

**TRPA
GOVERNING BOARD
PACKETS**

**JULY
1998**

TAHOE REGIONAL PLANNING AGENCY

308 Dorla Court
P.O. Box 1038
Zephyr Cove, Nevada 89448-1038

(702) 588-4547
Fax (702) 588-4527
Email: tpa@sierra.net

Memorandum

July 14, 1998

To: TRPA Governing Board

From: Susan E. Scholley, Special Projects Attorney

Subject: Action on Bond Company's Denial of Payment in Tahoe Mariner Litigation Settlement

CURRENT STATUS: At the June meeting, Mike Harper from Washoe County was asked to obtain an estimate of the cost of representation from an outside attorney. Mike Harper will report his findings to the Legal Committee.

TRPA staff have contacted the new owner's representatives and advised them of the situation and the need for their involvement.

TRPA's three basic options at this time are:

1. Pursue enforcement of the bond using in-house counsel with assistance from the affected parties.
2. Pursue enforcement of the bond through a contract with outside counsel.
3. Not pursue enforcement of the bond.

STAFF RECOMMENDATION: Because the new Agency Counsel, John Marshall, and I are taking bar examinations in late July, in-house pursuit of enforcement must be delayed until August. Due to legal costs in the *TSPC v. TRPA* and *Suitum v. TRPA* cases, the legal budget cannot support a contract with outside counsel at this time. Therefore, the staff recommendation is to pursue enforcement using in-house counsel with assistance from the other affected parties, namely the contractors and the new owners. Initially, in-house legal staff would pursue reconsideration of Frontier's decision and state administrative remedies.

A decision on filing litigation is premature at this point and should await the outcome of discussions with Frontier Insurance Company and the other affected parties.

If there are questions regarding this matter, please contact Susan Scholley by leaving a voice mail message at (702) 588-4547, Ext. 238 or calling (609) 748-7351.

/ses
7-14-98

AGENDA XII.B.1

TAHOE REGIONAL PLANNING AGENCY

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NOTICE OF MEETING OF THE SHOREZONE POLICY COMMITTEE

NOTICE IS HEREBY GIVEN that on Tuesday, July 21, 1998, commencing at 4:00 p.m. in the TRPA Conference Room, 308 Dorla Court, Zephyr Cove, Nevada, the **Shorezone Policy Committee** will meet. The agenda for the meeting will be as follows: 1) public interest comments (no action); 2) discussion on interim regulations for shorezone structures prior to certification of the EIS and adoption of new shorezone ordinances; 3) member comments. (Committee: Waldie, Wynn, Sevison, Galloway, Cole, Miner)

July 13, 1998

By: 
Jerry Wells
Deputy Director

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. The agenda has also been posted at the North Tahoe Conference Center in Kings Beach, the Incline Village GID office, and the North Lake Tahoe Chamber of Commerce.

All items on this agenda are action items unless otherwise noted.

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD AND COMMITTEE MEETINGS

NOTICE IS HEREBY GIVEN that on Wednesday, July 22, 1998, commencing at 9:30 a.m., the **Governing Board** of the Tahoe Regional Planning Agency will conduct its regular meeting. The meeting will take place at the North Tahoe Conference Center, 8318 North Lake Boulevard, Kings Beach, California. The agenda is attached hereto and made a part of this notice.

Governing Board Committee items are action items unless otherwise noted.

NOTICE IS FURTHER GIVEN that on July 22, 1998, commencing at 8:30 a.m. at the same location, the **Finance Committee** will meet. The agenda will be as follows: **1)** public interest comments (no action); **2)** receipt of June 1998 financial statement and check register; **3)** review of budget request for FYs 1999-2000 and 2000-001; **4)** Douglas County request for water quality mitigation fund allocation (\$165,057) and reallocation (\$60,040) for Kingsbury GID erosion control project; and **5)** member comments. (Committee: Neft, Heller, Galloway, Bresnick, Chairman Bennett)

NOTICE IS FURTHER GIVEN that on July 22, 1998, commencing at 8:30 a.m. at the same location, the **Legal Committee** will meet. The agenda will be as follows: **1)** public interest comments (no action); **2)** action on bond company's denial of payment in Tahoe Mariner litigation settlement; and **3)** member comments. (Committee: Miner, Cronk, Sevison, Wynn, Chairman Waldie)

Date: July 13, 1998

By: 

Jerry Wells
Deputy Director

TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

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

July 22, 1998
9:30 a.m.

All items on this agenda are action items unless otherwise noted.

Page#

AGENDA

- I. PLEDGE OF ALLEGIANCE
- II. ROLL CALL AND DETERMINATION OF QUORUM
- III. PUBLIC INTEREST COMMENTS (No Action)

Any member of the public wishing to address the Governing Board on any agenda item not listed as a Project Review, Public Hearing, RTPA, Appeal, or Planning Matter item may do so at this time. However, public comment on Project Review, Public Hearing, RTPA, Appeal, and Planning Matter items will be taken at the time those agenda items are heard.

NOTE: THE GOVERNING BOARD IS PROHIBITED BY LAW FROM TAKING IMMEDIATE ACTION ON, OR DISCUSSING ISSUES RAISED BY THE PUBLIC THAT ARE NOT LISTED ON THIS AGENDA.

- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES
- VI. CONSENT CALENDAR (see page 3)
- VII. PROJECT REVIEW

- A. Everett, Demolition and Rebuild of Historic Single Family Dwelling, 8690 Brockway Vista Avenue, Kings Beach, Placer County APN 090-141-09, TRPA File #980038 15
- B. Hooks Landing, Water-Oriented Outdoor Recreation concessions, Placer County APN 94-510-01 (this item will not be acted on until after Board action on item XIII.C.1.) 99

VIII. PUBLIC HEARINGS

- A. Amendment of Chapter 14, Community Plans, to Streamline the Planning Process 159
- B. Amendment of Chapter 73, Livestock Grazing, and Chapter 2, Definitions, Relative to Grazing and Livestock Containment Practices 175

- C. Technical Adequacy and Certification of Redevelopment Project #3 EIR/EIS 193
- D. Amendment of Chapter 71, Tree Removal, to Renummer Sections 195

- IX. APPEALS
 - A. Leonardini/Wagner, Appeal of Staff Denial of New Multiple-Use Pier and Boat Lifts, 905 and 907 Lakeshore Boulevard, Washoe County APNs 121-251-02 and -03 209

- X. PLANNING MATTERS
 - A. Discussion on Conversion of Public Service to Commercial Uses 221
 - B. Discussion on Fallen Leaf Lake/Emerald Bay Transportation Study 225

- XI. ADMINISTRATIVE MATTERS
 - A. Appointment of Board Member Perock to the Environmental Improvement Program Implementation Committee and as an Alternate to the Shorezone Policy Committee 229
 - B. Resolution of Support for the Concept of a Lake Tahoe Regional Emergency Management System 231

- XII. COMMITTEE RECOMMENDATIONS AND BOARD ACTION
 - A. Finance Committee
 - B. Legal Committee
 - 1. Tahoe Mariner Litigation Settlement
 - C. Shorezone Policy Committee
 - 1. Direction to Staff on Interim Shorezone Regulations

- XIII. REPORTS
 - A. Executive Director Monthly Status Report
 - 1. Status Report on Project Applications
 - 2. Status Report on Draft Regional Revenue Source Feasibility Study
 - B. Legal Division Monthly Status Report

C. Governing Board Members

1. Request of Board Member Don Miner for Reconsideration of Hooks Landing Water-Oriented Outdoor Recreation Concessions, Placer County APN 94-510-01 (this item must be acted on before action on item VII.B.)

XIV ADJOURNMENT

CONSENT CALENDAR

Page #

<u>Item</u>	<u>Recommendation</u>	
1. June 1998 Financial Statement and Check Register	Receipt	1
2. Douglas County, Request for Water Quality Mitigation Fund Allocation (\$165,057) and Reallocation (\$60,040) for Kingsbury General Improvement District Erosion Control Project	Approval	3
3. Pinewild Condominium Homeowners Association, Inc., Buoy Field Expansion, Douglas County APN 05-211-52	Approval Of Findings And Conditions	7

These consent calendar items are expected to be routine and noncontroversial. They will be acted upon by the 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 Board member or noticed affected property owner requests that an item be removed from the calendar, it will be taken up separately in 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

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

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TAHOE REGIONAL PLANNING AGENCY
GOVERNING BOARD

Tahoe Seasons Resort Hotel
South Lake Tahoe, California

June 24, 1998

REGULAR MEETING MINUTES

I. PLEDGE OF ALEGIANCE

Chairman DeLanoy called the regular June 24, 1998, meeting of the Governing Board of the Tahoe Regional Planning Agency (TRPA) to order at 9:30 a.m. and asked Vice Chairman Larry Sevison to lead in the Pledge of Allegiance.

II. ROLL CALL AND DETERMINATION OF QUORUM

Members Present: Mr. DeLanoy, Mr. Waldie, Dr. Miner, Mr. Sevison, Mr. Heller, Mr. Cole,
Mr. Joiner, Mr. Perock, Ms. Neft, Mr. Galloway, Ms. Bresnick, Mr. Nutting
Members Absent: Mr. Cronk, Mr. Wynn, Mr. Neumann

Chairman DeLanoy noted that Ray Nutting was sitting in for El Dorado County, Rob Joiner was sitting in for Carson City, and Wayne Perock was the new designee for the Nevada Department of Conservation and Natural Resources.

III. PUBLIC INTEREST COMMENTS

Mr. Gary Midkiff noted that the Nevada Tahoe Regional Planning Agency (NTRPA) would be meeting in the afternoon to discuss gaming issues associated with Harvey's Casino. The California members of the TRPA were invited to attend if they wished.

Mr. DeLanoy suggested that these issues normally followed a two-step process, going first to the NTRPA and then to TRPA. That process should be followed here. If California members wished to attend, they were not to be involved in the discussion.

IV. APPROVAL OF AGENDA

Deputy Director Jerry Wells noted the following: 1) the Closed Session for Executive Director evaluation be conducted at the end of the meeting; and 2) the Mariner item (IX.B.2) be heard after the lunch break. There were no other changes.

MOTION by Neft to approve the agenda as discussed. The motion carried unanimously.

V. CONSENT CALENDAR

Chairman DeLanoy noted that Items 14 (Hooks Landing) and 15 (Serrano Beach Pier) were to be taken off consent to be acted on separately.

Ms. Neft, member of the Finance Committee, asked that the Board act separately on the FY 98-99 TRPA operating budget (consent item 3).

TRPA REGULAR MEETING MINUTES JUNE 24, 1998

MOTION by Mr. Sevison to approve the consent calendar with the exception of items 14, 15, and 3. The motion carried unanimously.

(Following are items approved on the consent calendar:

1. May 1998 Financial Statement and Check Register
2. Use of Abandoned Securities (\$5,783)
4. RTPA Resolution Adopting Proposed FY 98-99 Caltrans/TRPA Transportation Overall Work Program (RTPA Resolution No. 98-11)
5. RTPA Resolution to Amend FY 98- Regional Transportation Improvement Plan (RTIP) to Provide for Transit Vehicle Grants For Placer County and the Tahoe Transportation District (RTPA Resolution No. 98-12)
6. El Dorado County, Request for Water Quality Mitigation Funds (\$673,226) for SEZ and Erosion Control Projects
7. Evans, Resolution of Enforcement, 1754 Meadow Vale Drive, El Dorado County APN 34-752-06 **(see page 15 of these minutes for reconsideration and separate action on this item)**
8. Incline Village General Improvement District, Guardhouse Replacements, Incline Beach and Ski Beach, Lakeshore Boulevard, Washoe County APN 127-280-01
9. Morris, Commercial Rebuild and Addition, 270 Kingsbury Grade, Douglas County APN 07-180-04
10. Conte/Castagnola Trust, New Multi-Family Dwelling and Condominium Subdivision (5 Units), 946 Harold Drive, Washoe County APN 131-131-01
11. Lindblom, Shoreline Protective Structure, Special Use Determination, 7830 North Lake Boulevard, Kings Beach, Placer County APN 117-180-29
12. Fulton Water Company, New Water Well and Pump House, Special Use Determination, North Ridge Avenue, Cedar Flat, Placer County APN 117-180-29
13. Washoe County, Release of Water Quality Mitigation Funds (\$215,000) for Incline Village #1 Erosion Control Project
16. FY 98-99 Work Program and Strategic Plan (1998-2001))

Executive Director Jim Baetge noted that new Agency Counsel John Marshall was in attendance at the meeting. The Board welcomed John to the meeting and to the Agency.

V. APPROVAL OF MINUTES

MOTION by Mr. Sevison to approve the May 27, 1998, regular meeting minutes. The motion carried unanimously.

FY 98-99 TRPA Overall Operating Budget (consent calendar item 3)

Interim Finance Director Paula Bergamini explained the formula for local government contribution to support TRPA. The \$150,000 amount from the counties was spread among the jurisdictions on a formula that dated back to the 1969 bistate compact. The amount had not changed since that time, and there had been no adjustment for inflation. The Finance Committee earlier in the day had suggested asking the counties to voluntarily adjust the amount on a phased basis.

Committee member Joanne Neft noted that every year TRPA had to deal with the same problem of not having enough money to operate and trying to balance the budget. In addition to the local contribution not being increased for the past 29 years, State baseline funding for TRPA had not increased for five years. Somehow TRPA needed to address this, and the Committee suggested that the local entities consider some mechanism, possibly an MOU, to increase their contributions to TRPA by a percentage of the cost of living over the years. It was important that the Board address this very serious financial situation.

TRPA REGULAR MEETING MINUTES JUNE 24, 1998

Mr. Nutting responded that local jurisdictions had been hit by budget problems as well and had less revenue per capita and higher demands for services. It would be difficult to get money from local entities.

Chairman DeLanoy directed that the staff look into this further to see what options were available and bring the matter back to the Finance Committee.

Dr. Miner suggested looking at additional revenue sources beyond local governments.

Mr. Galloway commented he was not averse to taking the request to the Washoe County finance staff. The best option was for the Board members to agree that the intent was to keep the local contribution related to real dollars; this had not occurred over time.

Executive Director Jim Baetge suggested that the Board direct staff in July to bring back more information about how the Agency's funding had progressed over time and what the costs were. A logical group to spend time on this was the Local Government Committee.

MOTION by Dr. Miner to approve the FY 98-99 TRPA Overall Operating Budget. The motion carried unanimously.

Hooks Landing, Outdoor Recreation Concession, Special Use Determination,
Placer County APN 94-510-01, TRPA File #980190 (consent calendar item 14)

Assistant Planner Charles Donaldson distributed revised permit conditions on this project. He presented the summary of the proposal for 8 jet skis, 6 rental boats, 1 parasailing boat, 1 fishing charter, 8 single kayaks, 8 double kayaks, 4 pedal boats, 4 sailboats, and 3 canoes. The parking issue would be addressed by having the applicant provide a parking analysis for review and TRPA approval. Because of issues involving access and easements from the Commons Beach to the Hooks Landing pier adjacent to the Tahoe Marina Lodge, access and easements were not a part of the project.

Mr. Gary Midkiff, on behalf of the applicant, presented a history of the pier, noting that recreational uses from the pier were previously permitted in the 1970s by TRPA, CTRPA, California State Lands, the Corps, and Placer County. The applicant was pursuing the current project but was reserving the right to present additional evidence in the future to support the desire to recommence previously operated activities at the pier. Mr. Midkiff presented more information on parking, who would be using the facility, and concurrence with staff-proposed conditions. He would discuss with his clients whether they would be willing to use the cleaner jet ski engines.

Mr. Martin Eber, on behalf of the Tahoe Marina Lodge Association, distributed documents to the Board and spoke in opposition to the project, citing inadequate notice for receipt of the meeting notice and loopholes, vagueness, and inadequacies in the staff's summary to support the findings. He read into the record a letter of opposition from Mike Babcock, an adjacent property owner. He objected to increased congestion and lack of a traffic study. Mr. Eber presented more information on parking concerns and impacts, jet skis and enforcement of the no-wake zone, lack of sanitation facilities on the pier, easement restrictions prohibiting noxious or nuisance activities, previous violations at the site, and proximity to the mouth of the Truckee River.

TRPA REGULAR MEETING MINUTES JUNE 24, 1998

Deputy Director Jerry Wells commented on staff's work with the applicant to determine what activities had historically occurred at the site and whether the uses were grandfathered to allow continuation of the uses. Staff was not comfortable with such a finding, since the Agency's records showed that the uses last operated in the late '80s. Staff was treating this as a new use.

Mr. Midkiff asked that the Board not act to continue this application to a later meeting because it would mean losing the summer season. The alleged violations were not supported by the record, and Lahontan had found no contamination by the operation as suggested by the opposition.

Mr. Donaldson explained that the revised staff conditions did address operations cleanup and would take care of sanitation, disposal, and compliance with other agencies having jurisdiction. TRPA knew of no current violations on the site.

Attorney Lew Feldman, on behalf of the applicant, noted the applicant was prepared to purchase new equipment that would not use two-stroke engines and would modify the condition of approval so two-stroke engines were not an issue. This would eliminate the need for the condition requiring agreement by the applicant to discontinue carbureted two-stroke engines after June 1, 1999. The Placer County Supervisors determined unanimously that the use was a preexisting use and was grandfathered, although that point was not being argued at this stage. Because the season was rapidly diminishing, the applicant agreed with staff that rather than get into the issues of grandfathering, the project would be pursued at this time as a new application, recognizing that the applicant could still pursue the grandfathered status. This seemed to be the preferred way to get the matter before the Board in a timely manner. The issue of whether the applicant could engage in the retail sale of gasoline had not been determined. The burden for the applicant was greater for the new application than it was for the renewal. Mr. Feldman responded to questions about parking availability and use of transit.

Owner Rhonda Gramantz explained the operation was previously sub-leased for several years. The owner was now going to be the operator .

Mr. Wells explained that, before any commencement of operation, the applicant would provide for TRPA's approval an operation plan showing how vehicles would be fueled, parking, and sanitation facilities. This was not staff's normal method for bringing a project for Board action; some of these issues would normally have been worked out ahead of time. Because of the seasonality of this particular use, however, and the fact staff had been working for several months with the applicant on the proposal, the matter was being brought to the Board for action. Remaining issues regarding a specific operation plan would be delegated to the staff. If the Board was not comfortable with that, the project could come to the Board in July.

Mr. Howard Bloom, property owner at Tahoe Marina Lodge, expressed concern with the parking situation. There were ten spaces on lot 50 for Hooks Landing use. If parking spilled over into other areas, those cars would be towed. The parking area was a long way from the Commons area, and there was no access from the Commons area to the pier. Access was not permitted through the Lodge property. There were ten parking spaces to service the pier. Parking congestion was a big issue, as were the single-wall old buried gas tanks under lot 50. He had just learned of this meeting and had not had time to prepare. State law required that the tanks come out by October 1998, and no application had been submitted for their removal.

TRPA REGULAR MEETING MINUTES JUNE 24, 1998

The Board, staff and applicant discussed parking availability, the parking study prepared by Gordon Shaw, the applicant's willingness to replace the single-wall tanks as soon as approval was granted, the applicant's commitment to use fuel-injected or four-stroke engines in all equipment, the status of the easement across the lot from the Commons Beach to the pier, and the adequacy of parking.

Mr. Gordon Barrett, Chief of the Long Range Planning Division, explained that one of the fundamental principles of the Tahoe City Community Plan was the focus on pedestrian/transit-oriented development. The issue of parking was discussed extensively, and parking was taken off the streets and put into centralized parking areas. This was a conscious decision to achieve overall community planning goals and would result in an underparked situation.

Mr. Jeff Cutler, for the League to Save Lake Tahoe, noted his main concern related to use of two-stroke engines – which the applicants, much to their credit, had agreed not to use. Because of the length of time the Board had spent on this, it could hardly be viewed as a routine matter warranting consent calendar status. If the Board had allowed two-stroke engines, staff's initial findings could not have been made. The project proposed discharge of gas and oil into the Lake, equal to 2,000 gallons of gasoline

Mr. Ron Gramantz, the applicant's father, explained there had never been pollution associated with the pier. Any pollution had come from the nearby station. As far as access from the Commons to the pier, there were no-trespassing signs on property that was to be available for public access to the pier. Those who have said they did not know about the meeting have been aware all along of what has been going on. He asked the Board to consider the project on its merits.

Mr. Galloway asked that there be a monitoring and reporting requirement for use of bus passes and to ensure parking space compliance.

Mr. Waldie noted he was uncomfortable with the process. Had the applicant been able to seek grandfathering in, as he desired, the burden to prove this was an acceptable project would be considerably less. Staff concluded, however, that with the information available the preferred alternative (grandfathering) was not available. To accommodate this season, the staff was recommending approval of an application that had a much higher burden of proof and had recommended approval with some deficiencies because of the boating season. He was not comfortable with this approach, because as a new project the burden of proof should be higher. Once this project was approved at this level, it was a foregone conclusion that the building blocks were in place for a later approval.

Ms. Bresnick questioned the applicant's ability to provide all the information required in time to take advantage of this boating season.

Staff responded that the applicant for quite some time was well aware of what was being asked.

MOTION by Mr. Sevison to follow staff's recommendation and make the findings required to approve the Hooks Landing application with the modifications as discussed (no two-stroke carbureted engines and follow-up documentation for compliance with parking and transit requirements).

Mr. Sevison asked that the conditions cut the approval from eight to six jet skis. He also wanted health and safety and adequate sanitation facilities to be properly addressed.

TRPA REGULAR MEETING MINUTES JUNE 24, 1998

Ms. Scoonover summarized that the Board's proposed action was for six not eight jet skis, no two-stroke carbureted engines, special conditions as distributed by staff today, direction to staff that the transportation plan verify alternative access as described by staff and the applicant, and the sanitation issue be examined as part of the operations plan.

The motion failed on the following vote:

Ayes: Mr. Cole, Mr. Sevison, Mr. Galloway, Ms. Neft, Mr. Heller, Mr. Nutting, Mr. Perock, Mr. DeLanoy
Nays: Mr. Joiner, Mr. Waldie, Ms. Bresnick
Abstain: None
Absent: Dr. Miner, Mr. Wynn, Mr. Cronk

Serrano Beach Pier, Multiple-Use Determination, Placer County APN 117-110-03, TRPA File #970657 (consent calendar item 15)

Assistant Planner Charles Donaldson distributed revised staff-recommended conditions and described the proposal to replace and relocate an existing single use pier with a larger multiple-use pier and buoy field. The existing 80-foot pier would be replaced with a 390-foot long fixed and floating pier and a six-buoy buoy field. The pier and buoy field would be open to the general public and serve patrons of the Serrano Beach Grill. The main issue with the project involved scenic quality; the revised conditions II(3)(e) and II(3)(k) (distributed) addressed a landscape and fertilizer management plan and other scenic mitigation. Mr. Donaldson and staff responded to Board member questions about the ownership of the property along the shoreline.

Applicant Tom Turner presented the history of the property, the restaurant, and the pier application, which originally was submitted for 600 feet. He requested that the pierhead at the end of the pier be permitted at 36 (not 28) feet in width for structural reasons and to absorb wave action. He also requested that the pier be allowed to extend to 490 feet due to Lake depth and that there be 12 buoys permitted. The plan was to lower the buoys in the winter time for scenic reasons. Shuttle service would be provided to the buoys. With regard to the revised condition II(3)(e)(3) (requiring landscape screening to be introduced in front of the outdoor seating area and patio to screen the restaurant from the beach), the County owned the property and did not want any vegetative screening in this area because it impeded views to the Lake. Mr. Turner requested that II(3)(k) requiring a single pile pier be modified because of the need for a double pile pier to provide structural support for the catwalk. He responded to questions about his requested modifications to the pier length and pierhead, provision of sanitation facilities, and landscape screening.

Mr. Waldie questioned staff on the pier in relation to the Conservation Element of the Goals and Policies and requirements regarding extent of deviation from standards, multiple use designation findings, and reduction in development potential. Deviations for this application included exceeding the pierhead line by 138 feet, exceeding the allowed pier width by 18 feet, having an additional catwalk, six buoys instead of two, and location of the buoy field 350 feet beyond mean high water.

Deputy Director Jerry Wells responded to Mr. Waldie's questions regarding deviation, noting the Code did not directly address public facilities but rather two to three private parcels that joined together to build one common facility. Deviation from the standards was permitted in that case. Past policy had been that when there was a publicly owned facility it would be brought to the