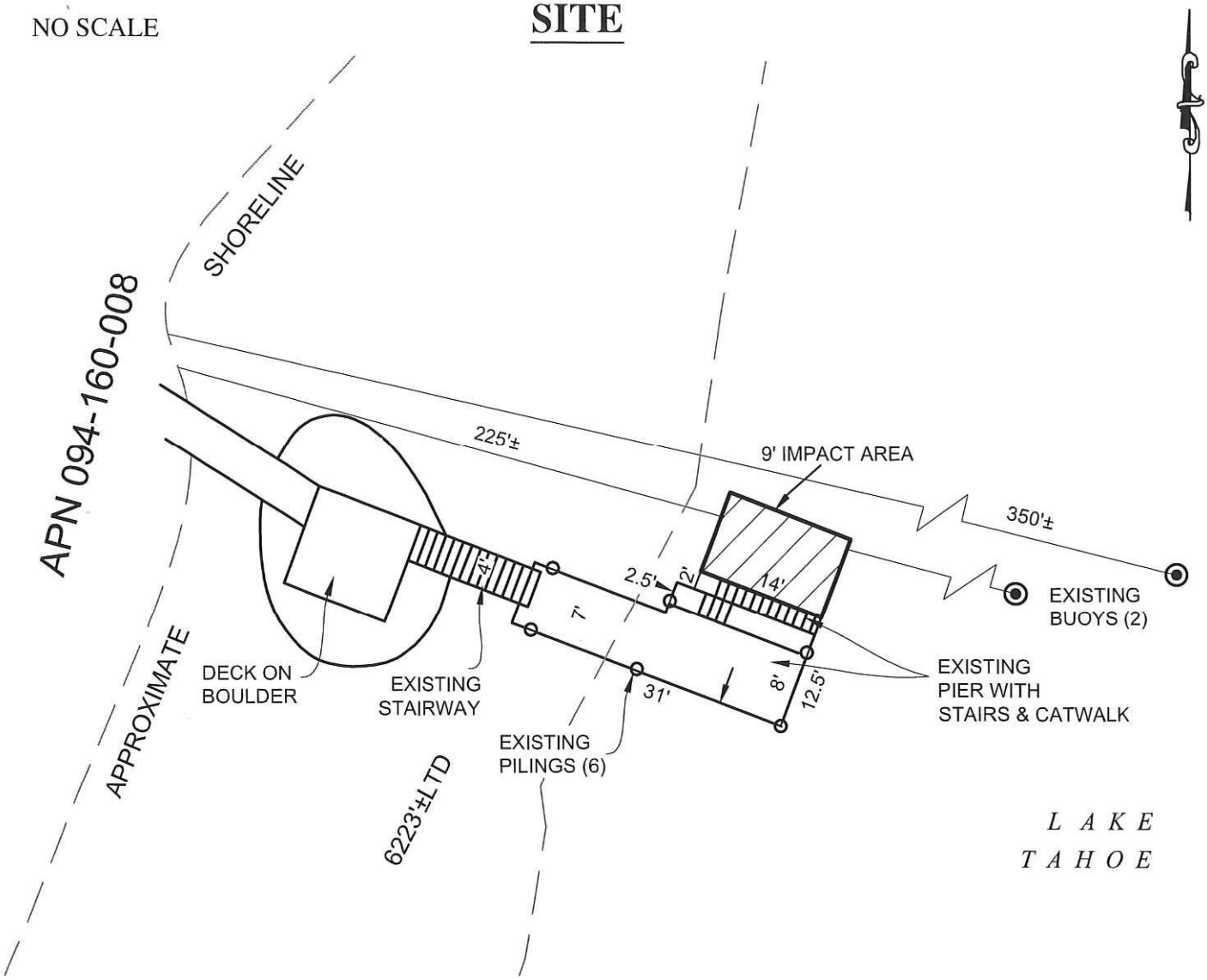
Page 2 of 2

MJJ 11/11/18

LAND DESCRIPTION PLAT PRC 8644.1, ADELMAN PLACER COUNTY	CALIFORNIA STATE LANDS COMMISSION

NO SCALE

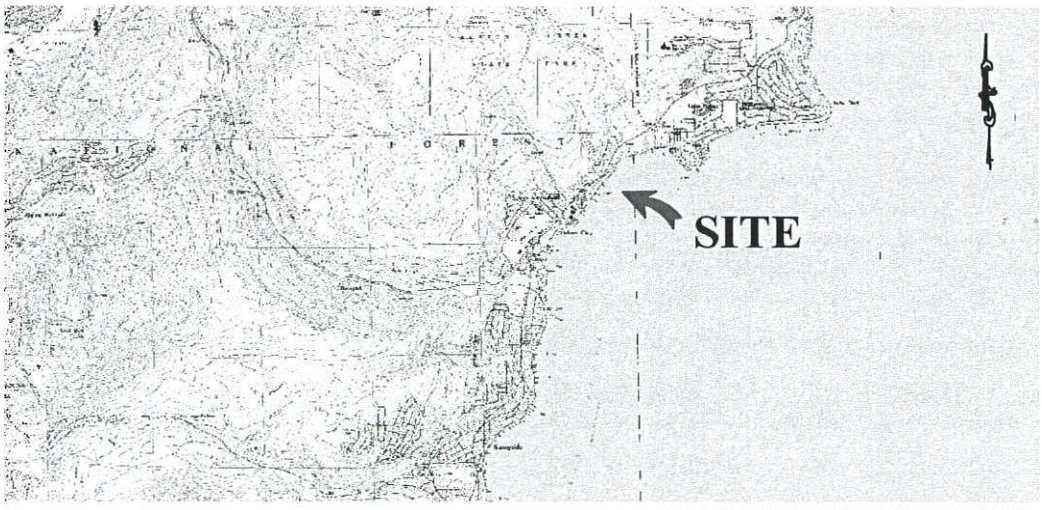
SITE



1590 NORTH LAKE BLVD., NEAR TAHOE CITY

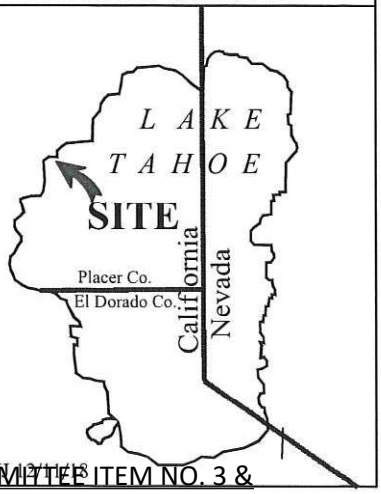
NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit B

PRC 8644.1
ADELMAN
APN 094-160-008
GENERAL LEASE - RECREATIONAL USE
PLACER COUNTY