

**TRPA  
GOVERNING BOARD  
PACKETS**

**JULY  
1990**

Packet to review for Kay -

English - Staff Summary

98-191-17

July 1990  
GB

TAHOE REGIONAL PLANNING AGENCY  
NOTICE OF MEETINGS

NOTICE IS HEREBY GIVEN that on July 25 and 26, 1990, commencing at 9:30 a.m. on the 25th and at 8:30 a.m. on the 26th, the Governing Board of the Tahoe Regional Planning Agency will conduct its regular meeting. The July 25 session will take place at the North Tahoe Conference Center, 8318 North Lake Boulevard, Kings Beach, California (phone 916-546-7249). The July 26 session will take place at the TRPA office, 195 U.S. Highway 50, Zephyr Cove, Nevada. The official agenda is attached hereto and made a part of this notice.

NOTICE IS FURTHER GIVEN that on July 25, 1990, at 8:30 a.m., in the same location, the Finance Committee will meet to discuss receipt of the June financial statement and status report on state appropriations for FY 90-91.

NOTICE IS FURTHER GIVEN that on July 25, 1990 at 8:30 a.m. in the same location, the Legal Committee will meet on the following: 1) appeal of decision in Kelly v. TRPA, Ninth Judicial District, Nevada; and 2) settlement of TRPA v. Terrace Land (Metrailer), U.S. District, Nevada.

NOTICE IS FURTHER GIVEN that at the conclusion of the July 26, 1990 session or during the lunch recess on July 26 the Rules Committee will meet at the TRPA office to discuss Article VII (Advisory Planning Commission).

Date: July 17, 1990

By: David S. Ziegler  
David S. Ziegler  
Executive Director

NOTE: Items on the agenda without a time designation may not necessarily be considered in the order in which they appear on the agenda.

This agenda has been posted at the TRPA office and at the following post offices: Zephyr Cove and Stateline, Nevada, and Tahoe Valley and Al Tahoe, California.

TAHOE REGIONAL PLANNING AGENCY  
GOVERNING BODY

North Tahoe Conference Center, 8318 North  
Lake Boulevard, Kings Beach, California

July 25, 1990 9:30 a.m.

TRPA Office, 195 U.S. Highway 50, Zephyr  
Cove, Nevada

July 26, 1990 8:30 a.m.

All items are action items unless otherwise noted.

*Page #*

OFFICIAL AGENDA

I PLEDGE OF ALLEGIANCE

II ROLL CALL AND DETERMINATION OF QUORUM

III APPROVAL OF MINUTES

IV APPROVAL OF AGENDA

V CONSENT CALENDAR (see page 3)

VI PROJECT REVIEW

A. Incline Village Community Center, Washoe County APNs 127-040-07, 127-030-02, 127-030-15/16 and 131-024-01 (This item will be acted on after action on agenda items VII A. and B.)

*167-193*

B. Terrace Land Company, Ed Metrailler, Land Capability Challenge, Washoe County APN 126-243-03

*194-210*

VII PUBLIC HEARING AND ADOPTION OF ORDINANCES AND RESOLUTIONS

A. Certification of the EIS for the Incline Village Community Center

*211*

B. Amendment of the Public Services Facility List 1990-1994 for Incline Village Community Center

*212-216*

C. Amendment of Chapter 4, Project Review and Exempt Activities, and Chapter 30, Design Standards, Regarding the Provision of Mail Boxes for Home and Business Mail Delivery

*217-224*

D. Amendment of Chapters 4 and 26 to Extend the Date for Adoption of Substitute Sign Ordinances

*225-230*

E. Adoption of the Elks Point Marina Master Plan, Douglas County

*231-237*

F. Amendment of Plan Area Statement Boundary Between Plan Area Statements 146 (Emerald Bay) and 175 (Cascade Properties)

*238-248*

249-255

G. Amendment of Chapter 64 to Permit Exemption for Marinas

H. Unmet Transit Needs Hearing for El Dorado County (to be continued to the August meeting)

256-260

VIII APPEAL

A. Ted Urban, Appeal of Staff Determination on Land Coverage, Douglas County APN 03-080-27

261-265

IX PLANNING MATTERS

A. Draft Report: California Transportation Directions 2010 - Mobility, Report by Roger Imsdahl, Placer County

B. TRPA Five-Year Strategy: July 1990 - June 1995

266-292

X ADMINISTRATIVE MATTERS

A. Approval of Meyers Community Planning Team

B. Approval of Membership on Capital Financing Committee

293-294

295-298

XI COMMITTEE RECOMMENDATIONS AND BOARD ACTION

A. Finance Committee

1. Receipt of the June Financial Statements

B. Legal Committee

1. Appeal of Decision in Kelly v. TRPA, Ninth Judicial District, Nevada

2. Settlement of TRPA v. Terrce Land (Metrailer), U.S. District, Nevada

C. Retirement Committee

XII REPORTS

A. Executive Director

1. Projects Reviewed at Staff Level and Emergency Permits Issued by Executive Director (No Action)

2. Movement of the IPES Line (No Action)

3. Status Report on IPES Appeals

4. Status Report on Amendment of Shorezone Ordinances

299-303

5. Status Report and Board Action, If Necessary, on Code Interpretations Made by Executive Director

6. Other (No Action)

B. Agency Counsel (No Action)

C. Governing Board Members (No Action)

XIII PUBLIC INTEREST COMMENTS (No Action)

XIV ADJOURNMENT

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CONSENT CALENDAR

<u>Items</u>	<u>Recommended Action</u>	
1. High Sierra Hotel Casino, Parking Garage Plan Revisions, Douglas County APN 07-140-08	Approval With Findings And Conditions	1-18
2. Caltrans Intersection Light Standards, North and South Upper Truckee Road and U.S. Highway 50, El Dorado County File #520-201-90	Approval With Findings And Conditions	19-26
3. Release of TRPA Water Quality Mitigation Funds (\$23,733) to El Dorado County for Use on Erosion Control Projects	Approval	27-28
4. Release of Water Quality Mitigation Funds (\$12,395) to Douglas County for Use on the North Martin-Lakeview Erosion Control Project	Approval	29-31
5. Jeff Uldricks, Resolution of Enforcement Action, Placer County APN 84-110-10	Approval With Conditions	32-39
6. South Tahoe Refuse Company, Resolution of Enforcement Action, City of South Lake Tahoe, APNs 23-311-48, -53, and -69	Approval With Conditions	40-43
7. Johnson/Lundquist, Multiple-Use Pier Relocation and Expansion, Placer County APNs 97-164-04 and -05	Approval With Findings And Conditions	44-54
8. Lyons/Hawkins, Multiple-Use Pier Expansion, Placer County APNs 97-182-07 and -08	Approval With Findings And Conditions	55-65
9. English Pier Expansion, Placer County APN 98-191-17	Approval With Findings And Conditions	66-75

- 10. Croom Pier Expansion, Washoe County APN 122-181-61 Approval With Findings And Conditions 76-86
- 11. McClean Pier Expansion, El Dorado County APN 16-063-11 Approval With Findings And Conditions 87-98
- 12. Tahoe Vista Inn, Buoy Field Expansion, Placer County APN 117-110-14 Approval With Findings And Conditions 99-106
- 13. Roberts/Meakins, Multiple-Use Pier Repair, El Dorado County APNs 16-142-06 and -07 Approval With Findings And Conditions 107-116
- 14. Mason, Single Family Dwelling Addition, Special Use Determination, Natural Hazard (Avalanche Zone), Washoe County APN 125-363-01 Approval With Findings And Conditions 117-128
- 15. Shuey, Single Family Dwelling Addition, Special Use Determination, Natural Hazard (Avalanche Zone), Washoe County APN 125-433-03 Approval With Findings And Conditions 129-141
- 16. Senavsky, New Single Family Dwelling, Special Use Determination, Natural Hazard (Avalanche Zone), Washoe County APN 125-362-09 Approval With Findings And Conditions 142-154
- Completed Land Capability Challenges: Approval 155-160
- 17. Urban, 1466 Pittman Terrace, Douglas County APN 003-080-27 161-166
- 18. Lawyers Title Insurance Corp., John D. Weber, Esq., Rabe Estate, Round Hill Lot 2, Douglas County APN 007-020-07

These consent calendar items are expected to be routine and noncontroversial. They will be acted upon by the Governing Board at one time without discussion. The special use determinations will be removed from the calendar at the request of any member of the public and taken up separately. If any Governing Board member or noticed affected property owner requests that any item be removed from the consent calendar, it will be taken up separately under the appropriate agenda category.

Four of the members of the governing body from each State constitute a quorum for the transaction of the business of the agency. The voting procedure shall be as follows:

(1) For adopting, amending or repealing environmental threshold carrying capacities, the regional plan, and ordinances, rules and regulations, and for granting variances from the ordinances, rules and regulations, the vote of at least four of the members of each State agreeing with the vote of at least four members of the other State shall be required to take action. If there is no vote of at least four of the members from one State agreeing with the vote of at least four of the members of the other State on the actions specified in this paragraph, an action of rejection shall be deemed to have been taken.

(2) For approving a project, the affirmative vote of at least five members from the State in which the project is located and the affirmative vote of at least nine members of the governing body are required. If at least five members of the governing body from the State in which the project is located and at least nine members of the entire governing body do not vote in favor of the project, upon a motion for approval, an action of rejection shall be deemed to have been taken. A decision by the agency to approve a project shall be supported by a statement of findings, adopted by the agency, which indicates that the project complies with the regional plan and with applicable ordinances, rules and regulations of the agency.

(3) For routine business and for directing the agency's staff on litigation and enforcement actions, at least eight members of the governing body must agree to take action. If at least eight votes in favor of such action are not cast, an action of rejection shall be deemed to have been taken.

- Article III(g) Public Law 96-551



TAHOE REGIONAL PLANNING AGENCY  
STAFF SUMMARY

Project Name: High Sierra Parking Garage, Modification of Prior Approval

Application Type: Accessory Parking Garage to Primary Use (Gaming and Tourist Accommodation)

Applicant: Wimar Tahoe

Agency Planner: Jerry Wells

Applicant Representative: Barry Thalden, Thalden Corporation

Location: West side of Highway 50 at Lake Parkway, Douglas County, Nevada

Assessor's Parcel Number/Project Number: 07-140-08

Project Description: The applicant proposes to modify a parking garage project previously approved by TRPA in 1978 (see Attachments A and B). The project modification (see Attachments C - H) involves a reduction in the size of the parking garage footprint, an increase in the amount of existing coverage to be removed, a reduction in the maximum building height, a reduction in the amount of excavation, and an increased building setback from Highway 50. Upon completion of the modified project the amount of onsite parking will be increased from 1,531 existing spaces to 2,400 spaces and the amount of existing coverage will be reduced by 181,841 square feet.

The proposed modified project includes parking for 2400 vehicles (1,665 garage spaces and 735 surface spaces). The parking garage is to be constructed in three phases. The first phase will consist of a 5 to 6-level parking structure containing 860 parking spaces (2,084 total including surface parking), and the removal of 60,820 square feet of existing coverage (to be completed March 1991). The second phase will consist of an addition to the first phase parking structure on the north side containing an additional 449 parking spaces ( 2,305 total including surface parking), and the removal of an additional 70,616 square feet of existing coverage (to be completed March 1992). The third phase will consist of the completion of the proposed parking structure containing an additional 356 parking spaces (2,400 total including surface parking), and the removal of an additional 50,405 square feet of existing coverage (to be completed March 1993).

Staff Analysis:

- A. Project History/Background: On December 20, 1978, Sahara Tahoe Corporation received TRPA approval to construct a 2,400-space parking garage on the subject property. On January 15, 1979 this approval was challenged by the California Tahoe Regional Planning Agency (CTRPA) through litigation and the project was enjoined from October 1980 until December 8, 1987 at which time the injunction was dissolved. Since there

were three years remaining on the original project approval at the time the project was enjoined, the approval will now expire on December 8, 1990. Chapter 3 of the TRPA Code provides for projects approved by TRPA prior to the effective date of the Regional Plan, which are not complete, to proceed in accordance with the terms and conditions of the original TRPA approval. The proposed modifications have therefore been reviewed by TRPA staff for consistency with the original approval and applicable provisions of the TRPA Code.

- B. Environmental Documentation: The applicant has completed an Initial Environmental Checklist (IEC) in order to assess the potential environmental impacts of the proposed modifications. No significant environmental impacts were identified and staff has concluded that the project, as conditioned, will not have a significant effect on the environment. A copy of the IEC will be available at the Governing Board hearing and at TRPA.
- C. Plan Area Statement: The project is located within Plan Area Statement 089A, Nevada South Stateline Resort Area. The Land Use Classification is Tourist and the Management Strategy is Mitigation. TRPA staff has reviewed the subject Plan Area and has determined that the modified project is consistent with the applicable planning statement, planning considerations and special policies. Vehicle storage and parking is an allowed use in the subject Plan Area.
- D. Comparison of Original Project/Proposed Modifications:

Parking Spaces: As with the original project the proposed project includes a total of 2,400 onsite parking spaces. The original approval, however, included 2,100 parking garage spaces and 300 surface parking spaces. The modified project includes 1,665 parking garage spaces and 735 surface parking spaces.

Parking Garage Height: The original project was approved at a height not to exceed an average of 40 feet plus an additional 6 feet for appurtenances. The maximum height of the proposed modified project including appurtenances is approximately 3 feet lower than the original project (elevation 122.5 vs. 125.5). In addition, the maximum elevation of the top floor of the modified project is approximately 5 feet lower than the original project (elevation 109.5 vs. 114.5). It should be noted that all elevations are based on a reference elevation of 79.5, which is the elevation of the High Sierra main casino floor.

Parking Garage Footprint: The amount of coverage associated with the original parking garage was 144,500 square feet. The proposed parking garage modification involves a footprint of 120,700 square feet which is 23,800 square feet less in total coverage.

Parking Garage Excavation: The original project involved excavations over 20 feet in depth on the western end of the parking garage. The depth of excavation has been reduced by 4 feet on the western end of the parking garage and by 5 feet on the eastern end with the modified project.

Land Coverage: The original project included a total coverage reduction of 179,569 square feet. The proposed modified project includes a total coverage reduction of 181,841 square feet, representing a 2,272 square foot increase in coverage reductions over the original project.

Building Setback: The original project provided a 40 foot setback from the Highway 50 right-of-way. The proposed modified project provides an 85 foot setback area from the Highway 50 right-of-way. This setback area will be fully landscaped.

- E. Required Findings: The following is a list of the required findings as set forth in Chapter 6 of the TRPA Code of Ordinances. Following each finding, Agency staff has briefly summarized the evidence on which the finding can be made.
1. The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code, and other TRPA plans and programs.
    - (a) Land Use: The project modification involves no change in use from the originally approved project. Vehicle storage and parking are allowed uses in the subject Plan Area. The project, as conditioned, includes all required water quality improvements for the entire project area.
    - (b) Transportation: The proposed project involves the modification of a previously approved parking garage which will provide additional parking for an existing primary use. There is no change from the original project in the total number of parking spaces being provided. No significant adverse impacts on traffic or circulation are anticipated as a result of the proposed project modifications.
    - (c) Conservation: The proposed project includes a reduction of 181,841 square feet of existing coverage which is 2,272 square feet more than was to be removed with the original approval. The proposed structure has been redesigned to reduce the amount of excavation by reducing the size of the garage footprint and the depth of excavation. In addition, the maximum height of the parking garage has been reduced. No significant adverse impacts on vegetation, wildlife, fisheries, scenic quality, open space, stream environment zones, cultural or energy resources are anticipated as a result of the proposed project modifications.

- (d) Recreation: There are no impacts on recreation as a result of the proposed project modifications.
- (e) Public Service and Facilities: The proposed project involves modifications to a previously approved parking garage. No additional public services or facilities should be required for the project.
- (f) Implementation: The project does not require any development allocations and should not have any adverse impacts on the Implementation Element of the Regional Plan.

- 2. The project will not cause the environmental threshold carrying capacities to be exceeded.

The basis for this finding is provided on the checklist entitled "Project Review Conformance Checklist and Article V(g) Findings" in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Governing Board hearing and at TRPA.

- 3. Wherever federal, state or local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(g) of the TRPA Compact, the project meets or exceeds such standards.

(Refer to paragraph 2, above.)

- F. Required Actions and Findings: Agency staff recommends that the Governing Board approve the project modifications by making the following motions and findings based on this staff summary and the evidence contained in the record:

- I. A motion based on this staff summary, for the findings contained in Section E above, and a finding of no significant environmental effect.

- II. A motion to approve the project modifications, based on the staff summary, subject to the following conditions:

- 1. The Standard Conditions of Approval listed in Attachment Q.

2. Prior to commencement of construction the following special conditions of approval must be satisfied:
  - a. The final construction drawings for all site improvements shall be submitted to TRPA for staff review and approval. The final construction drawings shall clearly depict: 1) slope stabilization methods to be performed to stabilize all existing and proposed cut and fill slopes and areas denuded of vegetation; 2) areas to be revegetated, including complete specifications for such revegetation; 3) fencing for vegetation protection; 4) temporary and permanent erosion control devices; 5) measures to be taken for dust control; and 6) all drainage and water quality treatment facilities for the project area.
  - b. The security required under Standard Condition I.2 of Attachment Q shall be determined based upon the permittee's submittal of the required Best Management Practices (BMP) plan and coverage removal cost estimates. Said security shall not be released until all required coverage has been removed and all required permanent BMPs have been installed.
  - c. Calculations, plans and other necessary analyses demonstrating that the design of the surface water runoff control system will meet TRPA requirements for surface and/or subsurface discharge as well as those requirements set forth in the Lake Tahoe Basin Water Quality Management Plan. Such calculations and analyses shall be prepared by a qualified engineer and submitted to TRPA staff for review and approval.
  - d. The permittee shall obtain all required local, state and federal approvals applicable to the proposed project.
  - e. The permittee shall submit a projected project completion schedule to TRPA for review and approval. Said schedule shall include completion dates for each phase as well as coverage removal and BMP installations for the entire project area. The project (all three phases) shall be completed by March 1993, as proposed.
  - f. The permittee shall submit three sets of final construction drawings and site plans to TRPA.

7/13/90

CONSENT CALENDAR ITEM 1.

- g. The final construction drawings shall have notes indicating conformance to the following design standards for color and roofs:
- (1) Color: The color of this structure shall be compatible with the surroundings. Subdued colors in the earthtone and woodtone ranges shall be used for the primary color of the structure. Final color and material selection shall be submitted to TRPA staff for review and approval.
  - (2) Roofs: Roofs shall be composed of nonglare materials that minimize reflectivity.
- h. The permittee shall either consolidate all parcels comprising the entire project area (APN 07-140-08 and 07-140-03, excluding First Interstate Bank parcel) into one legal lot of record pursuant to applicable county subdivision laws, or record against the parcels a deed restriction, or other covenant running with the land, permanently assuring that all future land coverage calculations for the parcels shall be made as if these parcels had been legally merged.
- i. The permittee shall provide a landscape plan and fertilizer management plan in accordance with the standards required in Subsections 30.7 and 81.7 of the TRPA Code of Ordinances for TRPA staff review and approval.
- j. The permittee shall submit a coverage removal plan delineating the amount and location of coverage to be removed in accordance with the TRPA-approved phasing and construction completion schedule.
- k. The permittee shall submit a parking plan to offset the temporary loss of existing parking due to the construction of the first phase of the parking structure. Said plan shall provide for a minimum of 1,531 total parking spaces until such time the first phase parking structure is completed. The approved parking plan shall be implemented prior to the loss of existing parking and/or commencement of construction.

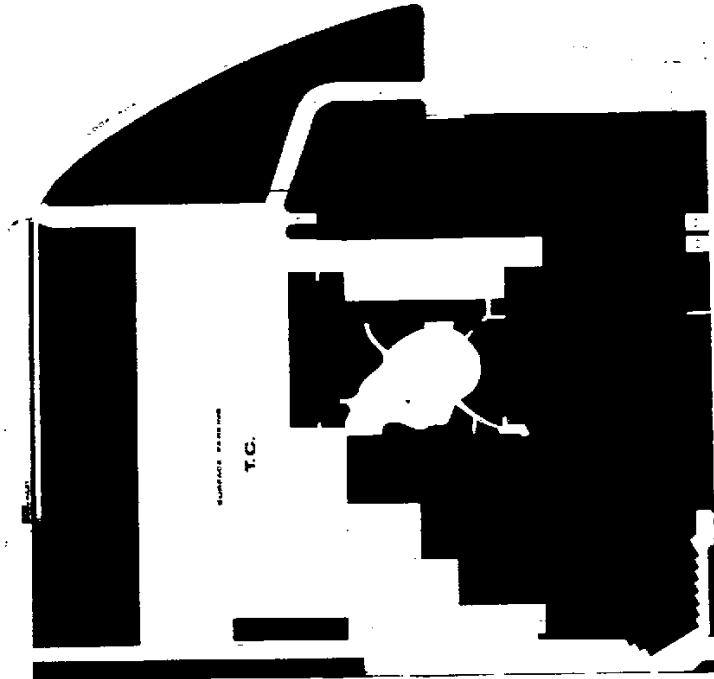
1. The permittee shall submit a detailed construction plan describing the construction process for all phases of construction, e.g., spoil material storage and transport, interim circulation and parking plan, building material storage and transport, hours and days of construction, dust control, noise control, etc., to TRPA staff for review and approval.
  - m. The permittee shall submit a continuing maintenance and monitoring program for the stormwater collection and treatment system to TRPA staff for review and approval. The data provided under this program shall be adequate to determine continuing compliance with applicable requirements for surface and/or subsurface discharge.
3. The project shall proceed in the following sequence:
- a. TRPA pregrade inspection.
  - b. Such trees as TRPA has authorized shall be removed and the initial phase of the vegetation protection plan shall be completed.
  - c. Installation of fencing for vegetation protection.
  - d. Installation of temporary erosion protection devices.
  - e. Installation of utilities including water mains and fire hydrants required by the fire department.
  - f. Completion of rough grading including installation of mechanical stabilization devices.
  - g. Completion of structure foundations.
  - h. Removal of spoil materials to a TRPA-approved site or to a site outside the Tahoe Basin, as required.
  - i. Final grading and installation of base for paved areas.
  - j. Installation of paving and permanent BMPs.
  - k. Completion of structures.
  - l. Landscaping and revegetation.

4. Whenever possible, all utilities shall occupy common trenches and shall be installed at one time. Trench spoil material shall be temporarily stored upgradient of the trench.
5. There shall be no grading or land disturbance performed with respect to the project between October 15 and May 1 of each year nor during periods of inclement weather or when the site is wet or covered with snow.
6. Replanting of all exposed surfaces, as per the revegetation and slope stabilization plan, shall be accomplished within the first growing season following disturbance. Planting shall be accomplished prior to the October 15 grading deadline.
7. Mud shall not be tracked off the construction site. Grading operations shall cease in the event that a danger of tracking mud offsite exists. The site shall be cleaned up and road rights-of-way swept clean when necessary to correct conditions caused by dirt tracked off the site.
8. Rehabilitation and cleanup of the site following construction must include removal of all construction waste and debris.
9. This permit shall expire on December 8, 1990 without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Diligent pursuit is defined as completion of the project in accordance with the approved project completion schedule as it may be amended and approved by TRPA. 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 project.
10. If the construction is not completed within the approved project construction schedule, as it may be amended and approved by TRPA, this approval shall expire and the permittee or its successor in interest shall immediately remove all partially completed work and return the site, as far as possible, to its original condition.
11. Upon the completion of construction, physical barriers shall be provided to confine all vehicles to designated parking and driveway areas. The design and placement of the barriers shall be reviewed and approved by TRPA.



12. The existing land coverage on the site shall be reduced by 60,820 square feet upon completion of Phase 1; an additional 70,616 square feet upon completion of Phase 2; and an additional 50,405 square feet upon completion of Phase 3, for a total coverage reduction of 181,841 square feet upon completion of the project. All required coverage removal shall be consistent with the TRPA-approved coverage removal plan and schedule.
13. TRPA staff shall be notified at least 72 hours in advance to schedule a pre-grading inspection.
14. All spoil materials and construction waste shall be removed to a TRPA-approved site or to a site located outside of the Tahoe Basin.
15. The maximum height of the parking structure, including all appurtenances shall not exceed elevation 122.5 feet, the elevation reference being the main casino floor elevation of 79.5 feet. In addition, the finish floor elevation of the sixth floor or the parking structure shall not exceed 109.5 feet.
16. No travel lanes on Highway 50 or Lake Parkway loop road shall be closed between the hours of 9:00 a.m. to 12:00 midnight or blocked for purposes of construction relative to the parking garage.
17. This approval is specifically for a parking garage containing 1,665 parking spaces and for 735 surface parking spaces resulting in not more than 2,400 total parking spaces.
18. The architectural design of the garage shall include elements that screen from public view all external mechanical equipment, and utility hardware on roofs, buildings or the ground. Roofs, including mechanical equipment and skylights, shall be constructed of nonglare finishes that minimize reflectivity.
19. The adequacy of all required temporary BMPs as shown on the final construction plans shall be confirmed at the time of the TRPA pregrading inspection. Any required modifications, as determined by TRPA, shall be incorporated into the project permit at that time.
20. Any normal construction activities 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.

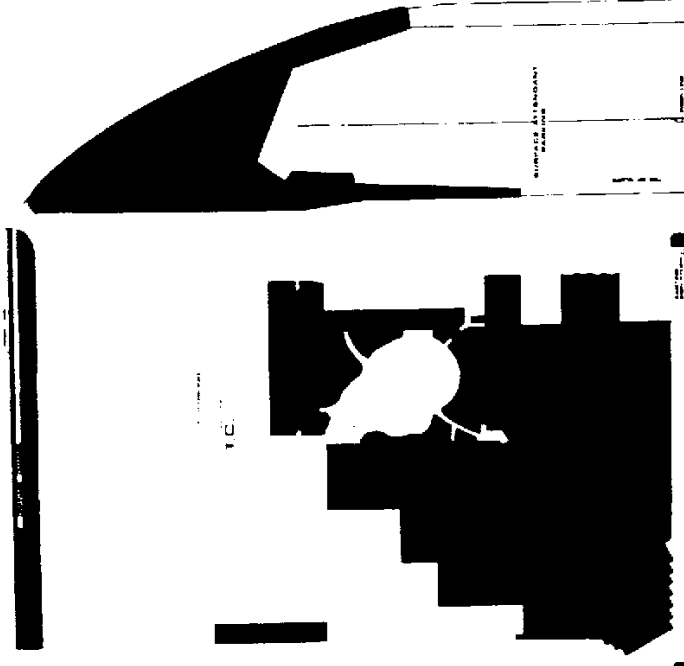
21. The permittee shall monitor the availability of parking in the parking garage during peak parking periods. When the garage is at full capacity, signs shall be erected at all parking garage entrances directing traffic to other parking areas.
22. This approval is based on the permittee's representation 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.
23. The parking garage shall be designed to avoid interference with the level or flow patterns of the natural subsurface water table. In the event groundwater is intercepted during excavation activities, the permittee shall submit a design to TRPA for review and approval that prevents groundwater from leaving the site as surface flow.



PROPOSED SITE PLAN & LAND COVERAGE

LEGEND

[Symbol]	EXISTING BUILDING
[Symbol]	PROPOSED BUILDING
[Symbol]	EXISTING PARKING
[Symbol]	PROPOSED PARKING
[Symbol]	EXISTING LAND COVERAGE
[Symbol]	PROPOSED LAND COVERAGE



EXISTING SITE PLAN

NO.	DESCRIPTION	AREA (SQ. FT.)	PERCENT
1	EXISTING BUILDING	10,000	10.0
2	PROPOSED BUILDING	10,000	10.0
3	EXISTING PARKING	10,000	10.0
4	PROPOSED PARKING	10,000	10.0
5	EXISTING LAND COVERAGE	10,000	10.0
6	PROPOSED LAND COVERAGE	10,000	10.0
TOTAL		100,000	100.0

WEST N. STERN J. A. A.  
ARCHITECT & ASSOC. ARCHT.

SAVARA TAHOE  
PARKING STRUCTURE



NORTH ELEVATION



EAST ELEVATION



WEST ELEVATION



SOUTH ELEVATION SECTION

FIRST POSITION CENTER POSITION SECOND POSITION



SECTION A-A



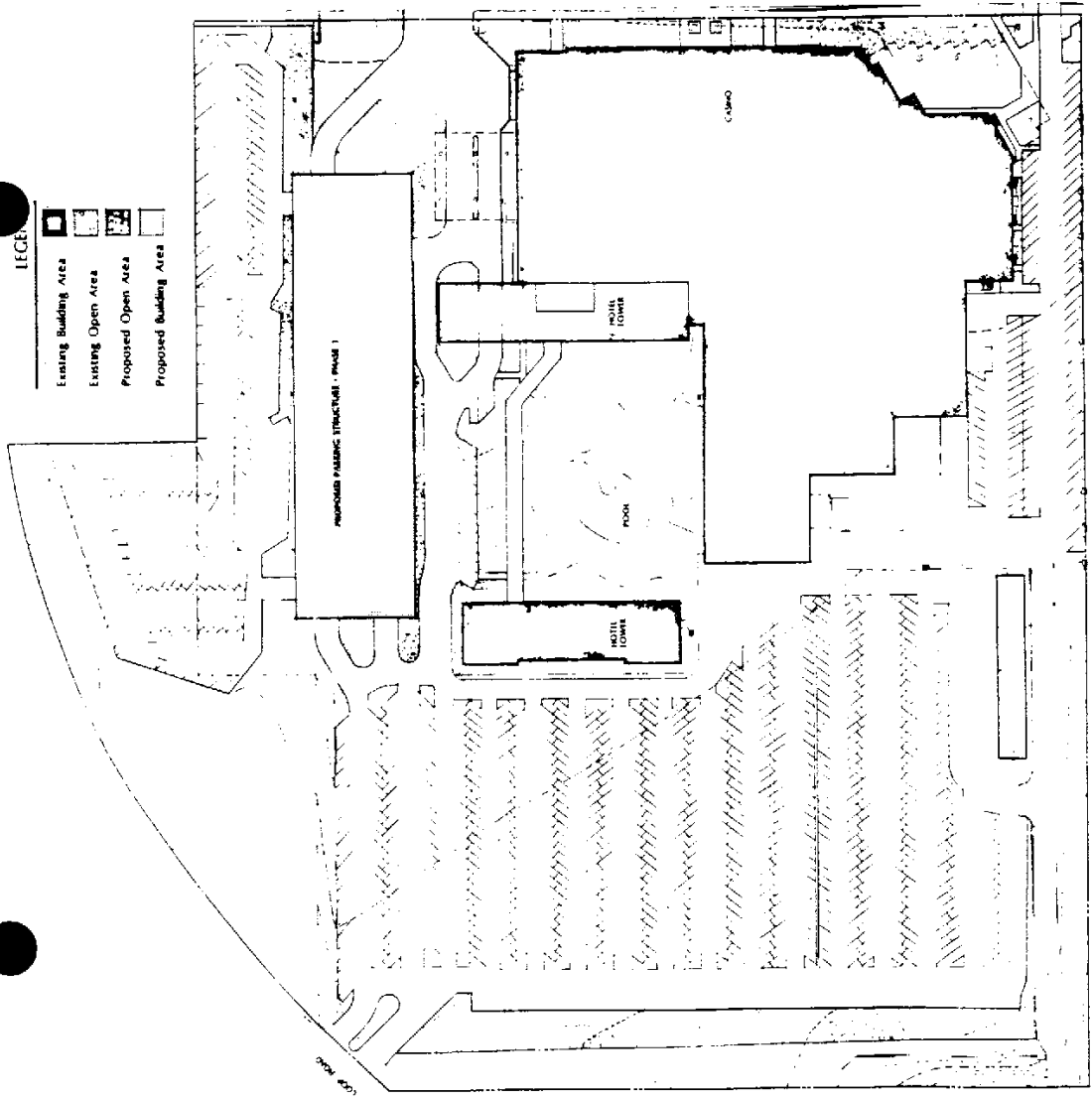
SECTION B-B





**PROPOSED SITE PLAN  
 PARKING STRUCTURE - PHASE 1**  
 CONSTRUCTION PERMIT NUMBER: 10-0000000000

**DATE:** 01/15/2010  
**BY:** [Signature]  
**CHECKED BY:** [Signature]  
**SCALE:** AS SHOWN



- LEGEND:**
- Existing Building Area
  - Existing Open Area
  - Proposed Open Area
  - Proposed Building Area

**PROPOSED**

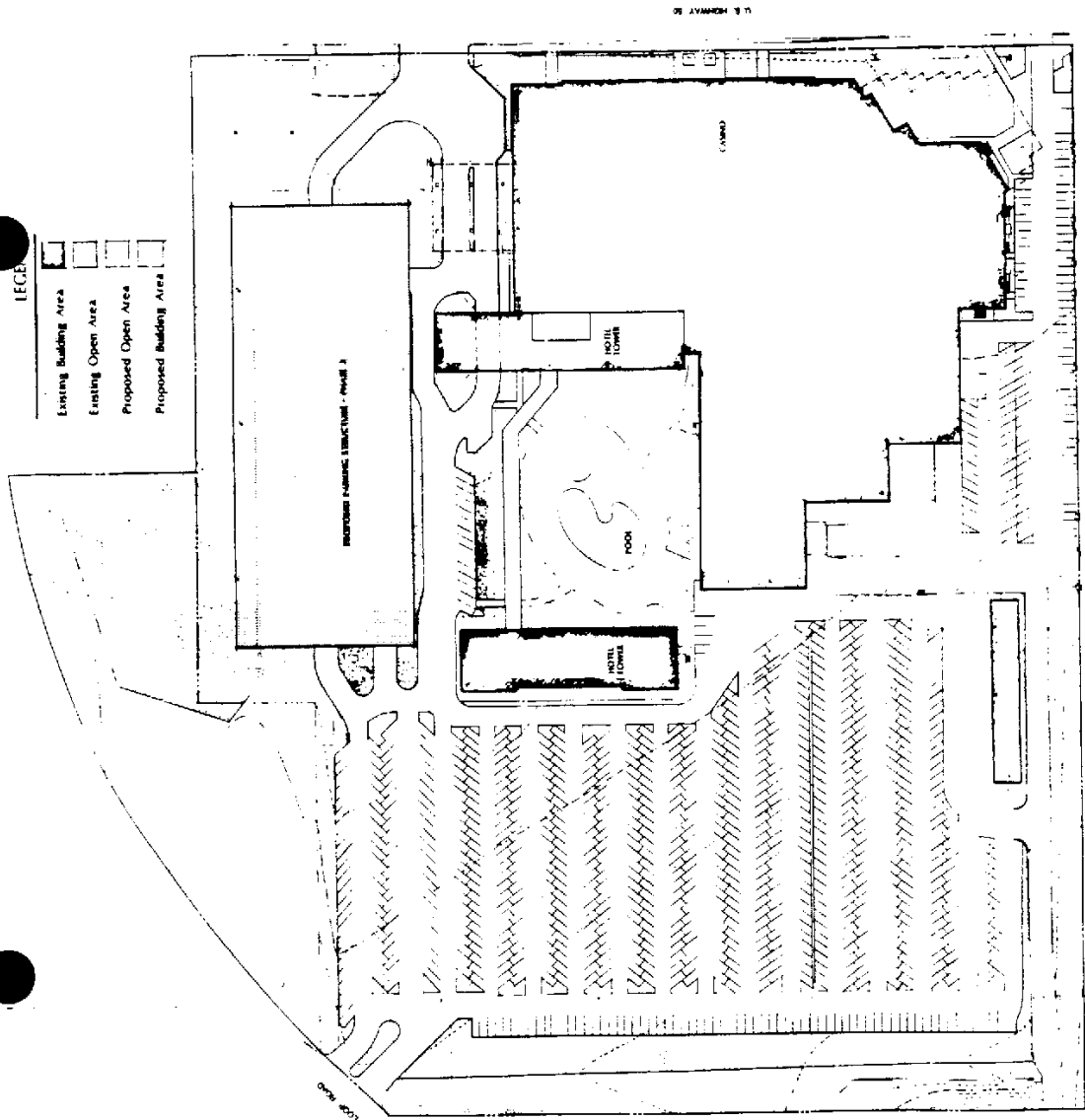
Item	Area (sq. ft.)
Existing Building Area	100,000
Existing Open Area	200,000
Proposed Open Area	100,000
Proposed Building Area	100,000
<b>Total</b>	<b>500,000</b>



**PROPOSED SITE PLAN  
PARKING STRUC. TUKU-PHASE 2**

ASSISTANT PARKING NUMBER 01 10000

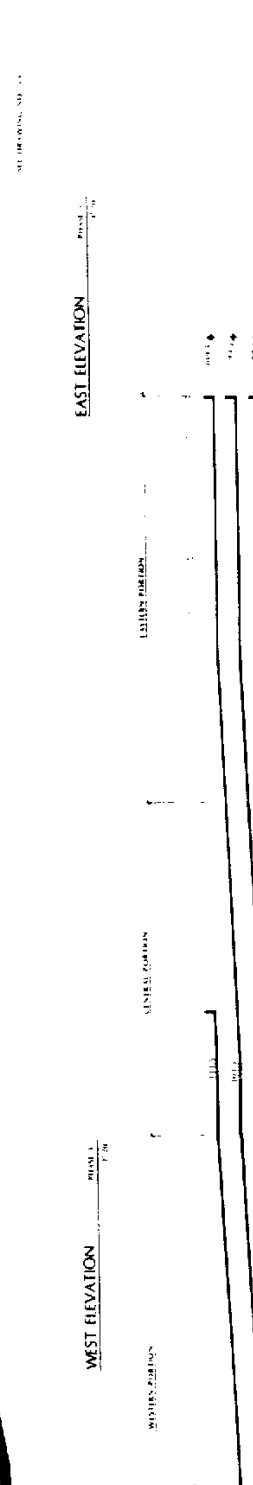
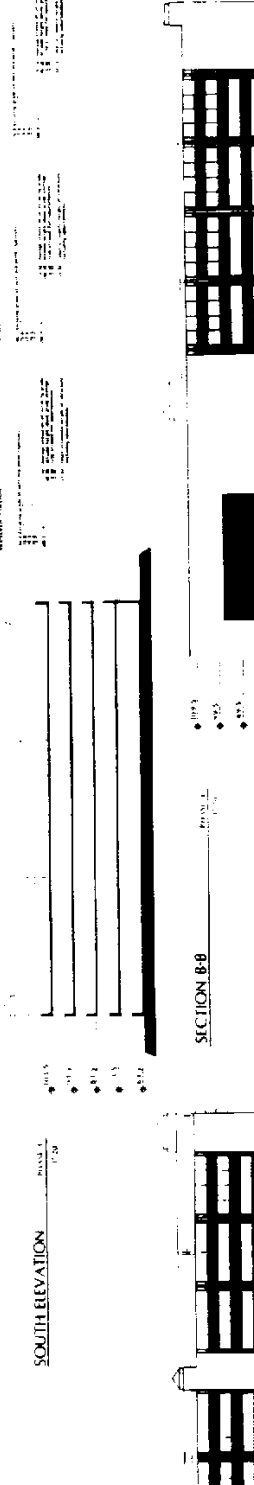
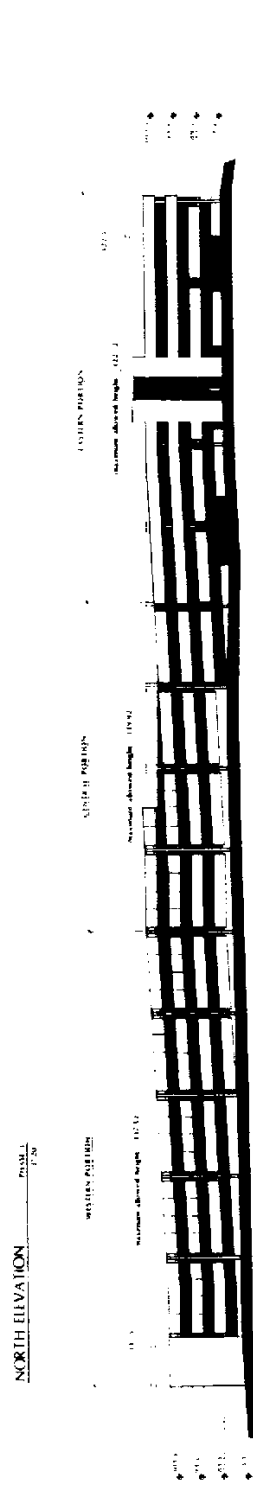
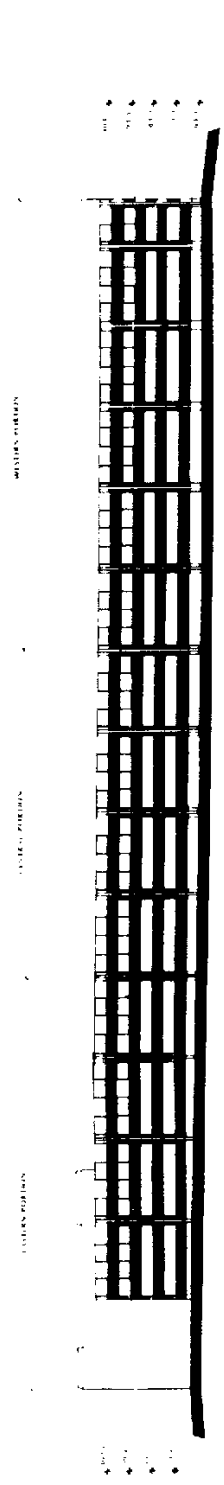
**DATE:** 11/10/09  
**PROJECT:** TUKU-PHASE 2  
**LOCATION:** 11111 N. 111TH ST., SUITE 100, TUKU, ID 83420  
**PREPARED BY:** THALDEN CORPORATION  
**SCALE:** AS SHOWN  
**DATE:** 11/10/09  
**PROJECT:** TUKU-PHASE 2  
**LOCATION:** 11111 N. 111TH ST., SUITE 100, TUKU, ID 83420  
**PREPARED BY:** THALDEN CORPORATION  
**SCALE:** AS SHOWN



**PARKING:**  
Paving structure to be constructed in 3 phases as follows:  
Phase 1: 1,000 spaces  
Phase 2: 1,000 spaces  
Phase 3: 1,000 spaces







DATE: 11/11/11	SCALE: AS SHOWN
DRAWN BY: [Name]	CHECKED BY: [Name]
PROJECT: [Name]	LOCATION: [Name]



PROPOSED LANDSCAPING  
PARKING STRUCTURE AREA - PHASE 3

LANDSCAPING NOTES TO BE REVIEWED IN CONJUNCTION WITH THE ARCHITECTURAL DRAWINGS:  
1. ALL PLANTINGS SHALL BE 100% GUARANTEED.  
2. ALL PLANTINGS SHALL BE INSTALLED WITHIN THE SPECIFIED TIME FRAME.  
3. ALL PLANTINGS SHALL BE MAINTAINED FOR A PERIOD OF 12 MONTHS.  
4. ALL PLANTINGS SHALL BE WATERED AND FERTILIZED AS NECESSARY.  
5. ALL PLANTINGS SHALL BE PROTECTED FROM DAMAGE.  
6. ALL PLANTINGS SHALL BE REPLACED IF NECESSARY.  
7. ALL PLANTINGS SHALL BE MAINTAINED FOR A PERIOD OF 12 MONTHS.  
8. ALL PLANTINGS SHALL BE WATERED AND FERTILIZED AS NECESSARY.  
9. ALL PLANTINGS SHALL BE PROTECTED FROM DAMAGE.  
10. ALL PLANTINGS SHALL BE REPLACED IF NECESSARY.

PLANT LIST

NO.	PLANT NAME	QUANTITY	SIZE	DATE
1	...	...	...	...
2	...	...	...	...
3	...	...	...	...
4	...	...	...	...
5	...	...	...	...
6	...	...	...	...
7	...	...	...	...
8	...	...	...	...
9	...	...	...	...
10	...	...	...	...
11	...	...	...	...
12	...	...	...	...
13	...	...	...	...
14	...	...	...	...
15	...	...	...	...
16	...	...	...	...
17	...	...	...	...
18	...	...	...	...
19	...	...	...	...
20	...	...	...	...

TAHOE REGIONAL PLANNING AGENCY  
STAFF SUMMARY

Project Name: Caltrans Intersection Lighting and Traffic Count Station Project

Application Type: Public Service

Applicant: California Department of Transportation (Caltrans)

Applicant's Representative: Joseph Peterson

Agency Planner: Rick Angelocci

Location: Upper Truckee River Road, Pioneer Trail; Highway 50, El Dorado County

Assessor's Parcel Number/ Project Number: 520-201-90

Project Description: The project involves the installation of intersection lighting on Highway 50 at Upper Truckee River Road and a traffic counting system at Highway 50 and Pioneer Trail (West). The lighting work consists of installing a wood pole-mounted service, underground conduit and pull boxes, and four, 34 foot high fiberglass light standards with 30 inch diameter by 5 foot deep foundations. The light standards will be dark brown in color. Adding the traffic count station to the existing traffic signal system consists of installing vehicle detection loops in the existing pavement, installing one pull box and 100 feet of conduit along the existing roadway, and installing a Type 170 controller unit inside the existing traffic control cabinet.

Site Description: The two project areas are located within the Highway 50 right-of-way consisting of the existing improved highway and related intersection improvements at Upper Truckee River Road and Pioneer Trail (West).

Issues: The proposed project involves the installation of four lighting structures requiring additional height (over 26 feet) and therefore requires Governing Board review in accordance with Chapter 4, Appendix A, of the TRPA Code. The primary project related issues are:

1. Structure Height:

The light standard portion of the project involves the installation of four, 34 foot high light standards. Subsection 22.6 of the Code states that certain structures may be allowed additional height beyond the maximum of 26 feet provided specific findings are made. Section D, Findings 7 and 8 of this staff summary provide the basis on which the Governing Board may approve the additional height.

2. Scenic Quality:

Agency Staff has reviewed the proposed light standards with regard to impacts on scenic quality, specifically, Scenic Roadway Unit # 37. Subsection 30.13.C(2) of the Code requires that all new highway

fixtures, including light standards, shall be constructed utilizing earth tone colors of dark shades. The proposed fiberglass light standards are to be dark brown in color. The proposed light standards will not result in a significant degradation of scenic quality within Scenic Roadway Unit # 37.

Staff Analysis:

- A. Environmental Documentation: The applicant has completed an Initial Environmental Checklist (IEC) in order to assess the potential environmental impacts of the project. No significant environmental impacts were identified and staff has concluded that the project will not have a significant effect on the environment. A copy of the completed IEC will be made available at the Governing Board hearing and at TRPA.
- B. Plan Area Statement: The project is located within Plan Areas 123 - Meyers Forest (Traffic count station); and 119 - Country Club Meadow and 136 - KOA/Rainbow (Intersection lighting). The Land Use Classification is Conservation for Plan Area 123 and Recreation for Plan Areas 119 and 136. The Management Strategy is Mitigation for all three Plan Areas. Agency staff has reviewed the subject Plan Areas and has determined that the project is consistent with the applicable planning statements, planning considerations and special policies. The proposed activity is an accessory use to the existing transportation route use (special use), involves no change, expansion or intensification of the existing use, and is consistent with Subsection 18.5.B(2) of the TRPA Code.
- C. Land Coverage:

1. Land Capability District:

The land capability district of the project areas is class 5. For purposes of coverage analysis the proposed project has been divided into two separate project areas. The project area at Pioneer Trail (Area 1) is approximately 177,000 square feet in size and the project area at Upper Truckee Road (Area 2) is approximately 85,000 square feet in size.

2. <u>Existing Coverage:</u>	Area 1	Area 2
Hard Coverage:	32,592 sq. ft.	27,200 sq. ft.
Soft Coverage:	0 sq. ft.	0 sq. ft.
Total:	<u>32,592 sq. ft.</u>	<u>27,200 sq. ft.</u>
3. <u>Proposed Coverage:</u>	Area 1	Area 2
Hard Coverage:	32,592 sq. ft.	27,220 sq. ft.
Soft Coverage:	0 sq. ft.	0 sq. ft.
Total:	<u>32,592 sq. ft.</u>	<u>27,220 sq. ft.</u>
4. <u>Allowed Coverage:</u>	Area 1	Area 2

Class 5 Area:	44,250 sq. ft.	21,250 sq. ft.
Total:	<u>44,250 sq. ft.</u>	<u>21,250 sq. ft.</u>

5. Coverage Mitigation:

Based on the above coverage figures, project area #2 contains approximately 5,950 square feet of excess land coverage. In order to mitigate the existing excess coverage, the applicant shall be required to either pay a mitigation fee, or reduce existing coverage pursuant to Subsection 20.5 of the TRPA Code of Ordinances. In addition, the 20 square feet of additional land coverage being created in project area #2 related to the four light structures shall be mitigated through a coverage transfer pursuant to Subsections 20.3.B(4) and 20.3.C of the TRPA Code. In order for the Governing Board to approve the coverage transfer, Findings 4, 5, and 6 of Section D, below, must be made.

D. Required Findings: The following is a list of the required findings as set forth in Chapters 6, 20 and 22 of the TRPA Code of Ordinances. Following each finding, Agency staff has briefly summarized the evidence on which the finding can be made.

1. The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code, and other TRPA plans and programs.
  - a. Land Use: The proposed project is considered an accessory use to the existing primary (trans. use) use. There will be no intensification of the existing use as a result of the project.
  - b. Transportation: The Transportation Element encourages on-going traffic evaluations to assess traffic volumes for future improvement programs. The proposed traffic count station will provide valuable information for future transportation improvement programs. There are no aspects of the project which are in conflict with the Transportation Element of the Regional Plan.
  - c. Conservation: The project is consistent with all elements of the Conservation Element of the Regional Plan, including scenic. The proposed light standards will be dark brown in color, consistent with the requirements of Chapter 30, Design Standards, of the Code. The additional land coverage for the light standards will be required to be transferred to the project area, consistent with Chapter 20 of the Code.
  - d. Recreation: There is no aspect of the project which will adversely affect implementation of the Recreation Element of the Regional Plan.
  - e. Public Service and Facilities: The proposed project is considered an upgrade of the existing transportation facilities.

The light standards will provide for safer turning movements at night at the subject intersection.

- f. Implementation: The project does not require additional allocations of development and is consistent with the Implementation Element of the Regional Plan.

2. The project will not cause the environmental threshold carrying capacities to be exceeded.

The basis for this finding is provided on the checklist entitled "Project Review Conformance Checklist and Article V(g) Findings" in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Governing Board hearing and at TRPA.

3. Wherever federal, state or local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(g) of the TRPA Compact, the project meets or exceeds such standards.

(Refer to paragraph 2, above.)

4. There is no feasible alternative that reduce land coverage.

The proposed light standards have been designed to provide for the minimum additional land coverage and still provide footings for the light standard structures.

5. The project, because of its unusual configuration or service requirement, requires special consideration.

Due to the limited amount of right-of-way and the large amount of land coverage utilized for the highway, construction of the accessory structures (light standards) requires special consideration.

6. The facility primarily serves the needs of persons other than those who are, or will be, residents of the lands in question, or the owners of the lands in question.

The proposed light standards are safety facilities designed to serve the needs of the general public using the highway.

7. The function of the structure requires a greater height than otherwise provided for in Chapter 22 of the Code.

The proposed light standards are of the minimum height necessary to effectively illuminate the subject intersection.

8. The additional height is the minimum necessary to feasibly implement the project and there are no feasible alternatives requiring less additional height.

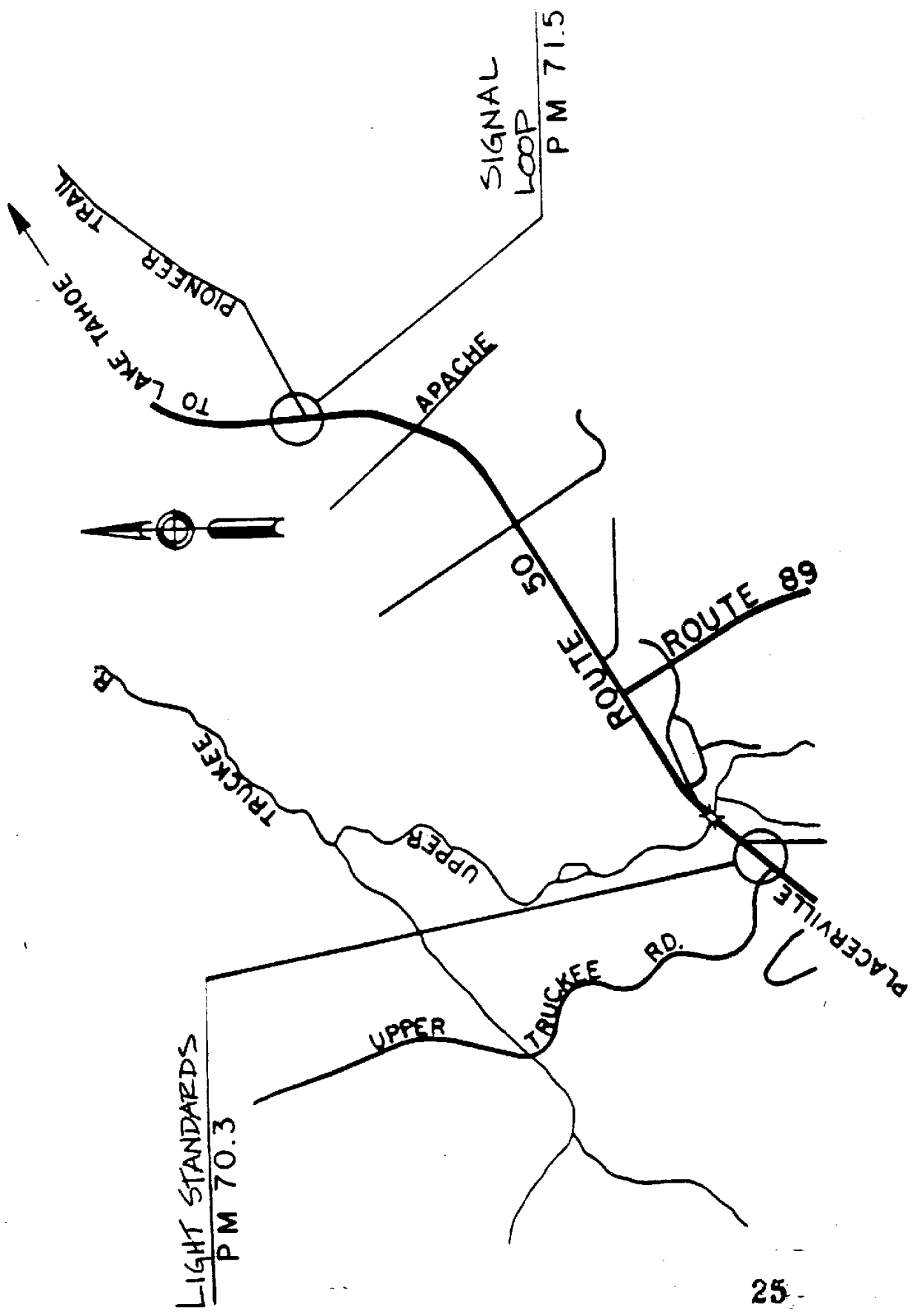
As stated in Finding # 7, above, the light standards are of the minimum height necessary to effectively illuminate the subject intersection.

- E. Required Actions and Findings: Agency staff recommends that the Governing Board approve the project by making the following motions and findings based on this staff summary and the evidence contained in the record:
- I. A motion based on this staff summary, for the findings contained in Section D above, and a finding of no significant environmental effect.
  - II. A motion to approve the project, based on the staff summary, subject to the following conditions:
    1. The Standard Conditions of Approval listed in Attachment Q.
    2. Prior to commencement of construction the following special conditions of approval must be satisfied:
      - a. The applicant shall mitigate excess land coverage on both project areas by submitting an excess coverage mitigation fee, or by removing coverage within Hydrologic Transfer Area Number 5, Upper Truckee.
      - b. The applicant shall transfer 20 square feet of land coverage to project area # 2 from within Hydrologic Transfer Area Number 5, Upper Truckee.
      - c. The applicant shall submit a projected construction completion schedule to TRPA prior to commencement of construction. Said schedule shall include completion dates for each item of construction, as well as BMP installations for the both project areas.
      - d. The applicant shall provide a landscape plan and fertilizer management plan in accordance with the standards required in Sections 30.7 and 81.7 of the TRPA Code of Ordinances for TRPA review and approval.
      - e. The applicant shall submit three sets of final construction drawings and site plans to TRPA.
      - f. The applicant shall submit color and material samples of the proposed light standards to the TRPA for approval. The light standards shall utilize earth tone colors of dark shades.
    2. Fertilizer use on this property shall be managed to include the appropriate type of fertilizer, rate, and frequency of application to avoid release of excess nutrients and minimize use of fertilizer.
    3. The adequacy of all required BMPs as shown on the final construction plans shall be confirmed at the time of the TRPA

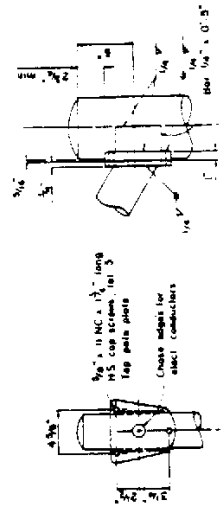
pre-grading inspection. Any required modifications, as determined by TRPA, shall be incorporated into the project permit at that time.

4. 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.
5. The permittee is responsible for insuring that the project, as built, does not exceed the approved land coverage figures shown on the site plan. The approved land coverage figures shall supersede scaled drawings when discrepancies occur.

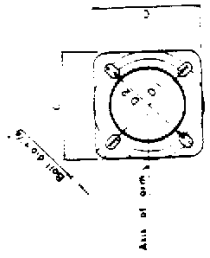




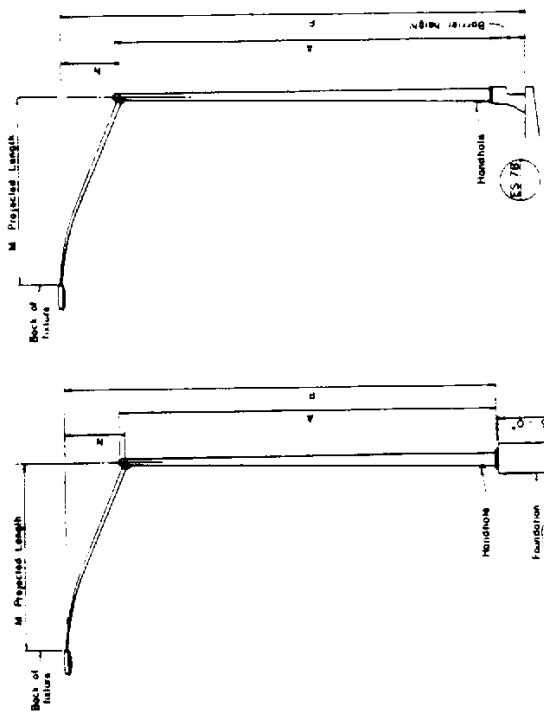
STATE OF CALIFORNIA  
 DEPARTMENT OF TRANSPORTATION  
 DIVISION OF HIGHWAYS  
 SAN FRANCISCO, CALIF.  
 JUNE 15, 1948



DETAIL A  
 LUMINAIRE ARM CONNECTION



BASE PLATE



ELEVATION  
 TYPE 21 BRIDGE MOUNTED

ELEVATION  
 TYPE 15

Pole Type	POLE DATA		BASE PLATE DATA		LUMINAIRE ARM DATA	
	A	Min. H	C	D	H	Rise
15	30'-0"	8"	15"	15"	2'-0"	3'-0"
21	30'-0"	8"	15"	15"	2'-0"	3'-0"

Pole Type	POLE DATA		BASE PLATE DATA		LUMINAIRE ARM DATA	
	A	Min. H	C	D	H	Rise
15	30'-0"	8"	15"	15"	2'-0"	3'-0"
21	30'-0"	8"	15"	15"	2'-0"	3'-0"

STATE OF CALIFORNIA  
 DEPARTMENT OF TRANSPORTATION  
 LIGHTING STANDARDS  
 TYPES 15 AND 21

# TAHOE REGIONAL PLANNING AGENCY

195 U.S. Highway 50  
Round Hill, Zephyr Cove, NV

P.O. Box 1038  
Zephyr Cove, Nevada 89448-1038

(702) 588-4547  
Fax (702) 588-4527

## MEMORANDUM

July 16, 1990

To: TRPA Governing Board

From: TRPA Staff

Subject: Release of TRPA Water Quality Mitigation  
Funds (\$23,732.99) to El Dorado County  
for Use on Erosion Control Projects

### Summary

El Dorado County requests the release of \$23,732.99 in water quality mitigation funds for use on erosion control projects (see letter attached). These projects are part of the 208 Water Quality Management Plan-CIP Program and are a high priority within the County's list of erosion control projects. Agency staff has participated in both conceptual design and pre-design meetings and, as a result, is quite familiar with the projects. Based on these factors, TRPA staff recommends the release of \$23,732.99.

### Conditions

1. The County shall keep complete records of all funds expended on the projects and how they were used. Such records shall be made available for review and audit by the TRPA upon written request.

JB/rdh  
7/16/90

CONSENT CALENDAR ITEM 3

# County of El Dorado

DEPARTMENT OF TRANSPORTATION



1990-2004  
RECEIVED  
BY \_\_\_\_\_

1121 Shakori Drive  
P.O. Box 7396  
South Lake Tahoe, CA 95731  
Phone (916) 573-3182



JUN 0 5 1990

TAHOE REGIONAL  
PLANNING AGENCY

June 7, 1990

JN 85107  
85108  
85109  
85110  
85113

Mr. Jerry Budy, Hydrologist  
Tahoe Regional Planning Agency  
P.O. Box 1038  
Zephyr Cove, NV

Dear Jerry:

On May 29, 1990, the El Dorado County Board of Supervisors authorized a request for release of \$23,732.99 from the TRPA Water Quality Mitigation Fund (see attached agenda transmittal).

The request is for five erosion control project as follows:

Project Name	Total Project	Previous TRPA	Final TRPA	This Request
Echo View	\$255,622.91	\$19,285.06	\$15,622.91	<\$3,662.09>
Tahoe Mountain	186,930.04	36,226.00	28,228.04	<7,997.96>
Montgomery Estates	382,584.99	0.00	15,760.99	15,760.99
Tahoe Paradise #60	77,599.88	60,270.00	77,599.88	17,329.88
Santa Fe	37,282.17	0.00	2,302.17	2,302.17
			Total:	\$23,732.99

Sincerely,

Jim Haen  
Senior Civil Engineer

JFH/bt  
encl.  
cc: Joy Martin

mc\trpa\rqst\_mit.fnd

# TAHOE REGIONAL PLANNING AGENCY

195 U.S. Highway 50  
Round Hill, Zephyr Cove, NV

P.O. Box 1038  
Zephyr Cove, Nevada 89448-1038

(702) 588-4547  
Fax (702) 588-4527

## MEMORANDUM

July 16, 1990

To: TRPA Governing Board

From: TRPA Staff

Subject: Release of TRPA Water Quality Mitigation Funds  
(\$12,394.69) to Douglas County for Use on  
North Martin-Lakeview Erosion Control Project

### Summary

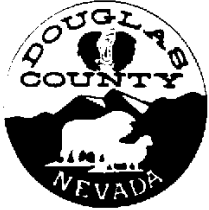
Douglas County requests the release of \$12,394.69 in water quality mitigation funds for use on an erosion control project (see letter attached). This project is a high priority within the County's list of erosion control projects. Agency staff has participated in both conceptual design and pre-design meetings and, as a result, is quite familiar with the project. Based on these factors, TRPA staff recommends the release of \$12,394.69 to cover the cost of additional erosion control measures.

### Conditions

1. The County shall use the funds only for the North Martin-Lakeview project.
2. The County shall keep complete records of all funds expended on the project and how they were used. Such records shall be made available for review and audit by the TRPA upon written request.

JB/rdh  
7/16/90

CONSENT CALENDAR ITEM 4



DEPARTMENT OF PUBLIC WORKS

Planning  
Engineering  
Building and Safety  
Regional Transportation  
Building Maintenance  
Parks Maintenance  
Road Maintenance  
Vehicle Maintenance

RECEIVED

BY \_\_\_\_\_

JUL 11 1990

TAHOE REGIONAL  
PLANNING AGENCY

July 9, 1990

Tahoe Regional Planning Agency  
Mr. Jerry Budy, Senior Planner  
P. O. Box 1038  
Zephyr Cove, Nevada 89448-1038

Re: Replacement of North Martin Drive and Lakeview Drive  
TRPA File No. 560-100-89/8, Douglas County

Dear Mr. Budy:

This is to confirm our telephone conversation regarding the use of Douglas County mitigation monies on this project. You approved their use for the cost of the additional erosion control measures (straw bales and filter fabric) required by TRPA. Attached is a copy of the Change Order in the amount of \$2,141.56 for that work. I am requesting reimbursement at this time.

In addition to this amount, the special conditions of the permit require changes to the scope of the work which have significantly increased the cost of the project. Those which have been constructed to date are as follows:

CHANGE ORDER NUMBER	DESCRIPTION	AMOUNT
3	Revise guardrail cost (cor ten)	\$ 3,115.00
6	Stockpile and replace topsoil	\$ 7,063.14
8	Add sand/oil interceptor	\$ 2,216.55
TOTAL		\$12,394.69

I am requesting reimbursement for these payments as well.

Page Two  
Mr. Budy, TRPA  
July 9, 1990

Thank you for your time and assistance in this matter. Please do not hesitate to call me if you have any questions.

Sincerely,



Mark B. Palmer, P.E.  
Acting County Engineer

cc: Dave Ziegler, Executive Director, TRPA  
Jim Hamilton, Assistant Planner, TRPA

MBP/ENTRPA/ks

# TAHOE REGIONAL PLANNING AGENCY

195 U.S. Highway 50  
Round Hill, Zephyr Cove, NV

P.O. Box 1038  
Zephyr Cove, Nevada 89448-1038

(702) 588-4547  
Fax (702) 588-4527

## MEMORANDUM

July 12, 1990

To: Governing Board  
From: TRPA Staff  
Subject: 485 Ward Avenue, Resolution of Enforcement Action,  
Placer County, APN 84-110-10

-----  
Based upon this summary and the attached Notice of Violation and Violation Report (Exhibit A), staff recommends that the Governing Board accept a negotiated settlement between Jeffrey Uldricks (hereinafter Uldricks) and the Tahoe Regional Planning Agency (hereinafter TRPA).

The Notice of Violation and Violation Report references unauthorized construction of a carport, gravel driveway, and gravel parking pad, observed by TRPA staff on October 10, 1989.

The unauthorized construction began and was completed following the return of Uldricks's security deposit on August 8, 1989 for a permitted garage addition on the subject parcel. During the settlement negotiations Uldricks agreed to the following:

1. Pay to TRPA the penalty in the amount of \$2,750.
2. Provide to the TRPA a filing fee of \$125 along with the revised building plans for the carport addition located over the existing driveway.
3. Revegetate the gravelled areas. (The revegetation has been completed as verified by TRPA staff during site visit on July 9, 1990.)

Staff believes the proposed settlement is appropriate for the violation and consistent with past settlements. In accordance with the Guide for Fines, (Exhibit B), the degree of violation is a medium level, permissible activity but not in compliance and the nature of the violation is willful and with gross negligence.

DFS:jsd  
7/11/90

CONSENT CALENDAR ITEM 5



# TAHOE REGIONAL PLANNING AGENCY

195 U.S. Highway 50  
Round Hill, Zephyr Cove, NV

P.O. Box 1038  
Zephyr Cove, Nevada 89448-1038  
CERTIFIED MAIL # P 568 018 934  
DATED RETURN RECEIPT REQUESTED

(702) 588-4547  
Fax (702) 588-4527

January 31, 1990

Jeff Uldricks  
P. O. Box 954  
Tahoe City, CA 95730

Subject: Notice of Violation and Violation Report, Unauthorized Construction  
of Carport and Gravel Driveway and Parking Pad

Dear Mr. Uldricks:

This Notice of Violation and Violation Report is being issued as a result of construction of a carport and gravel driveway and parking pad by you and/or your contractor without a Tahoe Regional Planning Agency (TRPA) permit. This activity constitutes a project and is subject to TRPA review and approval pursuant to section 4.10 of the TRPA Code of Ordinances. The unauthorized construction created impervious land coverage and increased the dimensions of a structure. Pursuant to section 4.3 of the TRPA Code of Ordinances, this activity is not exempt and therefore requires TRPA review and approval.

Chapter IX of the TRPA Rules of Procedure (enclosed) outlines a procedure for resolving violations of the TRPA Compact, Regional Plan, or TRPA permits. This involves notices of violation and violation reports. The content of these items is specified in the Rules and is explained below for your reference:

## Section 9.6      NOTICE OF VIOLATION

### Nature of Violation

While performing project inspections on October 10, 1989, in the Pineland subdivision, Rick Miller, Associate Environmental Specialist, TRPA Environmental Compliance Division, observed unauthorized construction at 485 Ward Avenue. A carport and gravel driveway and parking pad had been constructed. A CEASE AND DESIST ORDER was posted on the property by Mr. Miller at this time.

A permit had been issued on June 4, 1988 by the TRPA for a garage addition on the subject parcel. The construction of the new garage had been completed and on June 12, 1989 a security return final inspection was performed by Jon Paul Kiel, Associate Environmental Specialist, TRPA Environmental Compliance Division. The inspection failed due to insufficient and improperly installed Best Management Practice requirements (BMPs). After two additional re-inspections, by Mr. Kiel on July 17, 1989 and August 1, 1989, the BMPs were declared acceptable. On August 8, 1989, the permittee's \$2,137.69 posted security deposit was refunded.

33

**EXHIBIT A**

The unauthorized construction of the carport, gravel driveway, and parking pad observed by TRPA staff on October 10, 1989, had begun following the return of the permittee's security deposit on August 8, 1989.

Mr. Uldricks, having made application to TRPA before for a garage addition, has been through the project review process. He was issued a permit for the garage addition and therefore is familiar with the TRPA permit process. Nevertheless, shortly after receiving his final security return inspection, Mr. Uldricks proceeded to construct additional improvements upon his property without TRPA or Placer County approval.

#### Correction of the Violation

The intent of the Rules of Procedure, Article IX, is to promote resolution of violations at the administrative level. In keeping with that intent, the resolution section of this letter includes a proposed settlement.

#### Cease and Desist Order

A CEASE AND DESIST ORDER was posted on October 10, 1989 at the subject parcel.

The CEASE AND DESIST ORDER is still in effect and shall remain in effect until withdrawn by TRPA in writing.

#### Show Cause Hearing

A Show Cause Hearing before the TRPA Governing Board has been scheduled for the March 28 and 29, 1990 Governing Board meeting. The Show Cause Hearing will be cancelled if none of the noticed parties respond or if a settlement is reached.

#### Section 9.6 VIOLATION REPORT

(a) Noticed Parties:

Jeff Uldricks, Permittee  
P. O. Box 954  
Tahoe City, CA 95730

(b) Provisions of the Tahoe Regional Planning Compact and the Regional Plan Package violated:

Article VI(b), Tahoe Regional Planning Compact, P.L. 96-551, 94 Stat. 2322 (1980) (copy enclosed)

TRPA Code of Ordinances, Section 4.10 (copy enclosed)

(c) Statement of Facts

On October 10, 1989, at Assessor's Parcel Number (APN) 84-110-10 in Placer County, unpermitted construction was discovered by TRPA staff. A carport extending from the garage and over the driveway had been constructed. A gravel driveway to the west of the residence and a parking pad east of the residence were also constructed. TRPA Code of Ordinances, Section 4.10 was violated (copy enclosed).

(d) Documentary evidence:

Documentary evidence (photographs) are in TRPA's possession and copies will be provided upon request or may be reviewed at the TRPA office.

(e) Proposed Resolution of Enforcement Action

The Tahoe Regional Planning Compact provides for substantial penalties for violations of TRPA ordinances or regulations.

Article VI of the Compact states:

Any person who violates any ordinance or regulation of the Agency is subject to a civil penalty not to exceed \$5,000 and an additional civil penalty not to exceed \$5,000 per day, for each day on which a violation persists. In imposing the penalties authorized by this subdivision, the court shall consider the nature of the violation and shall impose a greater penalty if it was willful or resulted from gross negligence than if it resulted from inadvertence or simple negligence.

As a means of resolving this matter and in accordance with the enclosed "Guide for Fines", TRPA proposes the following resolution:

Payment to TRPA the sum of \$4,000 as a penalty, a complete application, including a double filing fee of \$400, for the carport, and removal and revegetation of the gravel driveway and parking pad areas.

The \$4,000 figure is calculated from the enclosed "Guide for Fines", based on the finding that the carport structure is permissible but not in compliance. The driveway and parking pad exceed the allowable coverage for the parcel and therefore are prohibited. Both activities are mid-level in degree and are willful/gross negligent acts.

(f) Governing Board Show Cause Hearing

A Show Cause Hearing before the TRPA Governing Board is scheduled for the March 28 and 29, 1990 meeting. The meeting commences at 9:30 a.m. and the hearing is not set for a certain time. A resolution of the violation prior to that date or a failure by noticed parties to respond to this notice will cause the Show Cause Hearing to be cancelled. Board action (as a consent calendar item) may be necessary to ratify a settlement of the violation. If you decide to pursue a settlement of the violation and a waiver of the statute of limitations, as outlined under Election to Pursue Settlement, is received by TRPA, the Show Cause Hearing will be stayed pending the outcome of the settlement efforts. Settlement of this matter, by acceptance of the above-proposed resolution or an alternative proposal agreed upon by the parties, is the preferred option.

(g) Response date

A response to this notice must be received by the TRPA or deposited in the U.S. Mail, postage prepaid, addressed to the TRPA, no later than February 26, 1990 (see section 9.8 of the Rules of Procedure for the contents of a response - copy enclosed).

Section 9.10

ELECTION TO PURSUE SETTLEMENT

If the responding party wishes to pursue settlement of the enforcement action, the response to the notice of violation shall contain an express waiver of the statute of limitations in Article VI(j) (4) of the Compact, an acknowledgement that the Show Cause Hearing procedure will be stayed pending the outcome of settlement efforts, and an agreement to comply with the terms of any pending CEASE AND DESIST ORDER. Waiver of the statute of limitations shall be for a definite period of time, but not less than an additional sixty (60) calendar days. An election to pursue settlement shall not relieve the responding party of the requirement to comply with Section 9.9 of these Rules in the event settlement is discontinued.

For your convenience, a waiver form is attached. The waiver must not be for less than an additional sixty calendar days. The statute of limitations in Article VI (j) (4) of the Compact is sixty-five days, therefore the waiver must be effective, at a minimum, up to and including June 10, 1990 (a period of one hundred and twenty-five days from the date of service of this notice).

Jeff Uldricks  
January 31, 1990  
Page Five

Please contact me if you have any questions on this matter.

Sincerely,



Don B. Sargent  
Associate Environmental Specialist

DBS:sd

Enclosures: Waiver of Statute of Limitations  
Public Law 96-551; Tahoe Regional Planning Compact  
Article IX - Compliance Procedures, Rules of Procedure  
Guide for Fines  
Section 4.3, TRPA Code of Ordinances  
Section 4.10, TRPA Code of Ordinances  
Certified Letter Sent to Uldricks, November 8, 1989

cc: Bill Schulze, Placer County Building Department  
Paul Thompson, Placer County Planning Department  
Lahontan Regional Water Quality Control Board  
David Ziegler, TRPA Executive Director  
Jeff Blanck, TRPA Agency Counsel

# TAHOE REGIONAL PLANNING AGENCY

195 U.S. Highway 50  
Round Hill, Zephyr Cove, NV

P.O. Box 1038  
Zephyr Cove, Nevada 89448-1038

(702) 588-4547  
Fax (702) 588-4527

CERTIFIED MAIL # P 568 018 917  
RETURN RECEIPT REQUESTED

November 6, 1989

Jeff Uldricks  
P. O. Box 954  
Tahoe City, CA 95730

Subject: CEASE AND DESIST ORDER, 485 Ward Avenue,  
APN 84-110-10, Placer County

Dear Mr. Uldricks:

This letter is to serve as a formal CEASE AND DESIST ORDER for all construction activities at the subject address. As you are aware a CEASE AND DESIST ORDER was posted October 10, 1989 for the carport and gravel driveway additions to your residence. Our records indicate that a Tahoe Regional Planning Agency (TRPA) permit has not been issued for these activities and therefore represents violations of the TRPA Code of Ordinances.

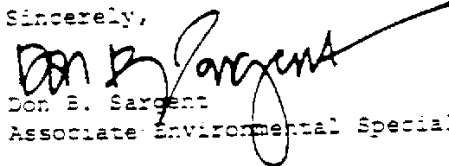
A Notice of Violation and Violation Report is being prepared and will be sent to you when completed. This notice will more specifically state the nature of the violation, the steps necessary to correct the violation, a proposed fine in lieu of civil litigation, and the time within which correction shall occur. The Notice will also state the date on which a Show Cause Hearing before the TRPA Governing Board has been scheduled.

Article VI of the Tahoe Regional Planning Compact states:

Any person who violates any ordinance or regulation of the Agency is subject to a civil penalty not to exceed \$5,000 and an additional civil penalty not to exceed \$5,000 per day, for each day on which a violation persists. In imposing the penalties authorized by this subdivision, the court shall consider the nature of the violation and shall impose a greater penalty if it was willful or resulted from gross negligence than if it resulted from inadvertence or simple negligence.

If you have any further questions concerning this matter, please do not hesitate to contact me.

Sincerely,

  
Don E. Sargent  
Associate Environmental Specialist

DBS:sd

cc: Bill Schulze, Placer County Building Department  
Lahontan Regional Water Quality Control Board

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## GUIDE FOR FINES

<u>Degree of Violation</u>		<u>Nature of Violation</u>		
		Inadvertent	Simple Negligence	Willful/Gross Negligence
		*		
		*		
		*		
Permissible Activity	Minor	*	31.25	62.50
	Major	*	312.50	625.00
		*		125.00
		*		2,500.00
		*		
Permissible Activity But Not In Compliance	Minor	*	62.50	125.00
	Major	*	625.00	1,250.00
		*		250.00
		*		5,000.00
		*		
Prohibited Activity	Minor	*	125.00	250.00
	Major	*	1,250.00	2,500.00
		*		500.00
		*		10,000.00

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## MEMORANDUM

July 16, 1990

To: Governing Board

From: TRPA Staff

Subject: South Tahoe Refuse Company, Resolution of Enforcement Action  
City of South Lake Tahoe. APN 23-311-48, 53 & 69

-----

Based upon this staff summary, staff recommends that the Governing Board accept a negotiated settlement between South Tahoe Refuse Company (STR) and the Tahoe Regional Planning Agency (TRPA). This item is before the Board as a resolution of an enforcement action. The proposed resolution is set forth in the conditions of approval for a proposed garbage compacting unit and includes payment of a \$7,500 fine and compliance with conditions outlined below. The garbage compacting unit can be approved at a TRPA staff level, but it has been TRPA policy that settlements involving fines be approved by the Board. Therefore, only acceptance of the settlement is before the Board. The conditions include the removal of 65,891 square feet of coverage in excess of the authorized land coverage of 92,037 square feet if STR is not successful in their application for a TRPA Code of Ordinance amendment to Chapter 18, Section Definitions, Regional Public Health and Safety Facilities to include "collection stations" as a use category. This amendment would allow the STR collection station to be treated as a regional public health and safety facility, allowing the minimum coverage necessary to achieve the goals of the facility. The proposed amendment will be before the Board at a later date. The conditions also include a water quality improvement plan for the site which includes provisions for containment of all hazardous waste collected on the site, improvement of existing water quality facilities and the addition of water quality facilities where needed.

### BACKGROUND INFORMATION

STR placed unauthorized asphalt and created unauthorized compacted dirt areas on its 200,210 square foot site within the City of South Lake Tahoe. The total existing coverage on the parcel is 157,928 square feet with the total unauthorized coverage (pavement and compacted dirt) being 65,891 square feet of that total. 52,208 square feet of the unauthorized coverage is compacted dirt. The company has used the unauthorized coverage for the storage of dumpsters and vehicles and has widened access roads to better accommodate large trucks.

7/16/90  
SC:jsd

CONSENT CALENDAR ITEM 6



July 17 ,1990

STR

Page Two

STR is the franchise holder for domestic and commercial garbage collection within the City of South Lake Tahoe and the Tahoe Region portions of El Dorado and Douglas counties. As the population base of these areas have grown, so has the garbage collection service base, creating increased volume demands and triggering a corresponding demand for storage space. STR chose to enlarge vehicle parking areas, widen access roads, and create large dirt storage areas for dumpsters, debris, trucks and other materials associated with their garbage collection service. These actions were taken over a period of years and without the benefit of TRPA permits.

As stated above, STR has applied for a permit to construct a garbage compacting unit on their property. This unit would be in addition to a compacting unit presently on the site. The increased collection demands of their service area, as outlined above, have created the need for the compacting unit. This application can be reviewed, and if appropriate, approved at TRPA staff level.

#### PROPOSED RESOLUTION

Following negotiations with TRPA staff, STR has agreed to the following conditions of approval placed on the garbage compacting unit:

1. Prior to commencement of construction, the permittee shall pay a fine in the amount of \$7,500 to the TRPA. Payment of said fine shall not be deemed to have resolved the unauthorized land coverage violation. Resolution of the land coverage violation is addressed in Conditions 4, 5, 6 and 7 below.
2. Prior to commencement of construction, the applicant shall submit to the TRPA a security in the amount of \$54,100. Said security shall not be released until all conditions of this permit are fully satisfied, including, but not limited to, removal of all unauthorized land coverage, if required.
3. The applicant shall diligently pursue the adoption of a TRPA Code of Ordinance amendment to Chapter 18, Section 18.4 Definitions, Regional Public Health and Safety Facilities to include, "collection station".
4. In the event that the Code amendment referenced in Condition #3, above, is approved within 30 days from the date of this permit, the applicant shall submit no later than 30 days from the date of Code amendment approval, a complete application for authorization of land coverage in excess of the authorized land coverage of 92,037 square feet.

5. In the event that the subject Code amendment is not approved, the applicant shall submit plans for the removal and restoration of all areas of unauthorized land coverage. Said plans shall be submitted within 30 days from the date of an action by the TRPA to deny the subject Code amendment or by May 1, 1991, whichever is earlier.
6. By July 1, 1991, the applicant shall either remove and restore all areas of unauthorized land coverage or acquire and transfer all coverage necessary to mitigate all approved land coverage over the all base allowable land coverage within the project area. In the event, due to circumstances beyond the control of the applicant, that it is determined that the excess land coverage will not be mitigated or removed by July 1, 1991, the applicant and TRPA shall meet prior to July 1, 1991 to evaluate a revised schedule for compliance. In no event shall the TRPA extend the deadline unless good cause for such extension is demonstrated by the applicant.
7. Within 90 days from the resolution of the excess land coverage violation, the applicant shall submit a water quality improvement plan for the entire project area. Said plan shall be designed in accordance with the Handbook of Best Management Practices and shall include provisions for the containment of all hazardous waste collected on the site. Said plan shall also include provisions for the improvement of all existing water quality facilities. Said water quality improvement plan shall be implemented no later than October 15, 1991.
8. Within 60 days from the date of this approval, the applicant shall legally merge or deed restrict Assessor's Parcels 23-311-48, 53 and 69 such that land coverage calculations and use for the parcels shall always be made as if the parcels had been legally merged.
9. Prior to commencement of construction, the applicant shall pay an excess coverage mitigation fee to the TRPA. Excess coverage shall be the difference between the previously authorized land coverage (92,037 square feet) and allowable base coverage.

Staff has determined that the \$7500 penalty and the additional work to bring the site into conformance is consistent with past resolutions of enforcement actions. In accordance with the Guide for Fines (Exhibit A) staff has determined that the degree of violation is a major prohibited activity and the nature of violation is Willfull/Gross Negligence.

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## GUIDE FOR FINES

<u>Degree of Violation</u>		<u>Nature of Violation</u>		
		*	Simple Negligence	Willful/Gross Negligence
		*	Inadvertent	
		*		
Permissible Activity	Minor	*	31.25	62.50
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		*		
Permissible Activity But Not In Compliance	Minor	*	62.50	125.00
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		*		250.00
		*		5,000.00
		*		
Prohibited Activity	Minor	*	125.00	250.00
	Major	*	1,250.00	2,500.00
		*		500.00
		*		10,000.00

TAHOE REGIONAL PLANNING AGENCY  
STAFF SUMMARY

Project Name: Johnson/Lundquist Pier Expansion.

Application Type: Shorezone/Recognition of Multiple-Use.

Applicant: Brian Johnson and Weyman Lundquist.

Applicant's Representative: Vail Engineering.

Agency Planner: Lyn Barnett.

Location: 5480 and 5460 West Lake Blvd., Placer County.

Assessor's Parcel Number/ Project Number: 97-164-04 & 05.

Project Description: The applicants propose to relocate and extend an existing 11 foot residential pier by 109 feet and install two low-level boatlifts.

Site Description: This area of foreshore contains scattered small cobbles. One single family dwelling is located on each of the adjacent littoral parcels.

Issues: The proposed project involves the expansion of a non-conforming multiple-use pier (based on fish habitat) and therefore requires Governing Board review in accordance with Chapter 4, Appendix A, of the TRPA Code.

Staff Analysis:

- A. Environmental Documentation: The applicant has completed an I.E.C. (Initial Environmental Checklist) and Environmental Assessment in order to assess the following environmental issues: water quality, littoral processes, fisheries and fish habitat, backshore stability, on-shore wildlife habitat, and Tahoe Yellow Cress, Rorippa subumbellata, habitat evaluation. No significant environmental impacts were identified and staff has concluded that the project will not have a significant effect on the environment. A copy of the IEC and EA will be made available at the Governing Board hearing and at TRPA.
- B. Plan Area Statement: The project is located within Plan Area 158, McKinney Tract. The Land Use Classification is Residential and the Management Strategy is Mitigation. Agency staff has reviewed the Plan Area Statement and has determined that the project is consistent with the applicable planning statement, planning considerations and special policies. The proposed activity is designated as an allowed use in this Plan Area.

LB/smc  
6/29/90

CONSENT CALENDAR ITEM 7

C. Land Coverage:

1. Land Capability District:

The mapped land capability of the project area is class 5 and backshore for both parcels. The total project area is approximately 31,500 square feet in size. (20,700 square feet for APN 97-164-04, and 10,800 square feet for APN 97-161-05.)

<u>Existing Coverage:</u>		<u>APN 97-164-64</u>	<u>APN 97-164-05</u>
Buildings	2,980 square feet		1,540 square feet
Dirt Drive	3,840 square feet	Paving:	3,300 square feet
Other	<u>720 square feet</u>		<u>830 square feet</u>
TOTAL:	7,540 square feet		5,670 square feet

3. Proposed Coverage:

Buildings	2,980 square feet		1,540 square feet
Dirt Drive	3,840 square feet	Paving:	3,300 square feet
Other	<u>720 square feet</u>		<u>830 square feet</u>
TOTAL:	7,540 square feet		5,670 square feet

4. Allowed Coverage: To be determined based upon submittal of the final plans which will delineate land capability district 5 and backshore areas and their respective coverages.

5. Coverage Mitigation: The applicants shall be required to mitigate any excess land coverage pursuant to Section 20.5.A(3) of the TRPA Code. No increase in land coverage will occur as a result of this project.

- D. Pier Height: The existing and proposed pier deck elevation is 6,231 feet, Lake Tahoe Datum. The two low-level boatlifts will extend four feet above the pier deck elevation. This is consistent with Section 54.4.B(2) of the TRPA Code.
- E. Shorezone Tolerance District: The subject parcel is located within Shorezone Tolerance District 7. The project, as conditioned, complies with the shorezone tolerance district standards.
- F. Location Standards for Piers: The applicants propose that TRPA waive the five foot setback standard from parcel lines as permitted for existing multiple-use piers recognized by the Governing Board. The multiple-use pier will be located across the applicants' parcel lines when extended lakeward perpendicular to the shore.
- G. Recognition of Multiple-Use Facility. By approving the project, the TRPA Governing Board shall be recognizing the facility as multiple-use. The pier shall be jointly utilized by the owners of the two subject parcels (APNs 97-164-04 and 05). Each parcel owner shall have physical access to the pier.

H. Required Findings: The following is a list of the required findings as set forth in Chapters 6, 50, and 52 of the TRPA Code of Ordinances. Following each finding, Agency staff has briefly summarized the evidence on which the required finding may be made.

1. The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and Maps, the Code and other TRPA plans and programs.
  - a. Land Use: The applicants will be required to apply BMPs to the project area. This project will not affect the allowed land use on this site. Residential piers are allowed accessory structures in the Plan Area for these properties.
  - b. Transportation: This pier will not adversely impact transportation in the Lake Tahoe Basin. Piers located within the limits of the TRPA-approved pierhead line have been determined not to pose a threat to navigation.
  - c. Conservation: The project, as conditioned, is consistent with the fisheries, shorezone, and scenic subelements of the Conservation Element of the Goals and Policies. The project is located in Scenic Shoreline Unit 12 which has an acceptable scenic rating. The pier location, color and design will not degrade the shoreline scenic rating. Fisheries are discussed further in finding 4, below.
  - d. Recreation: This project will not adversely impact public recreation on Lake Tahoe. In addition, the project will not interfere with public access along the shoreline and is consistent with the Recreation Element of the Goals and Policies.
  - e. Public Services and Facilities: This project does not affect public services or facilities in the Lake Tahoe Basin.
  - f. Implementation: This project is consistent with the Implementation Element of the Goals and Policies.
2. The project will not cause the environmental threshold carrying capacities to be exceeded.

The basis for this finding is provided on the checklist entitled "Checklist: Article V(g) Findings" in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Governing Board hearing and at TRPA.

3. Wherever Federal, State, or local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(d) of the TRPA Compact, the project meets or exceeds such standards.

(Refer to paragraph 2, above.)

4. This project will not adversely impact: (1) littoral processes; (2) fish spawning; (3) backshore stability; and (4) on-shore wildlife habitat, including wildfowl nesting areas.

The proposed pier will be more than 90 percent open (single-piling design) and based on the EA, TRPA staff has determined that the project, as conditioned, will not impact fish habitat, littoral processes, backshore stability, or any on-shore wildlife habitat.

5. There are sufficient accessory facilities to accommodate the project.

The project is an accessory structure to an allowed use and the primary use facilities are capable of accommodating the proposed project.

6. The project is compatible with existing shorezone and lakezone uses or structures on, or in the immediate vicinity of, the littoral parcel; or that modifications of such existing uses or structures will be undertaken to assure compatibility.

The project is a compatible accessory use to an allowed use and is compatible with other accessory uses (piers) in the vicinity.

7. The use proposed in the foreshore or nearshore is water-dependent.

This pier is located in the foreshore and nearshore of Lake Tahoe and is water-dependent.

8. Measures will be taken to prevent spills or discharges of hazardous materials.

This approval prohibits the use of wood preservatives on wood in contact with the water. Storage of hazardous materials will not be allowed on the pier. Spray painting and the use of tributyltin (TBT) will be prohibited.

9. Construction and access techniques will be used to minimize disturbance to ground and vegetation.

The applicant shall not be permitted to store construction materials on the beach. Extension of the pier and installation of the boatlift will be via barge from Lake Tahoe. Disturbance to ground or vegetation shall be prohibited.

10. The project will not adversely impact navigation or create a threat to public safety as determined by those agencies with jurisdiction over a lake's navigable waters.

The pier will not extend beyond TRPA's pierhead line and will not impact navigation on Lake Tahoe, or create a threat to public safety. This project must also be reviewed by the California State Lands

Commission, Placer County, and the U.S. Army Corps of Engineers. These agencies make their own public safety findings.

11. TRPA has solicited comments from those public agencies having jurisdiction over the nearshore and foreshore and all such comments received were considered by TRPA prior to action being taken on this project.

This project must receive approval from the California State Lands Commission, the U.S. Army Corps of Engineers, and California Fish and Game prior to TRPA acknowledgment of the permit. Comments from the above agencies were solicited as part of the review of this project. No adverse comments were received from any of the above agencies.

12. The structure does not cause significant shoreline erosion or interference with sediment transport.

On-site review indicates no buildup of sediments in the proximity of the existing structure and based on information contained in the Environmental Assessment, the extension of the pier and installation of the boatlift will not degrade the existing situation.

13. The project is in compliance with the scenic threshold.

Based upon an on-site review the changes proposed will have an insignificant effect on views from Lake Tahoe.

14. The structure has not been unserviceable for more than five years.

The structure has been continually serviceable, but low Lake levels have made the pier unusable.

15. The project does not increase the extent to which the structure does not comply with the development standards.

The project involves the repair of a nonconforming pier (based on fish habitat) and does not increase the extent to which the structure does not comply with the development standards.

16. The expansion complies with all applicable standards.

The pier extension and boatlift installation comply with all applicable standards. These standards include the length standard for piers (54.4.A(4)), the setback standard for piers (54.4.A(5)), and the 90 percent open foundation standard for piers (54.4.B(3)). Code Interpretation 1988-4 clarifies Section 52.3.G(1), (2), and (3) to state that expansions of existing structures must comply with all development standards with the possible exception of the placement standards pertaining to stream inlets and fish habitat areas. The project is located in a fish spawning habitat, but staff has determined, based on the Environmental Assessment, that the placement standard for fish habitat areas is not applicable.



17. The project complies with the requirements to install BMPs as set forth in Chapter 25.

Conditions of approval insure that all required BMPs will be installed.

18. The project complies with the design standards in Section 53.10.

The proposed pier extension, as conditioned, shall be composed of non-glare earth tone or wood tone materials to minimize reflectivity.

- I. Required Actions and Findings: Agency staff recommends that the Governing Board approve the project by making the following motions and findings based on this staff summary and the evidence contained in the record:

I. A motion based on this staff summary, for the findings contained in Section H above, and a finding of no significant environmental effect.

II. A motion to approve the project, based on the staff summary, subject to the following conditions:

1. The Standard Conditions of Approval listed in Attachment S.

2. Prior to commencement of construction the following special conditions of approval must be satisfied.

a. The site plan shall include:

(1) The following land coverage calculations:

(i) Allowable land coverage for each land capability district 5 (including backshore area).

(ii) Existing land coverage for each land capability district 5 (including backshore area).

(2) Land capability district and backshore boundaries.

(3) A note indicating that all barren areas and areas disturbed by construction shall be revegetated in accordance with the TRPA Handbook of Best Management Practices. Application of a mulch may enhance vegetative establishment.

(4) Temporary erosion control structures located downslope of the proposed construction area during permanent BMP installation of the upland property.

(5) Vegetation protective fencing around the entire construction site during permanent BMP installation of the upland property.

b. The security required under Standard Condition A.3 of Attachment S shall be determined upon the applicant's

submittal of the required Best Management Practices plan and related cost estimate. Please see Attachment J, Security Procedures.

- c. The applicant shall submit plans, cost estimates and an installation schedule for the installation of all required water quality improvements (BMPs) for the entire project area. All required BMPs outside of the construction site boundary up to a minimum of five percent of the estimated construction cost of the project, as well as all required BMPs inside the construction boundary, shall be installed prior to project completion. The balance of the required BMPs shall be installed as follows: At least 50 percent of the BMPs shall be installed within five years and 100 percent within ten years, as determined by an estimate of the cost of the BMPs.
- d. The final construction drawings shall have notes indicating conformance to the following design standards for color:
  - (1) Color: The color of this structure 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, umber and sand.
- e. Final construction drawings shall conform to all the applicable design standards of Section 54.4.B, TRPA Code of Ordinances, and all other applicable TRPA design standards.
- f. The applicants shall submit a pier mitigation fee of \$3,850 for the construction of 95 feet of new pier and installation of two low-level boatlifts.
- g. The applicant shall submit a construction schedule prior to commencement of construction. This schedule shall identify dates for the following: when installation of temporary erosion control structures and turbidity screens will occur; when construction will start; when construction slash and debris will be removed; when installation of all permanent erosion control structures will occur; and when construction will be completed.
- h. The applicant shall obtain all required approvals from the U.S. Army Corps of Engineers, California Department of Fish and Game, and the California State Lands Commission for this project.
- i. Final construction drawings shall have notes containing the following information:

- (i) All work on the pier extension shall be performed by a rubber-tired barge from the lake.
  - (ii) All construction work shall be restricted to the existing and proposed pier "footprint". Footprint of the pier shall be defined as that area directly below the pier.
  - (iii) Any lake bottom disturbance shall be corrected using handrollers to reconsolidate any disturbed shorezone sediments.
  - (iv) All disturbed lake bottom cobbles shall be returned to their natural state, preferably in a contiguous manner consistent with the natural setting, not stacked.
  - (v) The removal and installation of all pier pilings shall utilize cassettes. Disturbed sediment and turbidity shall be allowed to settle before removal of any cassette.
  - (vi) Tarps shall be placed under the pier during construction to prevent falling debris from entering the lake.
  - (vii) Storage of construction materials shall be prohibited on the beach or within 50 feet of the beach bluff.
- j. The applicant shall submit 3 sets of final pier construction drawings and upland site plans to TRPA.
3. Fertilizer use on this property shall be managed to include the appropriate type of fertilizer, rate, and frequency of application to avoid release of excess nutrients and minimize use of fertilizer.
  4. No trees shall be removed or trimmed for view enhancement purposes without prior TRPA written approval.
  5. The adequacy of all required BMPs as shown on the final construction plans shall be confirmed at the time of the TRPA pre-grading inspection. Any required modifications, as determined by TRPA, shall be incorporated into the project permit at that time.
  6. 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.

7. The use of wood preservatives on wood in contact with the water is prohibited and extreme care shall be taken to insure that wood preservatives are not introduced into Lake Tahoe. Spray painting and the use of tributyltin is prohibited.
8. Disturbance of the lake bed materials shall be kept to the minimum necessary for project construction.
9. Best practical control technology shall be employed to prevent earthen materials to be resuspended as a result of pier construction and from being transported to adjacent lake waters. The applicant shall install a turbidity screen around the entire construction site (in the water) prior to construction. This screen may be removed upon project completion only upon a satisfactory inspection by TRPA to insure that all suspended materials have settled.
10. 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.
11. This structure shall not extend beyond the pierhead line as indicated on official TRPA maps (420 feet lakeward of the highwater line for this property).
12. No containers of fuel, paint, or other hazardous materials may be stored on the pier.
13. Gravel, cobble, or small boulders shall not be disturbed or removed to leave exposed sandy areas, before, during, or after construction.
14. Only the boulders designated on the site plan to be moved shall be moved. Boulders shall be moved to an approved location.
15. All construction activity shall take place during the non-spawning season, between July 1 and October 1.
16. The applicant shall submit post-construction photos within 30 days of the project completion date, demonstrating any resultant impacts to scenic quality as viewed from 300 feet from shore looking landward and to lake bottom conditions as viewed from the subject parcel.
17. Any lake bottom areas disturbed as a result of construction shall be returned to their natural state.
18. No trees or other plants shall be removed to provide foot or vehicular access to the pier during or after the project construction.

19. Any Rorripa subumbellata plants identified onsite shall be located, fenced and flagged with vegetative protection fencing to avoid disturbance during construction.
20. No raking of the beach or shoreline shall be allowed before, during, or after construction.
21. There shall be no removal or relocation of native plants, unless under the direction of a qualified botanist recognized by the California State Lands Commission and/or California Department of Fish and Game.



TAHOE REGIONAL PLANNING AGENCY  
STAFF SUMMARY

Project Name: Lyons/Hawkins Pier Expansion.

Application Type: Shorezone/Recognition of Multiple-Use.

Applicant: Michael Lyons and William Hawkins.

Applicant's Representative: Vail Engineering.

Agency Planner: Lyn Barnett.

Location: 5620 & 5650 West Lake Blvd., Placer County.

Assessor's Parcel Number/ Project Number: 97-182-07 & 08.

Project Description: The applicants propose to extend an existing 88 foot residential pier by 17 feet and install two low-level boatlifts.

Site Description: This area of foreshore contains scattered small cobbles. One single family dwelling is located on each of the adjacent littoral parcels.

Issues: The proposed project involves the expansion of a non-conforming multiple-use pier (based on fish habitat) and therefore requires Governing Board review in accordance with Chapter 4, Appendix A, of the TRPA Code.

Staff Analysis:

- A. Environmental Documentation: The applicant has completed an I.E.C. (Initial Environmental Checklist) and Environmental Assessment in order to assess the following environmental issues: water quality, littoral processes, fisheries and fish habitat, backshore stability, on-shore wildlife habitat, and Tahoe Yellow Cress, Rorippa subumbellata, habitat evaluation. No significant environmental impacts were identified and staff has concluded that the project will not have a significant effect on the environment. A copy of the IEC and EA will be made available at the Governing Board hearing and at TRPA.
- B. Plan Area Statement: The project is located within Plan Area 158, McKinney Tract. The Land Use Classification is Residential and the Management Strategy is Mitigation. Agency staff has reviewed the Plan Area Statement and has determined that the project is consistent with the applicable planning statement, planning considerations and special policies. The proposed activity is designated as an allowed use in this Plan Area.

LB/smc  
7/9/90

CONSENT CALENDAR ITEM 8

C. Land Coverage:

1. Land Capability District:

The mapped land capability of the project area is class 5 and backshore for both parcels. The total project area is approximately 28,300 square feet in size. (15,600 square feet for APN 97-182-07, and 12,700 square feet for APN 97-182-08.)

2. <u>Existing Coverage:</u>	<u>APN 97-182-07</u>	<u>APN 97-182-08</u>
Buildings	1,570 square feet	2,680 square feet
Paving	1,850 square feet	1,345 square feet
Other	<u>1,980 square feet</u>	<u>1,020 square feet</u>
TOTAL:	5,400 square feet	5,045 square feet

3. Proposed Coverage:

Buildings	1,570 square feet	2,680 square feet
Paving	1,850 square feet	1,345 square feet
Other	<u>1,980 square feet</u>	<u>1,020 square feet</u>
TOTAL:	5,400 square feet	5,045 square feet

4. Allowed Coverage: To be determined based upon submittal of the final plans which will delineate land capability district 5 and backshore areas and their respective coverages.

5. Coverage Mitigation: The applicants shall be required to mitigate any excess land coverage pursuant to Section 20.5.A(3) of the TRPA Code. No increase in land coverage will occur as a result of this project.

D. Pier Height: The existing and proposed pier deck elevation is 6,231 feet, Lake Tahoe Datum. The two low-level boatlifts will extend four feet above the pier deck elevation. This is consistent with Section 54.4.B(2) of the TRPA Code.

E. Shorezone Tolerance District: The subject parcel is located within Shorezone Tolerance District 7. The project, as conditioned, complies with the shorezone tolerance district standards.

F. Location Standards for Piers: The applicants propose that TRPA waive the five foot setback standard from parcel lines as permitted for existing multiple-use piers recognized by the Governing Board. The multiple-use pier will be located across the applicants' parcel lines when extended lakeward perpendicular to the shore.

G. Recognition of Multiple-Use Facility. By approving the project, the TRPA Governing Board shall be recognizing the facility as multiple-use. The pier shall be jointly utilized by the owners of the two subject parcels (APNs 97-182-07 and 08). Each parcel owner shall have physical access to the pier.



H. Required Findings: The following is a list of the required findings as set forth in Chapters 6, 50, and 52 of the TRPA Code of Ordinances. Following each finding, Agency staff has briefly summarized the evidence on which the required finding may be made.

1. The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and Maps, the Code and other TRPA plans and programs.
  - a. Land Use: The applicants will be required to apply BMPs to the project area. This project will not affect the allowed land use on this site. Residential piers are allowed accessory structures in the Plan Area for these properties.
  - b. Transportation: This pier will not adversely impact transportation in the Lake Tahoe Basin. Piers located within the limits of the TRPA-approved pierhead line have been determined not to pose a threat to navigation.
  - c. Conservation: The project, as conditioned, is consistent with the fisheries, shorezone, and scenic subelements of the Conservation Element of the Goals and Policies. The project is located in Scenic Shoreline Unit 12 which has an acceptable scenic rating. The pier location, color and design will not degrade the shoreline scenic rating. Fisheries are discussed further in finding 4, below.
  - d. Recreation: This project will not adversely impact public recreation on Lake Tahoe. In addition, the project will not interfere with public access along the shoreline and is consistent with the Recreation Element of the Goals and Policies.
  - e. Public Services and Facilities: This project does not affect public services or facilities in the Lake Tahoe Basin.
  - f. Implementation: This project is consistent with the Implementation Element of the Goals and Policies.
2. The project will not cause the environmental threshold carrying capacities to be exceeded.

The basis for this finding is provided on the checklist entitled "Checklist: Article V(g) Findings" in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Governing Board hearing and at TRPA.

3. Wherever Federal, State, or local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(d) of the TRPA Compact, the project meets or exceeds such standards.

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(Refer to paragraph 2, above.)

4. This project will not adversely impact: (1) littoral processes; (2) fish spawning; (3) backshore stability; and (4) on-shore wildlife habitat, including wildfowl nesting areas.

The proposed pier will be more than 90 percent open (single-piling design) and based on the EA, TRPA staff has determined that the project, as conditioned, will not impact fish habitat, littoral processes, backshore stability, or any on-shore wildlife habitat.

5. There are sufficient accessory facilities to accommodate the project.

The project is an accessory structure to an allowed use and the primary use facilities are capable of accommodating the proposed project.

6. The project is compatible with existing shorezone and lakezone uses or structures on, or in the immediate vicinity of, the littoral parcel; or that modifications of such existing uses or structures will be undertaken to assure compatibility.

The project is a compatible accessory use to an allowed use and is compatible with other accessory uses (piers) in the vicinity.

7. The use proposed in the foreshore or nearshore is water-dependent.

This pier is located in the foreshore and nearshore of Lake Tahoe and is water-dependent.

8. Measures will be taken to prevent spills or discharges of hazardous materials.

This approval prohibits the use of wood preservatives on wood in contact with the water. Storage of hazardous materials will not be allowed on the pier. Spray painting and the use of tributyltin (TBT) will be prohibited.

9. Construction and access techniques will be used to minimize disturbance to ground and vegetation.

The applicant shall not be permitted to store construction materials on the beach. Extension of the pier and installation of the boatlift will be via barge from Lake Tahoe. Disturbance to ground or vegetation shall be prohibited.

10. The project will not adversely impact navigation or create a threat to public safety as determined by those agencies with jurisdiction over a lake's navigable waters.

The pier will not extend beyond TRPA's pierhead line and will not impact navigation on Lake Tahoe, or create a threat to public safety. This project must also be reviewed by the California State Lands

Commission, Placer County, and the U.S. Army Corps of Engineers. These agencies make their own public safety findings.

11. TRPA has solicited comments from those public agencies having jurisdiction over the nearshore and foreshore and all such comments received were considered by TRPA prior to action being taken on this project.

This project must receive approval from the California State Lands Commission, the U.S. Army Corps of Engineers, and California Fish and Game prior to TRPA acknowledgment of the permit. Comments from the above agencies were solicited as part of the review of this project. No adverse comments were received from any of the above agencies.

12. The structure does not cause significant shoreline erosion or interference with sediment transport.

On-site review indicates no buildup of sediments in the proximity of the existing structure and based on information contained in the Environmental Assessment, the extension of the pier and installation of the boatlifts will not degrade the existing situation.

13. The project is in compliance with the scenic threshold.

Based upon an on-site review the changes proposed will have an insignificant effect on views from Lake Tahoe.

14. The structure has not been unserviceable for more than five years.

The structure has been continually serviceable, but low Lake levels have made the pier unusable.

15. The project does not increase the extent to which the structure does not comply with the development standards.

The project involves the repair of a nonconforming pier (based on fish habitat) and does not increase the extent to which the structure does not comply with the development standards.

16. The expansion complies with all applicable standards.

The pier extension and boatlift installation comply with all applicable standards. These standards include the length standard for piers (54.4.A(4)), the setback standard for piers (54.4.A(5)), and the 90 percent open foundation standard for piers (54.4.B(3)). Code Interpretation 1988-4 clarifies Section 52.3.G(1), (2), and (3) to state that expansions of existing structures must comply with all development standards with the possible exception of the placement standards pertaining to stream inlets and fish habitat areas. The project is located in a fish spawning habitat, but staff has determined, based on the Environmental Assessment, that the placement standard for fish habitat areas is not applicable.

17. The project complies with the requirements to install BMPs as set forth in Chapter 25.

Conditions of approval insure that all required BMPs will be installed.

18. The project complies with the design standards in Section 53.10.

The proposed pier extension, as conditioned, shall be composed of non-glare earth tone or wood tone materials to minimize reflectivity.

- I. Required Actions and Findings: Agency staff recommends that the Governing Board approve the project by making the following motions and findings based on this staff summary and the evidence contained in the record:

I. A motion based on this staff summary, for the findings contained in Section H above, and a finding of no significant environmental effect.

II. A motion to approve the project, based on the staff summary, subject to the following conditions:

1. The Standard Conditions of Approval listed in Attachment S.

2. Prior to commencement of construction the following special conditions of approval must be satisfied.

a. The site plan shall include:

(1) The following land coverage calculations:

(i) Allowable land coverage for each land capability district 5 (including backshore area).

(ii) Existing land coverage for each land capability district 5 (including backshore area).

(2) Land capability district and backshore boundaries.

(3) A note indicating that all barren areas and areas disturbed by construction shall be revegetated in accordance with the TRPA Handbook of Best Management Practices. Application of a mulch may enhance vegetative establishment.

(4) Temporary erosion control structures located downslope of the proposed construction area during permanent BMP installation of the upland property.

(5) Vegetation protective fencing around the entire construction site during permanent BMP installation of the upland property.

b. The security required under Standard Condition A.3 of Attachment S shall be determined upon the applicant's

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submittal of the required Best Management Practices plan and related cost estimate. Please see Attachment J, Security Procedures.

- c. The applicant shall submit plans, cost estimates and an installation schedule for the installation of all required water quality improvements (BMPs) for the entire project area. All required BMPs outside of the construction site boundary up to a minimum of five percent of the estimated construction cost of the project, as well as all required BMPs inside the construction boundary, shall be installed prior to project completion. The balance of the required BMPs shall be installed as follows: At least 50 percent of the BMPs shall be installed within five years and 100 percent within ten years, as determined by an estimate of the cost of the BMPs.
- d. The final construction drawings shall have notes indicating conformance to the following design standards for color:
  - (1) Color: The color of this structure 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, umber and sand.
- e. Final construction drawings shall conform to all the applicable design standards of Section 54.4.B, TRPA Code of Ordinances, and all other applicable TRPA design standards.
- f. The applicants shall submit a pier mitigation fee of \$1,510 for the construction of 17 feet of new pier and installation of two low-level boatlifts.
- g. The applicant shall submit a construction schedule prior to commencement of construction. This schedule shall identify dates for the following: when installation of temporary erosion control structures and turbidity screens will occur; when construction will start; when construction slash and debris will be removed; when installation of all permanent erosion control structures will occur; and when construction will be completed.
- h. The applicant shall obtain all required approvals from the U.S. Army Corps of Engineers, California Department of Fish and Game, and the California State Lands Commission for this project.
- i. Final construction drawings shall have notes containing the following information:

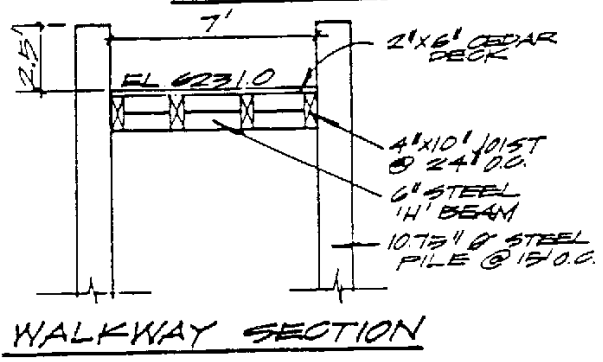
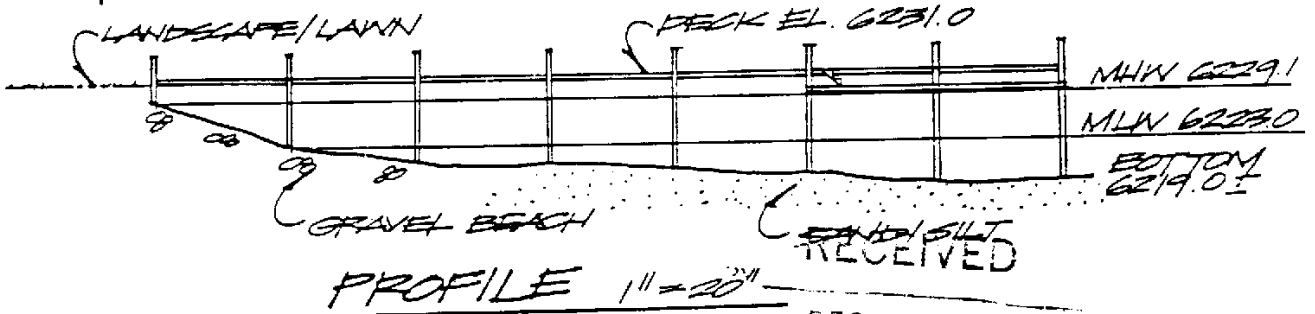
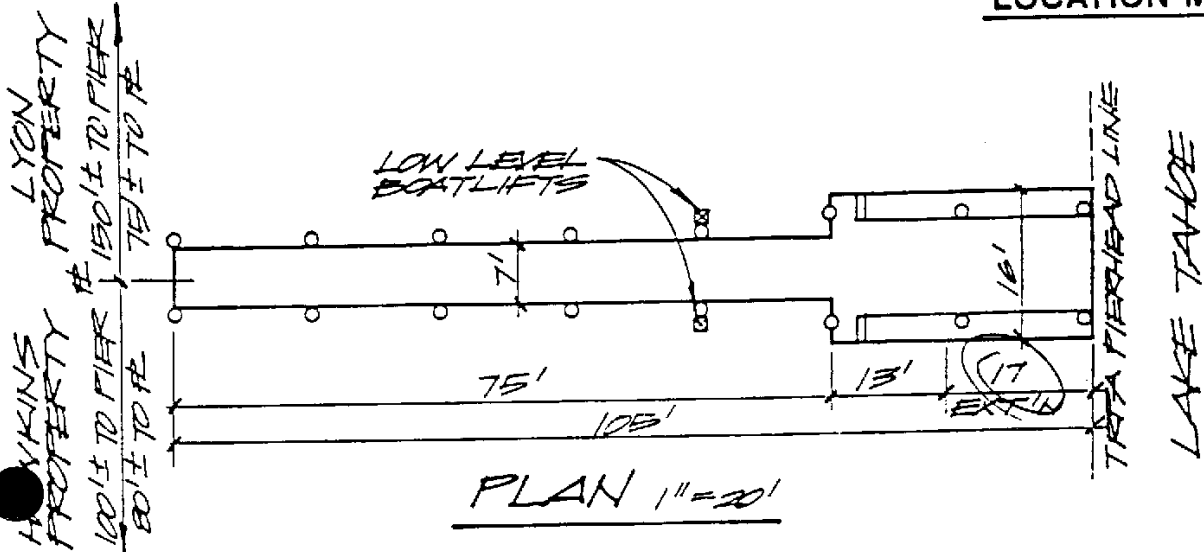
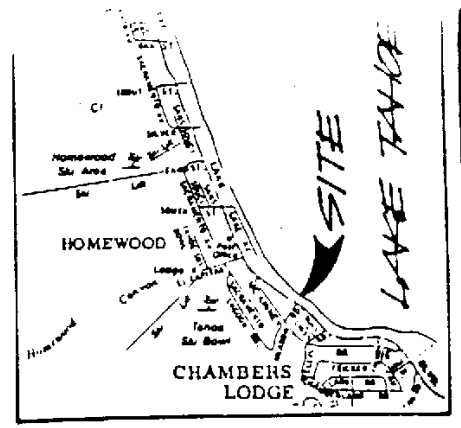
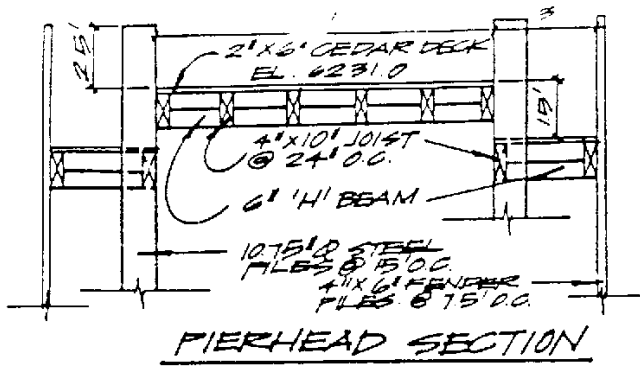
- (i) All work on the pier extension shall be performed by a rubber-tired barge from the lake.
  - (ii) All construction work shall be restricted to the existing and proposed pier "footprint". Footprint of the pier shall be defined as that area directly below the pier.
  - (iii) Any lake bottom disturbance shall be corrected using handrollers to reconsolidate any disturbed shorezone sediments.
  - (iv) All disturbed lake bottom cobbles shall be returned to their natural state, preferably in a contiguous manner consistent with the natural setting, not stacked.
  - (v) The removal and installation of all pier pilings shall utilize casons. Disturbed sediment and turbidity shall be allowed to settle before removal of any cason.
  - (vi) Tarps shall be placed under the pier during construction to prevent falling debris from entering the lake.
  - (vii) Storage of construction materials shall be prohibited on the beach or within 50 feet of the beach bluff.
- j. The applicant shall submit 3 sets of final pier construction drawings and upland site plans to TRPA.
3. Fertilizer use on this property shall be managed to include the appropriate type of fertilizer, rate, and frequency of application to avoid release of excess nutrients and minimize use of fertilizer.
  4. No trees shall be removed or trimmed for view enhancement purposes without prior TRPA written approval.
  5. The adequacy of all required BMPs as shown on the final construction plans shall be confirmed at the time of the TRPA pre-grading inspection. Any required modifications, as determined by TRPA, shall be incorporated into the project permit at that time.
  6. 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.

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7. The use of wood preservatives on wood in contact with the water is prohibited and extreme care shall be taken to insure that wood preservatives are not introduced into Lake Tahoe. Spray painting and the use of tributyltin is prohibited.
8. Disturbance of the lake bed materials shall be kept to the minimum necessary for project construction.
9. Best practical control technology shall be employed to prevent earthen materials to be resuspended as a result of pier construction and from being transported to adjacent lake waters. The applicant shall install a turbidity screen around the entire construction site (in the water) prior to construction. This screen may be removed upon project completion only upon a satisfactory inspection by TRPA to insure that all suspended materials have settled.
10. 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.
11. This structure shall not extend beyond the pierhead line as indicated on official TRPA maps.
12. No containers of fuel, paint, or other hazardous materials may be stored on the pier.
13. Gravel, cobble, or small boulders shall not be disturbed or removed to leave exposed sandy areas, before, during, or after construction.
14. Only the boulders designated on the site plan to be moved shall be moved. Boulders shall be moved to an approved location.
15. All construction activity shall take place during the non-spawning season, between July 1 and October 1.
16. The applicant shall submit post-construction photos within 30 days of the project completion date, demonstrating any resultant impacts to scenic quality as viewed from 300 feet from shore looking landward and to lake bottom conditions as viewed from the subject parcel.
17. Any lake bottom areas disturbed as a result of construction shall be returned to their natural state.
18. No trees or other plants shall be removed to provide foot or vehicular access to the pier during or after the project construction.

19. Any Rorripa subumbellata plants identified onsite shall be located, fenced and flagged with vegetative protection fencing to avoid disturbance during construction.
20. No raking of the beach or shoreline shall be allowed before, during, or after construction.
21. There shall be no removal or relocation of native plants, unless under the direction of a qualified botanist recognized by the California State Lands Commission and/or California Department of Fish and Game.





DEC 15 1988  
 65.  
 TAHOE REGIONAL  
 PLANNING

**EXISTING PIER REPAIR/  
 EXTENSION/BOATLIFTS  
 LYON/HAWKINS PROPERTY  
 5620/5650 W. LAKE BLVD  
 HOMEWOOD AREA  
 PLACER COUNTY, CA  
 APN: 97-182-07, 08  
 NOVEMBER 1988**

**RAYMOND VAIL AND ASSOCIATES**  
 ENGINEERING • PLANNING • ARCHITECTURE • SURVEYING

ADJOINING PROPERTIES  
 NORTH 97-182-06 SOUTH 97-182-09

REVISED

NO 9725 32F

TAHOE REGIONAL PLANNING AGENCY  
STAFF SUMMARY

Project Name: English Pier Expansion.

Application Type: Shorezone.

Applicant: James T. English.

Applicant's Representative: Vail Engineering.

Agency Planner: Lyn Barnett.

Location: 36 Moana Circle, Placer County.

Assessor's Parcel Number/ Project Number: 98-191-17.

Project Description: The applicant proposes to extend his existing 83 foot residential pier by 22 feet and install one low-level boatlift.

Site Description: This area of foreshore contains scattered small cobbles. One single family dwelling is located on the littoral parcel.

Issues: The proposed project involves the expansion of a non-conforming pier (based on fish habitat) and therefore requires Governing Board review in accordance with Chapter 4, Appendix A, of the TRPA Code.

Staff Analysis:

- A. Environmental Documentation: The applicant has completed an I.E.C. (Initial Environmental Checklist) and Environmental Assessment in order to assess the following environmental issues: water quality, littoral processes, fisheries and fish habitat, backshore stability, on-shore wildlife habitat, and Tahoe Yellow Cress, Rorippa subumbellata, habitat evaluation. No significant environmental impacts were identified and staff has concluded that the project will not have a significant effect on the environment. A copy of the IEC and EA will be made available at the Governing Board hearing and at TRPA.
- B. Plan Area Statement: The project is located within Plan Area 154, Tahoma Residential. The Land Use Classification is Residential and the Management Strategy is Mitigation. Agency staff has reviewed the Plan Area Statement and has determined that the project is consistent with the applicable planning statement, planning considerations and special policies. The proposed activity is designated as an allowed use in this Plan Area.

C. Land Coverage:

1. Land Capability District:

The mapped land capability of the project area is class 5 and backshore. The total project area is approximately 15,200 square feet in size.

2. Existing Coverage:

Buildings	840 square feet
Paving	120 square feet
Other	<u>2,150 square feet</u>
TOTAL:	3,110 square feet

3. Proposed Coverage:

Buildings	840 square feet
Paving	120 square feet
Other	<u>2,150 square feet</u>
TOTAL:	3,110 square feet

4. Allowed Coverage: To be determined based upon submittal of the final plans which will delineate land capability district 5 and backshore areas and their respective coverages.

5. Coverage Mitigation: The applicant shall be required to mitigate any excess land coverage pursuant to Section 20.5.A(3) of the TRPA Code. No increase in land coverage will occur as a result of this project.

D. Pier Height: The existing and proposed pier deck elevation is 6,231 feet, Lake Tahoe Datum. The low-level boatlift will extend four feet above the pier deck elevation. This is consistent with Section 54.4.B(2) of the TRPA Code.

E. Shorezone Tolerance District: The subject parcel is located within Shorezone Tolerance District 7. The project, as conditioned, complies with the shorezone tolerance district standards.

F. Required Findings: The following is a list of the required findings as set forth in Chapters 6, 50, and 52 of the TRPA Code of Ordinances. Following each finding, Agency staff has briefly summarized the evidence on which the required finding may be made.

1. The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and Maps, the Code and other TRPA plans and programs.

a. Land Use: The applicant will be required to apply BMPs to the project area. This project will not affect the allowed land use

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on this site. Residential piers are allowed accessory structures in the Plan Area for this property.

- b. Transportation: This pier will not adversely impact transportation in the Lake Tahoe Basin. Piers located within the limits of the TRPA-approved pierhead line have been determined not to pose a threat to navigation.
  - c. Conservation: The project, as conditioned, is consistent with the fisheries, shorezone, and scenic subelements of the Conservation Element of the Goals and Policies. The project is located in Scenic Shoreline Unit 12 which has an acceptable scenic rating. The pier location, color and design will not degrade the shoreline scenic rating. Fisheries are discussed further in finding 4, below.
  - d. Recreation: This project will not adversely impact public recreation on Lake Tahoe. In addition, the project will not interfere with public access along the shoreline and is consistent with the Recreation Element of the Goals and Policies.
  - e. Public Services and Facilities: This project does not affect public services or facilities in the Lake Tahoe Basin.
  - f. Implementation: This project is consistent with the Implementation Element of the Goals and Policies.
2. The project will not cause the environmental threshold carrying capacities to be exceeded.

The basis for this finding is provided on the checklist entitled "Checklist: Article V(g) Findings" in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Governing Board hearing and at TRPA.

3. Wherever Federal, State, or local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(d) of the TRPA Compact, the project meets or exceeds such standards.

(Refer to paragraph 2, above.)

4. This project will not adversely impact: (1) littoral processes; (2) fish spawning; (3) backshore stability; and (4) on-shore wildlife habitat, including wildfowl nesting areas.

The proposed pier will be more than 90 percent open (single-piling design) and based on the EA, TRPA staff has determined that the project, as conditioned, will not impact fish habitat, littoral processes, backshore stability, or any on-shore wildlife habitat. . 68 .

5. There are sufficient accessory facilities to accommodate the project.

The project is an accessory structure to an allowed use and the primary use facilities are capable of accommodating the proposed project.

6. The project is compatible with existing shorezone and lakezone uses or structures on, or in the immediate vicinity of, the littoral parcel; or that modifications of such existing uses or structures will be undertaken to assure compatibility.

The project is a compatible accessory use to an allowed use and is compatible with other accessory uses (piers) in the vicinity.

7. The use proposed in the foreshore or nearshore is water-dependent.

This pier is located in the foreshore and nearshore of Lake Tahoe and is water-dependent.

8. Measures will be taken to prevent spills or discharges of hazardous materials.

This approval prohibits the use of wood preservatives on wood in contact with the water. Storage of hazardous materials will not be allowed on the pier. Spray painting and the use of tributyltin (TBT) will be prohibited.

9. Construction and access techniques will be used to minimize disturbance to ground and vegetation.

The applicant shall not be permitted to store construction materials on the beach. Extension of the pier and installation of the boatlift will be via barge from Lake Tahoe. Disturbance to ground or vegetation shall be prohibited.

10. The project will not adversely impact navigation or create a threat to public safety as determined by those agencies with jurisdiction over a lake's navigable waters.

The pier will not extend beyond TRPA's pierhead line and will not impact navigation on Lake Tahoe, or create a threat to public safety. This project must also be reviewed by the California State Lands Commission, Placer County, and the U.S. Army Corps of Engineers. These agencies make their own public safety findings.

11. TRPA has solicited comments from those public agencies having jurisdiction over the nearshore and foreshore and all such comments received were considered by TRPA prior to action being taken on this project.

This project must receive approval from the California State Lands Commission, the U.S. Army Corps of Engineers, and California Fish and Game prior to TRPA acknowledgment of the permit. Comments from the above agencies were solicited as part of the review of this project. No adverse comments were received from any of the above agencies.

12. The structure does not cause significant shoreline erosion or interference with sediment transport.

On-site review indicates no buildup of sediments in the proximity of the existing structure and based on information contained in the Environmental Assessment, the extension of the pier and installation of the boatlift will not degrade the existing situation.

13. The project is in compliance with the scenic threshold.

Based upon an on-site review the changes proposed will have an insignificant effect on views from Lake Tahoe.

14. The structure has not been unserviceable for more than five years.

The structure has been continually serviceable, but low Lake levels have made the pier unusable.

15. The project does not increase the extent to which the structure does not comply with the development standards.

The project involves the repair of a nonconforming pier (based on fish habitat) and does not increase the extent to which the structure does not comply with the development standards.

16. The expansion complies with all applicable standards.

The pier extension and boatlift installation comply with all applicable standards. These standards include the length standard for piers (54.4.A(4)), the setback standard for piers (54.4.A(5)), and the 90 percent open foundation standard for piers (54.4.B(3)). Code Interpretation 1988-4 clarifies Section 52.3.G(1), (2), and (3) to state that expansions of existing structures must comply with all development standards with the possible exception of the placement standards pertaining to stream inlets and fish habitat areas. The project is located in a fish spawning habitat, but staff has determined, based on the Environmental Assessment, that the placement standard for fish habitat areas is not applicable.

17. The project complies with the requirements to install BMPs as set forth in Chapter 25.

Conditions of approval insure that all required BMPs will be installed.

18. The project complies with the design standards in Section 53.10.

The proposed pier extension, as conditioned, shall be composed of non-glare earth tone or wood tone materials to minimize reflectivity.

- G. Required Actions and Findings: Agency staff recommends that the Governing Board approve the project by making the following motions and findings based on this staff summary and the evidence contained in the record: 70

- I. A motion based on this staff summary, for the findings contained in Section F above, and a finding of no significant environmental effect.
- II. A motion to approve the project, based on the staff summary, subject to the following conditions:
  1. The Standard Conditions of Approval listed in Attachment S.
  2. Prior to commencement of construction the following special conditions of approval must be satisfied.
    - a. The site plan shall include:
      - (1) The following land coverage calculations:
        - (i) Allowable land coverage for each land capability district (5 including backshore area.
        - (ii) Existing land coverage for each land capability district (5) including backshore area.
      - (2) Land capability district and backshore boundaries.
      - (3) A note indicating that all barren areas and areas disturbed by construction shall be revegetated in accordance with the TRPA Handbook of Best Management Practices. Application of a mulch may enhance vegetative establishment.
      - (4) Temporary erosion control structures located downslope of the proposed construction area during permanent BMP installation of the upland property.
      - (5) Vegetation protective fencing around the entire construction site during permanent BMP installation of the upland property.
    - b. The security required under Standard Condition A.3 of Attachment S shall be determined upon the applicant's submittal of the required Best Management Practices plan and related cost estimate. Please see Attachment J, Security Procedures.
    - c. The applicant shall submit plans, cost estimates and an installation schedule for the installation of all required water quality improvements (BMPs) for the entire project area. All required BMPs outside of the construction site boundary up to a minimum of five percent of the estimated construction cost of the project, as well as all required BMPs inside the construction boundary, shall be installed prior to project completion. The balance of the required BMPs shall be installed as follows: At least 50 percent of the BMPs shall be installed within five years and 100

percent within ten years, as determined by an estimate of the cost of the BMPs.

- d. The final construction drawings shall have notes indicating conformance to the following design standards for color:
- (1) Color: The color of this structure 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, umber and sand.
- e. Final construction drawings shall conform to all the applicable design standards of Section 54.4.B, TRPA Code of Ordinances, and all other applicable TRPA design standards.
- f. The applicant shall submit a pier mitigation fee of \$1,160 for the construction of 22 feet of new pier and installation of one low-level boatlift.
- g. The applicant shall submit a construction schedule prior to commencement of construction. This schedule shall identify dates for the following: when installation of temporary erosion control structures and turbidity screens will occur; when construction will start; when construction slash and debris will be removed; when installation of all permanent erosion control structures will occur; and when construction will be completed.
- h. The applicant shall obtain all required approvals from the U.S. Army Corps of Engineers, California Department of Fish and Game, and the California State Lands Commission for this project.
- i. Final construction drawings shall have notes containing the following information:
- (i) All work on the pier extension shall be performed by a rubber-tired barge from the lake.
- (ii) All construction work shall be restricted to the existing and proposed pier "footprint". Footprint of the pier shall be defined as that area directly below the pier.
- (iii) Any lake bottom disturbance shall be corrected using handrollers to reconsolidate any disturbed shorezone sediments.
- (iv) All disturbed lake bottom cobbles shall be



returned to their natural state, preferably in a contiguous manner consistent with the natural setting, not stacked.

- (v) The removal and installation of all pier pilings shall utilize caissons. Disturbed sediment and turbidity shall be allowed to settle before removal of any caisson.
  - (vi) Tarps shall be placed under the pier during construction to prevent falling debris from entering the lake.
  - (vii) Storage of construction materials shall be prohibited on the beach or within 50 feet of the beach bluff.
- j. The applicant shall submit 3 sets of final pier construction drawings and upland site plans to TRPA.
3. Fertilizer use on this property shall be managed to include the appropriate type of fertilizer, rate, and frequency of application to avoid release of excess nutrients and minimize use of fertilizer.
  4. No trees shall be removed or trimmed for view enhancement purposes without prior TRPA written approval.
  5. The adequacy of all required BMPs as shown on the final construction plans shall be confirmed at the time of the TRPA pre-grading inspection. Any required modifications, as determined by TRPA, shall be incorporated into the project permit at that time.
  6. 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.
  7. The use of wood preservatives on wood in contact with the water is prohibited and extreme care shall be taken to insure that wood preservatives are not introduced into Lake Tahoe. Spray painting and the use of tributyltin is prohibited.
  8. Disturbance of the lake bed materials shall be kept to the minimum necessary for project construction.
  9. Best practical control technology shall be employed to prevent earthen materials to be resuspended as a result of pier construction and from being transported to adjacent lake waters. The applicant shall install a turbidity screen around the entire construction site (in the water) prior to construction. This

screen may be removed upon project completion only upon a satisfactory inspection by TRPA to insure that all suspended materials have settled.

10. 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.
11. This structure shall not extend beyond the pierhead line as indicated on official TRPA maps.
12. No containers of fuel, paint, or other hazardous materials may be stored on the pier.
13. Gravel, cobble, or small boulders shall not be disturbed or removed to leave exposed sandy areas, before, during, or after construction.
14. Only the boulders designated on the site plan to be moved shall be moved. Boulders shall be moved to an approved location.
15. All construction activity shall take place during the non-spawning season, between July 1 and October 1.
16. The applicant shall submit post-construction photos within 30 days of the project completion date, demonstrating any resultant impacts to scenic quality as viewed from 300 feet from shore looking landward and to lake bottom conditions as viewed from the subject parcel.
17. Any lake bottom areas disturbed as a result of construction shall be returned to their natural state.
18. No trees or other plants shall be removed to provide foot or vehicular access to the pier during or after the project construction.
19. Any Rorripa subumbellata plants identified onsite shall be located, fenced and flagged with vegetative protection fencing to avoid disturbance during construction.
20. No raking of the beach or shoreline shall be allowed before, during, or after construction.
21. There shall be no removal or relocation of native plants, unless under the direction of a qualified botanist recognized by the California State Lands Commission and/or California Department of Fish and Game.