MEMORANDUM

Date: May 3, 2012

To: TRPA Hearings Officer

From: Heather Beckman, Senior Planner / IPES & Land Capability Program Manager

Subject: Rice Tahoe House LLC, Land Capability Challenge; 672 Lakeshore Blvd., Washoe County, NV; APN: 122-193-28, TRPA File #: LCAP2012-0007

Proposed Action: The applicant, Rice Tahoe House LLC, requests that the Hearings Officer review and approve the proposed Land Capability Challenge on the subject parcel.

Staff Recommendation: The staff recommends that the TRPA Hearings Officer approve the land capability challenge for the subject parcel from entirely soil map unit IsE land capability class 4, to IsE land capability class 4 and XXX class 6.

Background: The parcel is shown being within the Inville soil series based on TRPA Bailey Land Capability Overlay Maps; land capability class 4 based on slope analysis. This soil type is derived from alluvium and outwash derived from mixed volcanic and granitic parent rock. The area is within the E-2 geomorphic mapping - outwash, till and lake beds (low hazard lands).

A Land capability verification was conducted on this parcel in 2011 and identified the entire parcel as IsE (Inville stony coarse sandy loam, 15 to 30 percent slopes) class 4.

A detailed soil investigation, in preparation of a land capability challenge, was conducted on October 7, 2011 by Denny Churchill (consulting soil scientist for the applicant). A land capability challenge was filed with TRPA on January 5, 2012. As snow was not prohibitive, field conditions were examined by TRPA staff on January 17, 2012.

Findings: The subject parcel contains one landform and two soil type, as shown on the attached map. The Inville soil series (IsE) was confirmed on the northern portion of the parcel. The soils on the southern portion of the parcel however, are unlike any soil identified in the NRCS 1974 soil survey, and are determined to be Unnamed (XXX). These soils are characterized by a loamy coarse sand extending to greater than 60 inches in depth, and are somewhat excessively drained. Such conditions are consistent with Soil Hydrologic Group A, and are class 6 based on slope.
<table>
<thead>
<tr>
<th>Land Capability District</th>
<th>Area (sq. ft.)</th>
<th>Area (sq. ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2011 LCV</td>
<td>2012 LCC</td>
</tr>
<tr>
<td>Class 4</td>
<td>19,168</td>
<td>14,853</td>
</tr>
<tr>
<td>Class 6</td>
<td>0</td>
<td>4,315</td>
</tr>
<tr>
<td>Total Parcel Area</td>
<td>19,168</td>
<td>19,168</td>
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</table>

**Staff Resources**

The field investigation was conducted by TRPA Senior Soil Scientist Heather Beckman on January 17, 2012.

If you have questions on this hearings officer item, please contact Heather Beckman, at 775-589-5271 or hbeckman@trpa.org.
# BAILEY LAND CAPABILITY CHALLENGE FINDINGS

<table>
<thead>
<tr>
<th>Site Information</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Assessor's Parcel Numbers (APN)</strong></td>
</tr>
<tr>
<td><strong>Owner or Applicant / Contact Name</strong></td>
</tr>
<tr>
<td><strong>Address (Street, City, County, State)</strong></td>
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<tr>
<td><strong>TRPA File No. / Submittal Date /</strong></td>
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<table>
<thead>
<tr>
<th>Environmental Setting</th>
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<tbody>
<tr>
<td><strong>1974 Bailey Geomorphic Class and Hazard Designation</strong></td>
</tr>
<tr>
<td><strong>Landform and Geology</strong></td>
</tr>
<tr>
<td><strong>Soil Parent Material</strong></td>
</tr>
<tr>
<td><strong>Slopes and Aspect</strong></td>
</tr>
<tr>
<td><strong>Elevation and Datum</strong></td>
</tr>
<tr>
<td><strong>Rock Outcrops and Surface Configuration</strong></td>
</tr>
<tr>
<td><strong>SEZ and Hydrology Source</strong></td>
</tr>
<tr>
<td><strong>Vegetation</strong></td>
</tr>
<tr>
<td><strong>Ground Cover Condition</strong></td>
</tr>
<tr>
<td><strong>Site Features</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Field Investigation and Procedures</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Consultant and Address (if applicable)</strong></td>
</tr>
<tr>
<td><strong>Initial and Follow-Up Field Dates</strong></td>
</tr>
<tr>
<td><strong>Bailey Land Capability Class as per TRPA Land Capability Overlay Maps¹.</strong></td>
</tr>
<tr>
<td><strong>SEZ Mapping / NRCS Hydric Soil</strong></td>
</tr>
<tr>
<td><strong>TRPA Land Capability Verification (2011)</strong></td>
</tr>
</tbody>
</table>

¹ TRPA currently relies upon the Soil Survey of Tahoe Basin, California-Nevada (Rogers and Soil Conservation Service, 1974), which the Bailey Land Capability system is predicated upon. The 2006 soil survey update has not yet been formally adopted by TRPA for use with land capability matters.
<table>
<thead>
<tr>
<th>Number of Soil Pits or Auger Holes and Description Depth</th>
<th>2 auger holes or pits / All 60 inches deep</th>
</tr>
</thead>
<tbody>
<tr>
<td>Additional or Repetitive TRPA Sample Locations</td>
<td>1 auger hole on southern portion of parcel. TRPA samples corroborated consultant’s soil profiles. Consultant’s profiles attached.</td>
</tr>
<tr>
<td>Representative Soil Profile Descriptions</td>
<td>Attached Denny Churchill soil profile descriptions</td>
</tr>
<tr>
<td>Notable Soil Features and Depth</td>
<td>Loamy coarse sand with no restricting layers</td>
</tr>
<tr>
<td>Areas Not Examined</td>
<td>Buildings and paved surfaces</td>
</tr>
</tbody>
</table>

Specific Findings for Alluvial Terrace / Outwash Plain (Southern portion of parcel – XXX Class 6 area only)

<table>
<thead>
<tr>
<th>Consultant Soil Mapping Determination and Rationale</th>
<th>Largely unlike any soil identified in the 1974 Soil Survey, and are determined to be Unnamed (XXX) and Class 6 based on slope phase.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Slope Determination</td>
<td>11 to 24 percent slopes (actual)</td>
</tr>
<tr>
<td>TRPA Observations</td>
<td>Concurred with consultant data that soil is unlike 1974 NRCS Tahoe Basin soils. Soils are generally deep and somewhat excessively drained with no root restricting layers. Soils are identified as Unnamed (XXX) and members of HSG A.</td>
</tr>
<tr>
<td>TRPA Conclusion(s)</td>
<td>Class 6 for slopes less than 16 percent Remainder of the parcel remains IsE Class 4.</td>
</tr>
</tbody>
</table>

ATTACHMENTS

A. Site Plan showing proposed land capability challenge recommendations
B. Denny Churchill Soil profile description with which TRPA concurred
## Soil Profile Description

**Soil Type**: UNCHNL

**Field Symbol**: XXX

**Photo No.**: 

**Job No.**: 

**Area**: Incl. Village

**Date**: 3/7/14

**Stop No.**: 1

**Location**: 677 WATKINS RD

**Project**: 。

**By**: 

**Native Veg. Or Crop**: S, Mx. Frodo Home Depot

**Classification**: S, Mx. Frodo Home Depot

**Parent Materials**: MY ALLUV

**Physiography**: Outwash Terrace

**Relief**: 

**Aspect**: S10E

**Slope**: 11%

**Elevation**: 

**Drainage**: Light

**Permeability**: Moderately

**Runoff**: Slight

**Erosion**: Slight

### Moisture

<table>
<thead>
<tr>
<th>Horizon</th>
<th>Depth</th>
<th>Color (Including Mottles)</th>
<th>Texture</th>
<th>Structure</th>
<th>Consistency</th>
<th>Roots</th>
<th>Pores</th>
<th>Clay Films</th>
<th>pH &amp; CO₂</th>
<th>Other Features</th>
<th>Boundary</th>
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<tr>
<td>O</td>
<td>0-3</td>
<td>Pink</td>
<td>clay</td>
<td>14, 21</td>
<td>dry</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A1</td>
<td>0-3</td>
<td>Gray</td>
<td>clay</td>
<td>14, 21</td>
<td>dry</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A2</td>
<td>3-10</td>
<td>Gray, brown</td>
<td>clay</td>
<td>14, 21</td>
<td>dry</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C1</td>
<td>10-15</td>
<td>Gray</td>
<td>clay</td>
<td>14, 21</td>
<td>dry</td>
<td></td>
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<td></td>
<td></td>
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</tr>
<tr>
<td>C2</td>
<td>15-20</td>
<td>Gray</td>
<td>clay</td>
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<td>dry</td>
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</table>

**Groundwater**: Slight

**Salt or Alk.**: No

**Stoniness**: None

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**Notes**: In field, continue to % vol. using contamination table

**Profile is very much cf. Grow 6/1. No exception.

**The Bg series 0-25 inches similar to buying except fluffier.

**Lacks Umpf!**

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**Received**: JAN 30 2012

**Denny M. Churchill** Consulting Soil Scientist
MEMORANDUM

Date: May 3, 2012
To: TRPA Hearings Officer
From: David L. Landry, Senior Planner, Current Planning Department
Subject: Shoreline Protective Structure, 1310 West Lake Blvd., Placer County, California, APN 083-162-003, TRPA File ERSP2011-1116

Requested Action: Hearings Officer action on the proposed project, and related findings based on this Staff Summary and the Draft Permit (Attachment A).

Staff Recommendation: Staff recommends approval of the project based on this staff summary and the evidence contained in the project record. The recommended conditions of approval are contained in the attached Draft Permit.

Project Description: The proposed project involves the construction of a shoreline protective structure designed to protect the eroding bluff along the shoreline. As shown in Attachment B, the proposed shoreline protective structure uses a variety of structural and vegetative measures in order to stabilize the eroding slope along the easterly 140 lineal feet of the property and along approximately 15 feet of the westerly property line. Structural measures consist of sloping permeable rock revetments with intermixed plantings, in addition to a four foot high gravity wall, to be placed in front of the boathouse and behind the sloping revetment. Vegetative measures consist of new plantings and the retention of existing mature willows and alders. The proposed project would remove six trees measuring between 6 and 10 inches in diameter at breast height, (dbh); however, the proposed project would preserve larger trees along the top of the bluff that are currently threatened by erosion. Construction access will occur from the lake by barge and rubber-tired amphibious vehicles. During construction, temporary BMPs that include the use of turbidity curtains will be in place. Upon stabilization of the backshore bluff, the area will be revegetated in accordance with the TRPA approved landscape plan. This project will help to improve and maintain the water quality and scenic thresholds by reducing the erosion of the existing bank and the protection of large trees that exist at the top of the shoreline bluff.

Site Description: The subject property is located at 1310 West Lake Blvd., Tahoe City, California. Existing improvements on the property include a single family residence, a detached garage, decks, and a walkway to the lake that leads to a boathouse and a single-use pier. The property is well vegetated with trees and native understory. The project area is located in Tavern Heights Plan Area Statement (PAS #171), a residential Plan Area, and Shorezone Tolerance District 7. Surrounding land uses are primarily single family residential dwellings. The project area contains verified Land Capability Class 3 and 5 soils on the level upland portion of the property, and Land Capability Class 1b in the backshore area between the top of the bluff and the high water line of Lake Tahoe. The project area is mapped as Borderline fish habitat on the TRPA Fisheries Habitat Map.
Issues:  The primary issues associated with the gravity wall and rock revetment include:

1. **Land Use:** The proposed project is located within the Tavern Heights Plan Area (PAS 171), Placer County. Shoreline Protective Structures are considered a Special Use within PAS 171; therefore, the proposed project requires Hearings Officer review according to subparagraph 2.2.2.F.2.a of the TRPA Code.

2. **Land Coverage:** The property currently exceeds the allowable coverage permissible under the TRPA Code. There are no proposed changes to the existing coverage, and an excess coverage mitigation fee is included as a condition of approval in the attached Draft Permit.

3. **Construction Methodology and BMPs:** Access to the site will be via the lake by barge and rubber-tired amphibious vehicles, and all appropriate temporary BMPs will be installed.

4. **Scenic Quality and Landscaping:** The proposed project is visible from Scenic Shoreline Unit Number 14, which is currently not in attainment with the established scenic threshold. As proposed, the project will not have an adverse impact on the scenic quality of the shoreline. The applicant proposes to construct the shoreline protective structure so that it incorporates vegetation consistent with the requirements put forth in Chapter 36 (Design Standards) of the TRPA Code subject to monitoring for a five year period.

5. **Vegetation Resources:** Annual surveys of Tahoe Yellow Cress (TYC) have noted the presence of TYC in the area of the proposed project. As a condition of approval in the attached Draft Permit, the applicant is required to submit a TYC survey and avoidance/protection plan.

These issues are summarized in the following Staff Analysis.

**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 unmitigated significant environmental impacts were identified, and staff has concluded that the project will not have a significant adverse effect on the environment. A copy of the completed IEC will be made available at the Hearings Officer hearing and at TRPA.

B. **Land Use:** The proposed project is located in the Tavern Heights Plan Area (PAS 171), where Shoreline Protective Structures are considered a Special Use accessory structure. As such, the project requires Hearings Officer review per subparagraph 2.2.2.F.2.a of the TRPA Code. Special Use Findings have been addressed below.

C. **Plan Area Statement:** The project is located in Plan Area Statement (PAS) 171 – Tavern Heights. The Land Use Classification is Residential and the Management Strategy is Mitigation. The proposed use, Shoreline Protective Structure, is listed as a Special Use accessory structure. The proposed structure is accessory to the primary residential use on the property and will reduce erosion of the existing bank.
Agency staff has reviewed the Tavern Heights PAS and has determined that the project is consistent
with the applicable planning statement, planning considerations and special policies.

D. **Shorezone Tolerance District:** The subject parcels are located in Shorezone Tolerance District 7.
Projects within Shorezone Tolerance District 7 require that access to the shoreline shall be restricted to
stabilized access ways which minimize the impact to the backshore.

E. **Land Coverage:** The project area contains verified Land Capability Class 1b in the backshore, and Classes
3 and 5 in the upland area. Assuming a project area size of 62,700 square feet, the total allowable land
coverage for this site has been identified as 8,352 square feet. The existing on-site verified coverage is
12,956 square feet, which includes 67 square feet of banked Class 5 coverage. Therefore, the project
area currently contains 4,604 square feet of excess land coverage. A portion of the excess coverage will
be mitigated through this project.

F. **Construction Methodology and BMPs:** Because of the steep slope along the shoreline bluff, and the
inability to access the site from upland, all construction access will be from the lake via barge and
rubber-tired amphibious vehicles. BMP measures shall be included throughout the construction site.
Temporary BMPs shall include two layers of erosion control filter fencing below the temporary
construction area, erosion control and vegetation protection fencing surrounding all stockpiles, and
vegetation protection around all trees on the property. A turbidity curtain will be installed and
maintained during all phases of construction.

G. **Vegetation Resources:** Annual surveys of Tahoe Yellow Cress (TYC) have noted the presence of TYC in
the area of the proposed project. As a condition of approval in the attached Draft Permit, the applicant
is required to submit a TYC survey and avoidance/protection plan which will provide protection and
monitoring to ensure no TYC populations are adversely affected by the proposed project.

H. **Scenic Quality and Landscaping:** The parcel is located in Shoreline Unit #14, which is in non-attainment.
The property is well vegetated and no changes to the visible mass of man-made structures is proposed.
While the proposed project does include the removal of some vegetation along the shoreline, including
six trees that measure between 6 and 10 inches in diameter at breast height, a significant portion of the
proposed project includes the use of vegetation within the structure itself, which will preserve the
scenic quality of the area. In addition, the project is required to preserve several large trees up 28
inches in diameter that are currently threatened by the eroding bluff.

**Required Findings:**

The following is a list of the required findings as set forth in Chapters 4, 21, 80, 81, 84, and 85 of the
TRPA Code. Following each finding, Agency staff has indicated if there is sufficient evidence contained in
the record to make the applicable findings or has briefly summarized the evidence on which the finding
can be made.

1. **Chapter 4 – Required Findings:**

(a) 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.
There is no evidence in the file and record showing that the proposed project will have an adverse effect on the Land Use, Transportation, Conservation, Recreation, Scenic Quality Public Service and Facilities, or Implementation sub-elements of the Regional Plan. This project is intended to promote environmental conservation. The project as conditioned, conforms with, and will promote implementation of all applicable elements of the Regional Plan.

(b) **The project will not cause the environmental threshold carrying capacities to be exceeded.**

TRPA staff has completed the “Project Review Conformance Checklist and Article V(g) Findings” in accordance with Section 4.4.2 of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. Also, the applicant has completed an Initial Environmental Checklist (IEC). No unmitigated 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 checklist and IEC will be made available at the Hearings Officer hearing and at TRPA.

(c) **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 TPRA Compact, the project meets or exceeds such standards.**

The project as conditioned, will comply with all applicable air and water quality standards for the region. The project as designed is expected to enhance the air and water quality values of the site through improved shoreline stability and reduced erosion.

2. **Chapters 21 and 81 – Special Use Findings.**

(a) **The project, and the related use, is of such a nature, scale, density, intensity and type to be appropriate for the project area, and the surrounding area.**

Based on the analysis contained in the administrative record and the IEC, the proposed project is an appropriate use for the project area. The proposed design, color, texture and materials of the shoreline protective structure will be compatible with the existing conditions of the slope and surrounding shoreline.

(b) **The project, and the related use, will not injure or disturb the health, safety, environmental quality, enjoyment of property, or general welfare of persons or property in the neighborhood, or in the region.**

The proposed project is designed to inhibit further erosion of the bluff and associated water quality impacts. The project as designed will enhance the scenic and water quality values of the project area shoreline. The project includes BMPs for protection of soil and vegetation. Therefore the project, as conditioned, is not expected to cause any significant impacts on the environment or to other property owners in the vicinity or region.
(c) The project, and the related use, will not change the character of the neighborhood, detrimentally affect or alter the purpose of any applicable plan area statement, community, redevelopment, specific, or master plan.

The proposed project will help stabilize the bank and improve the protection of the shoreline. The project is not expected to affect or change the character of the neighborhood, and does not affect or alter the purpose of PAS 171, which lists Shoreline Protective Structures as a permissible Special Use. The project as designed and conditioned is compatible with, and will not adversely affect the surrounding residential character of the neighborhood. The project design will include natural earhtone materials and native vegetative screening to enhance scenic threshold values for the project area. Provided the new shoreline structure is installed so that the ends of the structure are feathered into the topography in a natural manner as to not cause erosion shoreline degradation to adjacent properties.

3. Chapter 80 – Shorezone Findings:

(a) Significant Harm: The project will not adversely impact littoral processes, fish spawning habitat, backshore stability, or on-shore wildlife habitat, including waterfowl nesting areas.

Temporary ground disturbance during construction of the proposed shoreline protective structure will occur landward and lakeward of the high water line of Lake Tahoe (elevation 6,229.1 feet above mean sea level). The project includes temporary BMPs for protection of soil, vegetation and water quality, and the temporary impacts due to construction are required for the long-term water quality benefits that are gained by enhancing the stability of the backshore bluff. The proposed rock revetment will improve littoral processes by absorbing and dispersing wave energy, as opposed to the wave energy eroding the existing bank. The project area is mapped as borderline fish habitat and contains small boulders and rocks. No impacts to on-shore wildlife habitat, including waterfowl nesting areas are expected as a part of the project.

(b) Accessory Facilities: There are sufficient accessory facilities to accommodate the project.

The proposed gravity wall and rock revetment is accessory to the primary residence.

(c) Compatibility: 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.

Shoreline protective structures are a permissible use in the applicable Plan Area Statement. The proposed rock revetment, as designed and conditioned in the Draft Permit, will not be incompatible with existing shorezone and lakezone uses in the immediate vicinity.
(d) **Use: The use proposed in the foreshore or nearshore is water dependent.**

The project is located in the backshore, and not in the foreshore or nearshore. The proposed use, shoreline protective structure, will armor the backshore of the project area from wave run up.

(e) **Hazardous Materials: Measures will be taken to prevent spills or discharges of hazardous materials.**

No hazardous materials are anticipated to be used for construction of the shoreline protective structure. Construction equipment will be located on a barge. Emergency cleanup materials (booms, etc.) will be readily available on site.

(f) **Construction: Construction and access techniques will be used to minimize disturbance to the ground and vegetation.**

Because of the steep slope along the shoreline bluff, and the inability to access the site from upland, all construction access will be from the lake via barge and rubber-tired amphibious vehicles. BMP measures will be included throughout the construction site. Temporary BMPs will include two layers of erosion control filter fencing below the temporary construction area, erosion control and vegetation protection fencing surrounding all stockpiles, and vegetation protection around all trees on the property. A turbidity curtain will be installed and maintained during all phases of construction.

(g) **Navigation and Safety: 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 location of the proposed project within the backshore of the project area will not affect navigation or create a threat to public safety within Lake Tahoe.

(h) **Other Agency Comments: 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 the project.**

All agencies will be consulted as part of the approval process. Further, the project has been conditioned for compliance with the regulations of all applicable agencies having jurisdiction over the project.

4. **Chapter 84 - Shoreline Protective Structure Findings:**

(a) **Structures in the backshore or environmental threshold values will be enhanced by the construction and maintenance of the protective structures.**

The project as designed is expected to enhance the stabilization and resistance of the backshore bluff to future erosion. The project design will include natural earthen materials and native vegetative screening to enhance scenic threshold values for the project area.
(b) The protection of structures in the backshore or the enhancement of environmental threshold values more than offset the adverse environmental effects of the construction and maintenance of the shoreline protective structures.

Through the proposed project design, the benefits of the project in preventing future erosion are expected to more than offset any potential adverse impacts during construction.

(c) Each protective structure has been designed to be sloping and permeable; provided, however, that this finding is not necessary if TRPA concurrently makes the findings required under subparagraph 84.14.2.A.

The project as illustrated on the site plans (Attachment B) has been designed to be sloping and permeable in accordance with the development standards set forth in Chapter 84 of the TRPA Code.

(d) Each protective structure has been designed so that backshore erosion on adjacent properties will not be accelerated as a result of the erection of the protective structure.

The shoreline protective structure has been designed to avoid acceleration of backshore erosion on adjacent properties.

5. Chapter 85 - Findings for Erosion Control and Similar Projects:

(a) The project, program, or facility is necessary for environmental protection.

The project is construction of a shoreline protective structure to prevent further erosion of the slope and to maintain existing natural shoreline vegetation. The proposed shoreline protective structure is designed to inhibit further degradation of the bank and associated water quality impacts.

(b) There is no reasonable alternative which avoids or reduces the extent of encroachment in the backshore.

The proposed project is intended to address erosion within the backshore and thus encroachment into the backshore cannot be avoided. The project design and construction methodology is the minimum encroachment necessary to inhibit further degradation of the backshore bluff.

**Required Actions:** Staff recommends that the Hearings Officer approve the project by making the following motions and findings based on this staff summary and the evidence contained in the record:

I. Approve the findings contained in this staff summary and a mitigated finding of no significant environmental effect.

II. Approve the project, based on the staff summary, subject to the conditions contained in the attached Draft Permit.
Attachments:

A. Draft Permit
B. Proposed Plans
Draft Permit
(Attachment A)

PROJECT DESCRIPTION: Shoreline Protective Structure APN: 083-162-003

PERMITTEE: Robert J. & Christine L. Feibusch FILE #: ERSP2011-1116

COUNTY/LOCATION: Placer / 1310 W. Lake Blvd.

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on May 10, 2012, subject to the standard conditions of approval attached hereto (Attachments Q and S) and the special conditions found in this permit.

This permit shall expire on May 10, 2015, without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of pouring concrete for a foundation and does not include grading, installation of utilities or landscaping. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

NO DEMOLITION, CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:

1. TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT;

2. ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA’S ACKNOWLEDGEMENT OF THIS PERMIT;

3. THE PERMITTEE OBTAINS APPROPRIATE COUNTY PERMIT. TRPA’S ACKNOWLEDGEMENT MAY BE NECESSARY TO OBTAIN A COUNTY PERMIT. THE COUNTY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS; AND

4. A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.

__________________________________________

TRPA Executive Director/Designee Date

PERMITTEES’ ACCEPTANCE: I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents’ and employees’ compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I also understand that certain mitigation fees associated with this permit are non-refundable once paid to TRPA. I understand that it is my sole responsibility to obtain any and all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

Signature of Permittee(s) __________________________ Date __________________________

(PERMIT CONTINUED ON NEXT PAGE)
Excess Coverage Mitigation Fee (1): Amount $_____ Posted _____ Type Paid ______ Receipt No. ______

Security Posted (2): Amount $5,000_____ Posted ______ Type ______ Receipt No. ______

Security Administrative Fee (3): Amount $_______ Paid ______ Receipt No. ______

Scenic Security Posted (4): Amount $5,000_____ Posted ______ Type ______ Receipt No. ______

Security Administrative Fee (5): Amount $_______ Paid ______ Receipt No. ______

Landscape Monitoring Fee (6) Amount $799.08 Paid ______ Type ______ Receipt No. ______

TYC Monitoring Fee (7): Amount $799.08 Paid ______ Type ______ Receipt No. ______

Notes:
Amount to be determined. See Special Condition 3.G, below.
See Special Condition 3.H, below.
$152 if a cash security is posted or $135 if a non-cash security is posted.
See Special Condition 3.I, below.
$152 if a cash security is posted or $135 if a non-cash security is posted.
See Special Condition 3.L, below.

Required plans determined to be in conformance with approval: Date: ____________

TRPA ACKNOWLEDGEMENT: The Permittee has complied with all pre-construction conditions of approval as of this date and is eligible for a county building permit:

___________________________________________  ____________________________
TRPA Executive Director/Designee            Date

SPECIAL CONDITIONS

1. This permit specifically authorizes the construction of a shoreline protective structure using structural and vegetative measures in order to stabilize the eroding slope along the easterly 140 lineal feet of the property and along approximately 15 feet of the westerly property line. Structural measures consist of sloping permeable rock revetments with intermixed plantings, and also a four foot high gravity wall to be placed in front of the boathouse. Vegetative measures consist of new plantings to help stabilize the slope and the retention of existing
mature willows and alders. No additional land coverage or changes in land coverage are authorized by this permit.

2. The Standard Conditions of Approval listed in Attachment S shall apply to this permit.

3. Prior to permit acknowledgement, the following conditions of approval must be satisfied:

A. The tree removal shown in Section 4 of the stabilization plan on Sheet C-3 shall be revised to be consistent with the tree removal shown in Special Treatment Area 1 on Sheet C-7.

B. The site plan (Sheet C-1) shall be revised to include TRPA approved land capability boundaries, and existing and proposed coverage calculations.

C. The site plan shall be revised to show how the edges of the shoreline degradation structure is are feathered into the topography gradually as to not to promote erosion or shoreline degradation on adjacent properties properties.

D. A temporary BMP plan, with details, shall be provided. In addition to the noted turbidity curtain, the temporary BMPs shall include:

   1. The use of two layers of erosion control filter fencing located below the construction area at all times, except as necessary for immediate construction access;

   2. Erosion control and vegetation protection fencing surrounding all stockpiles; and

   3. Vegetative protective fencing around all trees at the top of the bluff.

E. Include a notation indicating no containers of fuel, paint, or other hazardous materials may be stored on the pier or shoreline.

F. Include a notation stating: “Dust control measures shall be in place during construction landward of the high water line. Broadcast mulch shall not be permitted as a dust control measure within 30 feet of structures.”

G. The Permittee shall provide a copy of a Tahoe Yellow Cress (TYC) survey and protection/avoidance plan, prepared a qualified professional, for TRPA review and approval. The Permittee shall comply with all TYC protection measures contained within the approved TYC protection plan, which may include modification of the proposed shoreline protective structure. The plan shall include, but not be limited to: the site plan illustration of TYC areas and protective fencing, construction methodology and staging, limitations on beach raking, limitations on vehicle and pedestrian access, and monitoring during construction.

H. The subject property has 4,604 square feet of remaining unmitigated excess land coverage. Pursuant to Section 30.6 of the TRPA Code of Ordinances, the Permittee shall mitigate a
portion or all of the excess land coverage on this property by removing coverage within the Tahoe City Hydrologic Transfer Area (8), or by submitting an excess coverage mitigation fee. To calculate the amount of excess coverage to be removed (in square feet), use the following formula:

Estimated project construction cost multiplied by 0.0150, divided by 8.

If you choose this option, please revise your final site plans and land coverage calculations to account for the permanent coverage removal.

An excess land coverage mitigation fee may be paid in lieu of permanently retiring land coverage. The excess coverage mitigation fee shall be calculated as follows:

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

Please provide a construction cost estimate by your licensed contractor, architect, or engineer. In no case shall the mitigation fee be less than $200.00.

I. The security required under Standard Condition A.3 of Attachment S shall be $5,000.00. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.

J. The Shorezone Scenic security of $5,000 shall be required per TRPA Code of Ordinances Section 8.8. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.

K. The permittee shall submit a scenic vegetation monitoring plan to consist of:

- An initial 30 day post-construction photo
- Annual post-construction photos taken on the anniversary of vegetation planting, consistent with the same established viewpoints as the submitted simulations; submitted by July 1 each year for at least 5 years

Photos submitted will demonstrate that the proposed landscape screening is accurate and adequate to achieve the required scenic screening. The scenic security shall be held for a minimum of 5 years to ensure that the landscaping is healthy and well established. Any landscaping that fails shall be replaced on an annual basis with native or adapted species from the TRPA plant list or as otherwise approved by TRPA. Additional landscaping may be required to replace landscaping that fails to meet the screening mitigation required for the project. By signature of this permit, the permittee agrees that the landscaping authorized under this permit shall be maintained for scenic mitigation purposes in perpetuity.

L. The Permittee shall submit a $799.08 scenic vegetation monitoring fee. This fee is based
on a 5 year monitoring plan at a rate of $75.00 per hour for a total two hours per year multiplied by an annual cost of living increase of 2%.

M. The Permittee shall submit a $799.08 Tahoe Yellow Cress monitoring fee. This fee is based on a 5 year monitoring plan at a rate of $75.00 per hour for a total two hours per year multiplied by an annual cost of living increase of 2%.

N. To the maximum extent allowable by law, the Permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board, its Planning Commission, its agents, and its employees (collectively, TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person or property or (b) to set aside, attack, void, modify, amend, or annul any actions of TRPA. The foregoing indemnity obligation applies, without limitation, to any and all suits, losses, damages, injuries, liabilities, and claims by any person from any cause whatsoever arising out of or in connection with either directly or indirectly, and in whole or in part (1) the processing, conditioning, issuance, or implementation of this permit; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or the Permittee.

Included within the Permittee’s indemnity obligation set forth herein, the Permittee agrees to pay all fees of TRPA’s attorneys and all other costs and expenses of defenses as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees incurred by TRPA for actions arising directly or indirectly from issuance or implementation of this permit. Permittee shall also pay all costs, including attorneys’ fees, incurred by TRPA to enforce this indemnification agreement. If any judgment is rendered against TRPA in any action subject to this indemnification, the Permittee shall, at its expense, satisfy and discharge the same.

O. The Permittee shall submit three sets of final construction drawings and site plans.

4. Prior to the commencement of construction:

A. The Permittee shall submit a construction schedule. This schedule shall identify dates for the following: installation of temporary BMPs; 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.

B. The Permittee shall provide a Spill Prevention Plan for the use of any hazardous materials or equipment (i.e., fuel, epoxy glue, other volatile substances, welding and torch equipment, etc.), for construction activities occurring from a barge and within the lake. The Plan shall require absorbent sheets/pads to be retained on the barge at all times. A contact list of all emergency response agencies shall be available at the project site at all times during construction.

5. The Permittee 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 the lake bottom conditions as viewed from the subject parcel.
6. It is the Permittee's responsibility to receive authorization, and obtain any necessary permits from other responsible agencies for the proposed project.

7. All removed material shall be hauled away from the site to a legally acceptable location.

8. Disturbance of lake bed materials shall be the minimum necessary. The removal of rock materials from Lake Tahoe is prohibited.

9. Best practical control technology shall be employed to prevent earthen materials to be re-suspended as a result of construction activities and from being transported to adjacent lake waters.

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. All the existing trees and shrubs on this parcel between the lake and the proposed residence that are not approved to be removed as a part of the project shall not be removed or trimmed without prior TRPA approval. Any such removal or trimming shall constitute a violation of project approval.

12. Gravel, cobble, or small boulders shall not be disturbed or removed to leave exposed sandy areas before, during, or after construction.

13. Any normal construction activities creating noise in excess to 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.

14. For the authorized construction area landward of the high water line, the site shall be winterized in accordance with the provisions of Attachment R by October 15th of each construction season.

END OF PERMIT
MEMORANDUM

Date: May 3, 2012
To: TRPA Hearings Officer
From: Jae Hill, Assistant Planner, Current Planning Department
Subject: Commercial Storage Building Addition/Modification, Northshore Ace Hardware, 8075 North Lake Blvd., Kings Beach, Placer County, CA, California, APN 090-071-035 (formerly APN 090-071-001, 002, 025 and 026), TRPA File Number ERSP2012-0135.

Requested Action: Hearings Officer action on the proposed project and related findings based on this Staff Summary and the Draft Permit (Attachment A).

Staff Recommendation: Staff recommends that the Hearings Officer make the required findings and approve the proposed project based on this staff summary and the evidence contained in the project record. The recommended conditions of approval are contained in the attached Draft Permit (Attachment B).

Required Actions: Staff recommends that the Hearings Officer make the findings and approve the project based on this staff summary and the evidence contained in the record:

I. Approve the findings contained in this staff summary, including a Finding of No Significant Effect.

II. Approve the project, based on the staff summary, subject to the conditions contained in the attached Draft TRPA permit.

Background: The recommended TRPA actions will resolve an unauthorized building addition and other unauthorized site improvements discovered by Placer County and TRPA on the affected property, as described below.

Project Description: The project includes a 936 square foot storage-building addition and a 1,100 square foot enclosure of outdoor storage space constructed in prior years without permits. The project also includes the reconfiguration of existing on-site and off-site parking spaces.
As conditions of project approval the applicant will be required to install TRPA required water-quality best management practices (BMPs); remove the existing unauthorized outside storage area currently accessible from Rainbow Street, replace the existing gate with fencing and install vehicle barriers along Rainbow Street to prevent parking and future access to this area; remove and re-vegetate approximately 2,423 square feet of existing unauthorized land coverage; install a screened trash enclosure; and install various community plan improvements in the form of landscaping, drainage facilities and sidewalks.

TRPA has verified the 21,027 square foot project area as 100 percent Land Capability District 5 land, which allows up to 5,256 square feet of base allowable land coverage. The 1975 Placer County permit for the construction of the hardware store authorized 13,800 square feet (65%) of total land coverage. Due to the placement of 2,689 square feet of additional unauthorized land coverage since 1975, however, the existing coverage currently totals 16,489 square feet (78%). The proposed project will reduce the total amount of land coverage to 14,066 square feet, which reduces the amount of existing land coverage by 2,423 square feet (see land coverage discussion in Issues/Concerns section, below).

The applicant has obtained a zoning variance and Minor Use Permit, as well as Design Review approval, from Placer County for 936 square feet of Commercial Floor Area (CFA) associated with the unauthorized storage building addition, the additional outdoor storage area (accessible from Secline Street), reconfiguration of the previously approved onsite parking area from 13 to 14 parking spaces (consisting of 8 onsite spaces and 6 partially offsite spaces), landscaping, and the relocation of an existing fence to accommodate the new onsite parking area design. The North Tahoe Fire District has given preliminary approval of the proposed project, as submitted.

**Site Description:** The site is located on the northeast corner of the State Route 28 and Secline Street intersection in Kings Beach. The site is approximately one-half acre in size and is developed with a two-story commercial building with a 5,000 square foot hardware store on the ground floor and 5,000 square feet of office space on the second level, a covered outdoor storage area (not counted as CFA), six angled parking spaces located partially in the Secline Street right-of-way, and a 1,684 square foot storage building, including the 936 square foot unauthorized addition. The surrounding properties include a variety of uses such as public service, commercial and multi-family residential.

**Issues/Concerns:**

- **Violation Resolution** – The proposed project, as conditioned, will bring the current property into compliance with the 1975 Placer County approval related to land coverage, and will legalize the 936 square foot storage building addition and the 1100 square foot covered outdoor storage area that were created without permits. In addition, the existing pavement at the rear of the property will be reconfigured to provide for eight (8) onsite parking spaces, the offsite parking along Highway 28 and
Rainbow Avenue will be eliminated, and the number of partially offsite parking spaces along Secline Street will be reduced to six (6) spaces.

- Land Coverage – The land capability of the subject parcel is Class 5 which allows 5,256 square feet of base allowable land coverage (equal to 25 percent of the 21,027 square foot project area). In 1975, Placer County approved a site plan for the project that authorized 13,800 square feet of new land coverage (equal to 65.6 percent of the project area) in accordance with regulations in effect at that time. This amount of previously approved land coverage is supported by various archival records held by TRPA.

On October 2, 2011, TRPA verified 13,800 square feet of previously authorized land coverage in the project area – consistent with the 1975 Placer County approval. Since 1976, after the hardware store was constructed, the amount of land coverage on the subject property incrementally increased to 16,489 square feet without government approvals. This increase can be attributed to the storage building addition and improperly constructed pavement areas.

The proposed project includes the removal and restoration of 2,423 square feet of onsite land coverage bringing the total existing land coverage down to 14,066 square feet (66.5 percent of the project area), which is 266 square feet more than authorized by Placer County in 1975. As a condition of approval, the permittee will be required to remove and restore an additional 266 square feet of onsite land coverage to bring the property into full compliance with the 1975 approval.

- Land Use – Special Area #2 of the Kings Beach Community Plan (KBCP) lists commercial hardware stores as a special use, requiring special use findings for the project (see Attachment A). The Hardware Store use is being expanded due to the 936 square foot building addition. Special use findings have never been made for the hardware store (defined as Building Materials and Hardware in the Code) and are required in accordance with Subparagraph 21.5.2 of the TRPA Code for this reason. The outdoor storage areas enclosed by fences on the property are defined as Secondary Storage in the Code, and are included in the definition of the primary use. The special use findings, therefore, apply to outdoor storage areas as well as the interior space of the hardware store.

The KBCP incorrectly lists “Professional Services” as an allowable use for this property. All permissible uses in community plan areas are defined in Chapter 21 of the TRPA Code. However, after a close examination, staff discovered that “Professional Services” is not defined in the Code and has concluded that this is a typographical error in the community plan. In staff’s opinion, the correct use definition should have been listed as “Professional Offices,” which in fact, is defined in Chapter 21 of the Code. The second floor of the existing building is occupied by various professional offices, each of which is an allowable use in accordance with this interpretation.
• Scenic – The property is located within Scenic Roadway Unit #20, which is not in attainment with TRPA’s scenic highway travel route rating. According to the Scenic Quality Improvement Program (SQIP), Kings Beach “suffers from a disorganized and confusing visual character” and “existing development is generally not of high quality design and many of the structures are not well maintained.” The proposed project is subject to the Community Plan improvement requirements and the Kings Beach Commercial Core Improvement Project requirements. As such, the permittee is contributing funding towards the installation of future offsite sidewalks and drainage facilities, is removing the existing parking and pavement fronting Highway 28, and installing landscaping to provide a buffer between the building and the highway. In addition, the proposed project will eliminate the current on-street parking along Highway 28 and reduce parking along Secline Street in favor of providing on-site parking located behind the existing hardware building which includes landscaping, making the property more visually attractive.

Regional Plan Compliance: The proposed project, as conditioned in the Draft Permit, complies with all requirements of the TRPA Goals and Policies, The Kings Beach Community Plan, and Code of Ordinances, including all required findings in Chapters 4, 21 and 30 of the TRPA Code of Ordinances (see Attachments A and C for details).

Contact Information: For questions regarding this project please contact Jae Hill, Assistant Planner, at (775) 589-5274 or jhill@trpa.org.

Attachments:
  - Required Findings/Rationale (Attachment A)
  - Draft Permit (Attachment B)
  - Regional Plan Compliance Analysis (Attachment C)
  - Proposed Plans (Attachment D)
Attachment A – Required Findings/Rationale

A. The following is a list of the required findings as set forth in Chapters 4, 21, and 30 of the TRPA Code of Ordinances. Following each finding, agency staff has briefly summarized the evidence on which the finding can be made.

1. Chapter 4.4.1 Findings:
   
   (a) 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.

   (1) Land Use: There are no new land uses proposed with this project. Hardware stores are a permissible special use, and Professional Offices are a permissible allowed use within Special Area #2 of the Kings Beach Community Plan (CP). The project is consistent with applicable objectives and special policies of the CP in that it will aesthetically and environmentally improve the property by removing land coverage, adding landscaping, providing onsite parking and installing BMPs.

   (2) Transportation: The 936 square foot storage building addition and 1,100 square foot covered outdoor storage area will create approximately 62 daily vehicle trip ends (DVTE), which is considered an insignificant impact. Vehicle ingress and egress will be improved by reconfiguring the existing paving at the rear of the site to provide onsite parking and improved vehicular circulation. In addition, the applicant will be required to pay an air quality mitigation fee to offset any regional or sub-regional air quality impacts.

   (3) Conservation: The proposed removal of land coverage (onsite and offsite), the reconfiguration and landscaping of the parking area and the installation of BMPs make the project consistent with the Conservation Element of the TRPA Goals and Policies and the Kings Beach CP.

   (4) Recreation: There are no known impacts on the Recreation threshold from the proposed project.
(5) **Public Service Facilities:** The project does not require additional public services and facilities and will improve Caltrans site utilization.

(6) **Implementation:** The proposed project requires 936 square feet of commercial floor area (CFA) for the storage building addition. Placer County has reserved up to 1000 square of CFA from the Kings Beach Community Plan for the project.

(b) **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 4, Subsection 4.4.1 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 Hearings Officer meeting and at the TRPA offices.

(c) **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.**

The proposed project complies with all applicable air and water quality standards through the removal and revegetation of unauthorized land coverage, the installation of BMPs, landscaping, and the payment of excess coverage and air quality mitigation fees.

2. **Chapter 21.2.2 – Special Use Findings:**

(a) **The project, to which the use pertains, is of such a nature, scale, density, intensity and type to be an appropriate use for the parcel on which, and surrounding area in which, it will be located.**

The proposed additions and use of indoor and outdoor storage are consistent with all provisions of the TRPA Code and Placer County Zoning Ordinance and will not create inconsistencies with local requirements. The Kings Beach Community Plan, Special Area #2, is a designated commercial area in the heart of Kings Beach. The surrounding properties include a variety of uses such as public service, gas station, fire station and multi-family residential. In addition, the property will be improved by the installation of BMPs and Community Plan improvements.
(b) The project to which the use pertains, will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water, and air resources of both the applicant’s property and that of surrounding property owners.

The proposed project includes the addition of 8 onsite parking spaces and improved ingress and egress, which have been approved by Placer County. In addition, the County has reviewed and approved a new configuration for existing parking spaces that are partially located in a county street. These spaces will be separated from Highway 28 by a new landscape area which is designed to keep vehicles from backing into highway traffic. The project will not be injurious or disturbing to the neighborhood as the neighborhood is designated commercial with a wide variety of compatible existing uses. The project will be beneficial to water quality due to the installation of onsite BMPs, sized to treat and infiltrate a 20-year, 1-hour storm event.

(c) The project, to which the use pertains, will not change the character of the neighborhood detrimentally affect or alter the purpose of the applicable planning area statement, community plan and specific or master plan, as the case may be.

The existing hardware use that has operated at this site since 1976 is not being changed. The only change relates to the approval of a 936 square foot storage building addition and the approval of 1,100 square feet of covered outdoor storage area. The proposed project conforms to the Kings Beach Community Plan standards and includes improvements to further implement the community vision for this area.

3. Chapter 30.4.5 – Land Coverage Relocation Findings:

(a) The relocation is to an equal or superior portion of the parcel or project area, as determined by reference to the following factors:

1. Whether the area of relocation already has been disturbed;

2. The slope of and natural vegetation on the area of relocation;

3. The fragility of the soil on the area of relocation;
4. Whether the area of relocation appropriately fits the scheme of use of the property;

5. The relocation does not further encroach into a stream environment zone, backshore, or the setbacks established in the Code for the protection of stream environment zones or backshore;

6. The project otherwise complies with the land coverage mitigation program set forth in Section 30.6.

The entire property is classified as Class 5 land capability with no stream environment zone present. All existing land coverage to be relocated will be relocated to an equal or superior portion of the property based on the factors described in the finding.

(b) The area from which the land coverage was removed for relocation is restored in accordance with subsection 30.5.3.

All areas from which land coverage is being relocated will be restored (revegetated) in accordance with subsection 30.5.3 of the TRPA Code.

(c) The relocation shall not be to Land Capability Districts 1a, 1b, 1c, 2 or 3 from any higher numbered land capability district.

All land coverage relocation and restoration will occur on Class 5 land capability areas only. No other land capability districts are present on the subject property.
May 10, 2012

Kaufman Planning
P.O. Box 253
Carnelian Bay, CA 99140

MORESI COMMERCIAL ADDITION/MODIFICATION, 8075 NORTH LAKE BLVD., KINGS BEACH, PLACER COUNTY, CALIFORNIA, APN 090-071-035 (formerly 090-071-001, 002, 025 AND 026), TRPA FILE NUMBER ERSP2012-0135.

Dear Ms. Kaufman:

Enclosed please find two (2) copies of the Tahoe Regional Planning Agency (TRPA) permit and attachments for the project referenced above. If you accept and agree to comply with the Permit conditions as stated, please sign the “Permittee’s Acceptance” block on the first page of both copies of the Permit and return one (1) copy to TRPA within twenty-one (21) calendar days of issuance. Should the Permittee fail to return the signed permit within twenty-one (21) calendar days of issuance, the permit shall be subject to nullification.

TRPA will acknowledge the original permit only after all standard and special conditions of approval have been satisfied. Failure to satisfy these conditions of approval will cause unnecessary time delays. TRPA acknowledgement is required prior to application to other reviewing agencies and commencement of construction.

Please note that combined security and mitigation fee payments can be accepted. Acceptable ways to post a security are listed in the enclosed handout entitled “Attachment J.”

Pursuant to Rule 11.2 of the TRPA Rules of Procedure, this permit may be appealed within twenty-one (21) days (May 31, 2012).

Thank you very much for your patience in this matter. Please feel free to call me if you have any questions regarding this letter or your permit in general.

Sincerely,

Jae Hill, Assistant Planner

Enclosures
Draft Permit

PROJECT DESCRIPTION: Moresi Commercial Addition/Modification


COUNTY/LOCATION: Placer County, 8075 North Lake Blvd., Kings Beach, California

Having made the findings required by Agency ordinances and rules, TRPA Hearings Officer approved the project on May 10, 2012 subject to the standard conditions of approval attached hereto (Attachment Q) and the special conditions found in this permit.

This permit shall expire on May 10, 2015, without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of pouring concrete for a foundation and does not include grading, installation of utilities or landscaping. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

NO DEMOLITION, GRADING, OR CONSTRUCTION SHALL COMMENCE UNTIL:
(1) TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT;
(2) ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA’S ACKNOWLEDGEMENT OF THIS PERMIT;
(3) THE PERMITTEE OBTAINS A COUNTY BUILDING PERMIT. TRPA’S ACKNOWLEDGEMENT IS NECESSARY TO OBTAIN A COUNTY BUILDING PERMIT. THE COUNTY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS; AND
(4) A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.

TRPA Executive Director/Designee
__________________________________

Permittees’ Acceptance: I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents’ and employees’ compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I also understand that certain mitigation fees associated with this permit are non-refundable once paid to TRPA. I understand that it is my sole responsibility to obtain any and all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

Signature of Permittee _______________________________ Date __________________________

(permit continued on next page)
D-R-A-F-T
PROJECT NO. APN 090-071-035
FILE NO. ERSP2012-0135

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

Security Posted (2): Amount _________ Type _____ Paid _____ Receipt No._____

Security Administrative Fee (3): Amount $_______ Paid _____ Receipt No._____

Air Quality Mitigation Fee (4): Amount $_________ Paid _____ Receipt No._____

Notes:
(1) Amount to be Determined. See Special Condition 3.G., below.
(2) Amount to be Determined. See Special Condition 3.F., below.
(3) $152 if a cash security is posted or $135 if a non-cash security is posted.
(4) Amount to be Determined. See Special Condition 3.E., below.

Required plans determined to be in conformance with approval: Date: ____________

TRPA ACKNOWLEDGEMENT: The Permittee has complied with all pre-construction conditions of approval as of this date and is eligible for a county building permit:

________________________________________
TRPA Executive Director/Designee Date

SPECIAL CONDITIONS

1. This permit specifically authorizes the existing 936 square foot storage building addition and the assignment of 936 square feet of commercial floor area (CFA) from the Kings Beach Community Plan, and the existing 1,100 square foot covered outdoor storage area, including the existing 22’ x 50’ metal roof structure enclosed with a fence. All other outdoor storage areas and roof structures are to be removed. This permit also recognizes that the 13,800 square feet of approved land coverage based on the Placer County approved 1975 site plan and the prior TRPA land capability verification (dated 10-4-2011), which was based on the 1975 map and other documentation found in the TRPA and CTRPA project files are correct.
In addition, this permit authorizes the installation of 181 lineal feet of new curb and gutter, improvements to onsite and offsite BMPs, land coverage removal and restoration/landscaping, installation of a trash enclosure, reconfiguration of the 8-space onsite parking lot and the 6-space offsite parking area along Secline Street, and relocation of the existing outdoor storage fence, in accordance with the TRPA and Placer County approved plans.

2. The Standard Conditions of Approval listed in Attachment Q shall apply to this permit.

3. Prior to permit acknowledgement, the following conditions of approval must be satisfied.

A. The project construction plans shall be revised to include:

   (1) The following revised land coverage calculations:

       (a) Approved land coverage of 13,800 square feet per Placer County approved 1975 site plan.

       (b) Excess land coverage =

       (c) Offsite land coverage being created or removed in the public right-of-way.

       (d) Identification of additional 266 square feet of land coverage to be removed and restored.

   (2) Identification of project elements to be completed with this permit versus future Community Plan related improvements.

   (3) Coverage relocation and restoration plan (onsite/offsite).

   (4) Identify construction staging areas for construction equipment and materials. Staging areas shall be located on existing paved surfaces or existing previously disturbed areas. If staging is proposed in the County right-of-way, an encroachment permit is required prior to acknowledgement of this permit.

   (5) Identify onsite snow storage areas.
(6) The permittee shall submit calculations demonstrating that the proposed infiltration trenches and rain stores are sized accordingly for the slope and soil type of the property and will capture and infiltrate a 20 year/1 hour storm event using the updated spreadsheet available at www.tahoebmp.org.

(7) The permittee shall label the number of rain store units on the plans consistent with the number represented in the drainage report calculation sheet.

(8) The drop inlet located in the outdoor storage area shall include oil absorbent media installation due to proximity to groundwater.

(9) A note indicating: “Dust control measures shall be in place during construction. Broadcast mulch shall not be permitted as a dust control measure within 35 feet of structures.”

(10) Temporary erosion control structures located downslope of the proposed construction areas. Please Note: Straw bales are no longer acceptable for temporary erosion control or mulch material in the Lake Tahoe Basin. The use of straw has contributed to the spread of noxious weeds throughout the basin. The use of alternatives to straw bales, such as pine needle bales, filter fabric, coir logs and pine needle or wood mulches for erosion control purposes is required.

(11) Vegetation protective fencing around the entire construction site. The fencing shall be no more than 12 feet from any footprint, driveway, or area of approved disturbance. Trees located within the construction area that are to be retained shall be individually protected by fencing or other means as necessary.

(12) Location of all recorded easements inherent to the property or resulting from this project.

(13) Boulder parking barriers along Highway 28 shall be clustered together in groups of 3 to 5 boulders with 1/3 of the diameter of each boulder keyed into the ground so as to appear as natural as possible with each cluster being no more than 5 feet apart.
(14) The entire area between the proposed onsite parking lot and Rainbow Avenue shall be restored/landscaped and parking barriers and/or vertical curbs shall be installed to prevent future use of this area for parking. Add a note to the site plan stating that “the use of the current storage area off of Rainbow Avenue will be maintained in open space with no vehicular access or outdoor storage allowed.” In addition, the existing chain link fence gate to this outdoor storage area shall be removed and replaced with fencing or other vehicular barrier to prevent future vehicular access to this restored area.

B. The permittee shall provide the TRPA with the latest recorded voluntary merger for Assessor’s Parcel Numbers 090-071-001, 002, 025 and 026 (currently APN 090-071-035), approved by Placer County. Once the recorded voluntary merger of the subject lots has been received, TRPA will prepare a project area deed restriction that will permanently treat land coverage for these parcels as though they had been consolidated, in accordance with TRPA Code Section 2.3.2.K.

C. The permittee shall record the deed restriction identified in Special Condition 3.B of this permit. A copy of the recorded deed restriction shall be provided to TRPA prior to acknowledgement of the permit.

D. The permittee shall submit a $2,244.40 air quality mitigation fee. This fee is based on the addition of 62 daily vehicle trip ends at $36.20/trip.

E. The permittee shall submit plans, cost estimates and installation schedule for the installation of all required water quality improvements (BMPs) for the entire project area. The security required under Standard Condition I.B of Attachment Q shall be equal to 110 percent of the estimated BMP costs.

F. The affected property has 8,810 square feet of excess land coverage. The permittee shall mitigate a portion or all of the excess land coverage on this property by removing coverage within Hydrologic Transfer Area #9 or by submitting an excess coverage mitigation fee.

To calculate the amount of excess coverage to be removed, use the following formula:
Estimated project construction cost multiplied by the fee percentage of 2.25% (as identified in Table 30.6.1-2 of Subsection 30.6.1 of the TRPA Code of Ordinances) divided by the mitigation factor of 8. If you choose this option, please revise your final site plans and land coverage calculations to account for the permanent coverage removal.

An excess land coverage mitigation fee may be paid in lieu of permanently retiring land coverage. The excess coverage mitigation fee shall be calculated as follows:

Coverage reduction square footage (as determined by formula above) multiplied by the coverage mitigation cost fee of $8.50 for projects within Hydrologic Transfer Area #9. Please provide a construction cost estimate by your licensed contractor, architect or engineer. In no case shall the mitigation fee be less than $200.00.

G. The final construction drawings shall have notes indicating conformance to the following design standards for color, roofs, and fences:

1. **Color:** The color of the proposed structures, including any fences on the property, shall be compatible with the surroundings. Subdued colors in the earhtone 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. Earhtone colors are considered to be shades of reddish brown, brown, tan, ochre, and umber.

2. **Roofs:** Roofs shall be composed of non-glare earhtone or woodtone materials that minimize reflectivity.

3. **Fences:** Wooden fences shall be used whenever possible. If cyclone fence must be used, it shall be coated with brown or black vinyl, including fence poles.

H. The permittee 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 installation for the entire project area.
I. The permittee shall provide a landscape planting and irrigation plan in accordance with the standards required in Section 36.7 of the TRPA Code of Ordinances for TRPA review and approval.

J. The permittee shall submit three sets of final construction drawings and site plans to TRPA.

3. Prior to construction, the permittee shall obtain Placer County’s approval of the proposed project improvements located in the public right-of-way, including channeling the surface drainage on Rainbow Avenue and Secline Street to Griff Creek via the existing drop inlet on Secline Street.

4. To the maximum extent allowable by law, the Permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board, its Planning Commission, its agents, and its employees (collectively, TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person or property or (b) to set aside, attack, void, modify, amend, or annul any actions of TRPA. The foregoing indemnity obligation applies, without limitation, to any and all suits, losses, damages, injuries, liabilities, and claims by any person from any cause whatsoever arising out of or in connection with either directly or indirectly, and in whole or in part (1) the processing, conditioning, issuance, or implementation of this permit; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or Permittee.

Included within the Permittee’s indemnity obligation set forth herein, the Permittee agrees to pay all fees of TRPA’s attorneys and all other costs and expenses of defenses as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees incurred by TRPA for actions arising directly or indirectly from issuance or implementation of this permit. Permittee shall also pay all costs, including attorneys’ fees, incurred by TRPA to enforce this indemnification agreement. If any judgment is rendered against TRPA in any action subject to this indemnification, the Permittee shall, at its expense, satisfy and discharge the same.

5. All waste resulting from the saw-cutting of pavement shall be removed using a vacuum (or other TRPA approved method) during the cutting process or immediately thereafter. Discharge of waste material to surface drainage features is prohibited and constitutes a violation of this permit.
6. Excavation depths of more than five feet (5') are not authorized by this permit. However, given the proximity of the project area to Griff Creek, groundwater could potentially be encountered. If groundwater is intercepted during construction, permittee shall contact TRPA immediately.

7. The project is allocated 936 square feet of commercial floor area and is limited to that additional amount.

8. 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.

9. All exterior lighting shall be consistent with TRPA Code of Ordinances, Chapter Section 36.8, Exterior Lighting Standards.

10. All trash storage and enclosures shall be screened from public view in accordance with Subsection 36.5.2 of the TRPA Code of Ordinances.

11. The architectural design of this project shall include elements that screen from public view all external mechanical equipment, including refuse enclosures, satellite receiving disks, communication equipment, and utility hardware on roofs, buildings or the ground. Roofs, including mechanical equipment and skylights, shall be constructed of non-glare finishes that minimize reflectivity.

12. Any normal construction activities creating noise in excess to 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.

13. 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.

14. Temporary and permanent BMPs may be field fit by the Environmental Compliance Inspector where appropriate. During the Pre-Grade Inspection, the TRPA inspector may require additional Temporary BMP's.
15. This site shall be winterized in accordance with the provisions of Attachment Q by October 15th of each construction season.

END OF PERMIT
Attachment C – Regional Plan Compliance Analysis

A. **Environmental Documentation:** Environmental documentation is provided on the Initial Environmental Checklist (IEC) and the checklist entitled “Project Review Conformance Checklist and Article V (g) Findings” in accordance with Chapter 4, Subsection 4.4.1 of the TRPA Code of Ordinances. All responses contained on said checklists indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Hearings Officer meeting and at the TRPA offices.

B. **Plan Area Statement:** The project area is located within Special Area #2 of the Kings Beach Community Plan. Hardware stores are listed as a special use and professional offices are listed as an allowed use in Special Area #2. Agency staff has reviewed the Kings Beach Community Plan and has determined that the project is consistent with the subject planning statement and applicable planning considerations.

C. **Land Coverage:** The site is entirely Land Capability Class 5. The total base allowable coverage within the project area is 5,256 square feet. As discussed above in the Issues/Concerns section of this staff summary the previously approved land coverage (14,356 square feet) will be reduced below the approved amount by 250 square feet, resulting in 14,066 square feet (66.5%) of total land coverage. Excess land coverage will be required to be mitigated in accordance with Section 30.6 of the TRPA Code.

D. **Building Height:** The proposed storage building has a 2% cross slope, a 3:12 roof pitch and is 14’-9” in height. Section 37.4.1 of the TRPA Code allows a maximum height of 28'-1” which is well below the maximum allowable height standards.
MEMORANDUM

Date: May 3, 2012

To: TRPA Hearings Officer

From: David L. Landry, Senior Planner, Current Planning Department

Subject: Overhead Power Line Extension, Liberty Energy, Kings Way and Regency, Placer County, California, Assessor's Parcel Number (APN) 110-060-054, TRPA File Number ERSP2011-1278

Requested Action: Hearings Officer action on the proposed project, and related findings based on this Staff Summary and the Draft Permit (Attachment A).

Staff Recommendation: Staff recommends approval of the project based on this staff summary and the evidence contained in the project record. The recommended conditions of approval are contained in the attached Draft Permit.

Project Description: This is a proposal to extend existing overhead utility power lines from a backup power supply system, located on the north side of State Route 267, southward across the highway, through USFS property, 482 linear feet to the Kingswood neighborhood, Tahoe Vista, CA, north. The connection to the backup system is needed as the Kingswood neighborhood experiences power outages leaving the neighborhood without power, especially during the winter months. In order to extend the service lines to the backup system, five new 50 foot tall utility poles will be installed, three of which will be located on Forest Service property, and all supported by guy wires. In addition one new electrical vault; (identified as PV-1 on the site plan) and two new switching pads will be installed for the purpose of connecting the proposed overhead lines with the Kingswood utility lines located underground. The vault and pad will be located within the asphalt portion of the County owned road right-of-way (ROW) off of Kings Way and do not constitute new coverage. The proposed project will remove 14 trees measuring between 14 and 26 inches in diameter at breast height, (dbh).

Site Description: The proposed project area is located on the south side of to State Highway 267 in the Kingswood Subdivision, just north of Tahoe Vista, on US Forest Service parcel 110-060-054. There are no structural improvements on the parcel except three stormwater settling
basins immediately adjacent to the highway. The property is densely populated with a variety of white fir and Jeffery pine trees.

The project area is located within the Kingswood West Plan Area Statement (PAS #020) which is identified as a low density residential subdivision. Surrounding land uses are single family residences to the south and public lands to the north. The project area contains Land Capability Class 1a soils.

**Issues:** The primary issues associated with the installation of the overhead power line extension include:

1. **Land Use:** The proposed project is located within the Kingswood West Plan Area (PAS 020), Placer County. Pipelines and power transmission and transmission and receiving facilities are considered a Special Use within PAS 020; therefore, the proposed project requires Hearings Officer review according to subparagraph 2.2.2.F.2.a of the TRPA Code.

2. **Scenic Quality and Landscaping:** The proposed project is visible from Scenic Roadway Unit 41, which is currently in attainment with the established scenic threshold. The project will not cause a decrease in the numerical ratings assigned to roadway units, including the scenic quality rating of the individual resources within each unit, as recorded in the 1982 Scenic Resources Inventory. The existing utility lines currently extend over State Route 267 which is a TRPA scenic highway and therefore no change is anticipated in the scenic threshold rating. It should be noted that TRPA Code sub-sections 66.2.4.A (1), electrical utilities may be extended over a scenic highway if locating the lines underground creates an increased environmental impact to the area.

3. **Land Coverage:** The project area consists of Class 1a soils. There are no proposed land coverage changes.

4. **Construction Methodology and BMPs:** The project will consist of the installation of one new electrical vault and two new VFI (Vacuum Fault Interrupter) switching pads in addition to three new utility poles on Forest Service parcel APN 110-060-054. The applicant is proposing temporary access along the proposed utility lines with BMPs designed to be used by small track excavators and small skid steers. Utility trenching will occur at the corner of Kings Way and Regency Way for the purpose of connecting the switching pad to existing vaults indicated in yellow on the attached site plan. Excavation work will reach depths of between 8 and 10 feet below ground surface.

5. **Excavation:** A total of 880 cubic yards of material will be excavated and then replaced to pre-construction conditions once the undergrounding work has been
completed. The maximum depth for all excavation work will be eight feet below ground surface (bgs) to accommodate the new vault. On March 29th 2012 a Soils Hydrologic Waiver was granted by TRPA for excavation depths greater than five feet to a maximum excavation depth necessary to complete the project. A Dewatering Plan is required as a final condition of approval.

6. **Traffic:** A small portion of HWY 267 will be affected by the installation of the new power line and poles. To comply with the Caltrans Encroachment permit requirements, a flagger will be on site at all times to regulate traffic and construction activity. Periodically traffic will be halted to allow for the crossing of construction vehicles and equipment.

These issues are summarized in the following Staff Analysis.

**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 unmitigated significant environmental impacts were identified, and staff has concluded that the project will not have a significant adverse effect on the environment. A copy of the completed IEC will be made available at the Hearings Officer hearing and at TRPA.

B. **Land Use:** The proposed project is located in the Kingswood West Plan Area (PAS 020), Placer County, where pipelines and power transmission and transmission and receiving facilities are considered a Special Use. As such, the project requires Hearings Officer review per subparagraph 2.2.2.F.2.a of the TRPA Code. Special Use Findings have been addressed below.

C. **Plan Area Statement:** The project is located in Plan Area Statement (PAS) 020 Kingswood West. The Land Use Classification is Residential and the Management Strategy is Mitigation. The proposed use, pipelines and power transmission and transmission and receiving facilities, are listed as a Special Uses.

D. **Land Coverage:** The project area has been identified as Class 1a soil type. The project located on Forest Service parcel 110-060-054 is a total of 1,071,576 square feet in area. The total allowable land coverage for the site based on a Class 1a designation is 10,715 square feet. The linear staging area will create temporary disturbance which will need to be restored to its preconstruction conditions after the work is completed. Therefore, the project will not exceed the total base allowable land coverage for this parcel.

E. **Construction Methodology and BMPs:** Temporary construction access to the site will be northeast from Kings Way. The staging area will be accessed by track vehicles in order to
keep the land disturbance to a minimum. BMP measures shall be installed and maintained during all stages of the installation work. Temporary BMPs shall include erosion control filter fencing below the temporary construction area, erosion controls around all stockpiled materials and vegetation protection fencing, around all trees in the vicinity of the work that are targeted to remain.

F. Scenic Quality: The proposed project is located adjacent to Roadway Unit #41 (Brockway Cutoff to Brockway Summit) which is currently in attainment. While the proposed project does include the removal of 14 trees that measure between 14 and 26 inches in diameter at breast height, a significant portion of the proposed project will be screened by the remaining trees which will help to maintain the scenic quality of the area.

Required Findings:

The following is a list of the required findings as set forth in Chapters 4, 21, and 33 of the TRPA Code. Following each finding, Agency staff has indicated if there is sufficient evidence contained in the record to make the applicable findings or has briefly summarized the evidence on which the finding can be made.

1. Chapter 4.4 – Required Findings:

(a) 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.

There is no evidence in the file and record showing that the proposed project will have an adverse effect on the Land Use, Transportation, Conservation, Recreation, Scenic Quality Public Service and Facilities, or Implementation sub-elements of the Regional Plan. This is a linear public facility project intended to aid in public health and safety. The project as conditioned, conforms with, and will promote implementation of all applicable elements of the Regional Plan.

(b) The project will not cause the environmental threshold carrying capacities to be exceeded and

The applicant has completed an Initial Environmental Checklist (IEC). No unmitigated 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 checklist and IEC will be made available at the Hearings Officer hearing and at TRPA. TRPA staff has also completed the “Project Review
Conformance Checklist and Article V (g) Findings” in accordance with Section 4.4.2 of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities.

(c) **Wherever federal, state, or local air and water quality standards apply for the region, the strictest standards shall be attained, maintained, or exceeded pursuant to Article V (d) of the Tahoe Regional Planning Compact.**

The project as conditioned will not degrade any applicable air and water quality standards for the region. The project as designed will aid in maintaining both air and water quality values of the site through the use of Best Management Practices.

2. **Chapters 21 – Special Use Findings.**

(a) **The project to which the use pertains is of such a nature, scale, density, intensity, and type to be an appropriate use for the parcel on which and surrounding area in which it will be located:**

Based on the analysis contained in the administrative record and the IEC, the proposed project is an appropriate use for the project area. The proposed design, color, texture and materials of any structures as conditioned will be compatible with the existing conditions of the surrounding.

(b) **The project, and the related use, will not injure or disturb the health, safety, environmental quality, enjoyment of property, or general welfare of persons or property in the neighborhood, or in the region.**

The project to which the use pertains will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water, and air resources of both the applicant's property and that of surrounding property owners. The project includes BMPs for protection of soil and vegetation. Therefore the project, as conditioned, is not expected to cause any significant impacts on the environment or to other property owners in the vicinity or region.

(c) **The project to which the use pertains will not change the character of the neighborhood, or detrimentally affect or alter the purpose of the applicable**
planning area statement, community plan, and specific or master plan, as the case may be.

The project is not expected to affect or drastically change the character of the neighborhood, and does not affect or alter the purpose of PAS 020, which lists transmission and receiving facilities as a permissible Special Use. The project as designed and conditioned is compatible with, and will not adversely affect the surrounding residential character of the neighborhood but rather enhance the public safety of the area by providing a backup power source during emergencies and periods of inclement weather.

3. **Chapter 33 - Excavations:**

   (a) A soils/hydrologic report prepared by a qualified professional, whose proposed content and methodology has been reviewed and approved in advance by TRPA, demonstrates that no interference or interception of groundwater will occur as a result of the excavation.

   The applicant has submitted a Soils/Hydrologic report describing the proposed excavation for the new power poles and placement of vault which was conditionally approved to exceed a depth of five feet below ground surface.

   (b) **Excavated material is disposed of pursuant to Section 64.5 and the project area’s natural topography is maintained pursuant to Subparagraph 30.5.A (1).**

   As a condition of approval any excavated material not used on site must be hauled away from the site to a TRPA approved location. Only fills for purposes of the new power poles, new vault and switching pads is authorized as a result of the conditional permit.

   (c) **The Excavation is designed such that no damage occurs to mature trees, except where tree removal is allowed pursuant to Subsection 65.2.E, including root systems, and hydrologic conditions of the soil.**

   As a condition of approval the permittee shall not excavate deeper than is necessary for the installation of new power poles and vault equipment which is targeted between eight and 10 feet below ground surface. No living native trees other than the eleven marked for removal shall be removed.
**Required Actions:** Staff recommends that the Hearings Officer approve the project by making the following motions and findings based on this staff summary and the evidence contained in the record:

I. Approve the findings contained in this staff summary and a mitigated finding of no significant environmental effect.

II. Approve the project, based on the staff summary, subject to the conditions contained in the attached Draft Permit.

**Attachments:**

A. Draft Permit
B. Proposed Plans
   i. Location Map
   ii. Site Plan
   iii. Pole Detail
   iv. Trenching Detail
   v. Encroachment Permit
   vi. Easement
Draft Permit
(Attachment A)

**PROJECT DESCRIPTION:** Overhead Power Line Extension

**PERMITTEE:** CA Pacific Energy Electric Company
DBA, Liberty Energy

**COUNTY/LOCATION:** Placer / Kings Way and Regency Way

APN: 110-060-054

FILE #: ERSP2011-1278

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on **May 10, 2012**, subject to the standard conditions of approval attached hereto (Attachments Q) and the special conditions found in this permit.

This permit shall expire on **May 10, 2015**, without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of pouring concrete for a foundation and does not include grading, installation of utilities or landscaping. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

**NO DEMOLITION, CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:**

(1) **TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT;**

(2) **ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA’S ACKNOWLEDGEMENT OF THIS PERMIT;**

(3) **THE PERMITTEE OBTAINS APPROPRIATE COUNTY PERMIT. TRPA’S ACKNOWLEDGEMENT MAY BE NECESSARY TO OBTAIN A COUNTY PERMIT. THE COUNTY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS; AND**

(4) **A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.**

________________________________________________________________________

**TRPA Executive Director/Designee**

__________________________________________ **Date**

**PERMITTEES’ ACCEPTANCE:** I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents’ and employees’ compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I also understand that certain mitigation fees associated with this permit are non-refundable once paid to TRPA. I understand that it is my sole responsibility to obtain any and all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

Signature of Permittee(s) ____________________________________ **Date** ___________________________________

(PERMIT CONTINUED ON NEXT PAGE)
Security Posted (2): Amount $5,000

Security Administrative Fee (3): Amount $__________ Paid ________ Receipt No. ________

Notes:
1. See Special Condition 3.F, below.
2. $152 if a cash security is posted or $135 if a non-cash security is posted.

Required plans determined to be in conformance with approval: Date: ____________

TRPA ACKNOWLEDGEMENT: The Permittee has complied with all pre-construction conditions of approval as of this date and is eligible for a county building permit:

__________________________________________
TRPA Executive Director/Designee

Date

SPECIAL CONDITIONS

1. This permit specifically authorizes the 482 linear foot extension of existing overhead utility power lines located in the Kingswood neighborhood, Tahoe Vista, to a backup power supply system. Authorized work includes the installation of five new 50 foot long utility poles three located on Forest Service property and associated guy wires. Additional work is to include the installation of a new electrical vault; (identified as PV-1 on the site plan) and two new switching pads within the asphalt portion of the County owned road right of way (ROW) off of Kings Way. The proposed project is authorized to remove 11 trees.

2. The Standard Conditions of Approval listed in Attachment Q shall apply to this permit.

3. Prior to permit acknowledgement, the following conditions of approval must be satisfied:

   A. Vegetation protective fencing around the entire construction site. The fencing shall be no more than 12 feet from any area of approved disturbance. Trees
located within the construction area shall be individually protected by fencing or other means as necessary.

B. Revised tree removal plan indicating that the twenty seven, twenty six and thirteen inch white firs shall be retain for screening purposes.

C. An indication that erosion controls will be placed around any and all stockpiles of materials.

D. A note indicating: “All barren areas and areas disturbed by construction shall be re-vegetated in accordance with the TRPA Handbook of Best Management Practices. Application of mulch may enhance vegetative establishment”.

E. The security required under Standard Condition A.3 of Attachment Q shall be $5,000.00. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.

F. The permittee shall submit a color sample, consistent with the color of the existing facilities, for the proposed antenna and equipment shelters. The antennae and other equipment shall be painted upon completion of the project.

G. The Permittee shall submit three sets of final construction drawings and site plans.

4. To the maximum extent allowable by law, the Permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board, its Planning Commission, its agents, and its employees (collectively, TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person or property or (b) to set aside, attack, void, modify, amend, or annul any actions of TRPA. The foregoing indemnity obligation applies, without limitation, to any and all suits, losses, damages, injuries, liabilities, and claims by any person from any cause whatsoever arising out of or in connection with either directly or indirectly, and in whole or in part (1) the processing, conditioning, issuance, or implementation of this permit; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or the Permittee.

Included within the Permittee's indemnity obligation set forth herein, the Permittee agrees to pay all fees of TRPA's attorneys and all other costs and expenses of defenses as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees incurred by TRPA for actions arising directly or indirectly from issuance or
implementation of this permit. Permittee shall also pay all costs, including attorneys’ fees, incurred by TRPA to enforce this indemnification agreement. If any judgment is rendered against TRPA in any action subject to this indemnification, the Permittee shall, at its expense, satisfy and discharge the same.

5. Prior to the commencement of construction the permittee shall submit a construction completion schedule. This schedule shall identify dates for the following: installation of temporary BMPs; 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.

6. It is the Permittee’s responsibility to receive any and all necessary authorizations and/or permissions from the appropriate agencies for the proposed project.

7. All work associated with this permit requiring the use of heavy equipment or vehicles shall take place within existing paved roadway, along existing compacted dirt shoulders, or proposed linear staged areas. Any work requiring minor temporary disturbance to existing vegetation or undisturbed areas shall be accomplished using hand equipment. The number of vehicle trips into the staging area shall be kept to a minimum. Employees are prohibited from driving or parking their personal vehicles in the staging areas. The permittee shall restore all areas of heavy traffic use to include, recontouring and amending all problems area back to preconstruction condition subject to final TRPA Inspector approval.

8. All excavated material not used on site shall be hauled away to a TRPA approved location. No fills, or re-contouring, other than backfill for support structures is allowed.

9. All temporary soil stockpiles shall be contained by temporary erosion control fences or coir logs with gravel bags.

10. Any and all waste resulting from the saw-cutting of pavement shall be removed using a vacuum (or other TRPA approved method) during the cutting process or immediately thereafter. Discharge of waste material to surface drainage features is prohibited and constitutes a violation of this permit.

11. Dust control in the way of sweeping of dirt tracked onto pavement at the end of each day is required.

12. All employee vehicles shall be parked on existing paved surfaces or existing compacted road shoulders.
13. Temporary erosion control structures must be maintained until disturbed areas are stabilized or sufficiently re-vegetated. Temporary erosion control structures shall be removed once the site has been stabilized or re-vegetated.

14. Any exposed or bare soil areas on site shall be re-vegetated with plant species on the TRPA recommended Native and Adapted Plant list.

11. All remaining trees and shrubs on this parcel between the lake and the proposed residence that are not approved to be removed as a part of the project shall not be removed or trimmed without prior TRPA approval. Any such removal or trimming shall constitute a violation of project approval.

12. 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.

13. The permittee is responsible for insuring that the project meets all federal, state, and county regulations and design specifications.

14. Any normal construction activities creating noise in excess to 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.

15. This site shall be winterized in accordance with the provisions of Attachment Q by October 15th of each construction season. All disturbed areas shall be stabilized with a 3-inch layer of mulch or covered with an erosion control blanket.

END OF PERMIT
Location Map
Pole Detail
TYPICAL SERVICE TRENCH DETAILS

TYPICAL SECONDARY/SERVICE TRENCH ELECTRIC ONLY

ENGINEERING NOTES:

A. If utilities on this sheet are not in a joint trench as shown, raise trench depths and comply with minimum depths and clearances referenced in Typical Trench Details 1-19.

B. All trenches must be approved by SPPC prior to any construction.

C. In some cases, Gas Services may be run with electric primary. A special line type shall be used on the design drawings as well as on the distribution map indicating that electric primary is below the gas service line.

UTILITY DESIGNATION AND LEGEND

TP TELEPHONE  W WATER
TV CABLE TV  E ELECTRIC
G GAS

(O.D.) OUTSIDE DIAMETER

Trenching Detail
TYPICAL MAIN TRENCH DETAILS

TYPICAL PRIMARY OR SECONDARY TRENCH

ENGINEERING NOTES:

A. If utilities on this sheet are not in a joint trench as shown, raise trench depths and comply with minimum depths and clearances referenced in Typical Trench Details 1-19.

B. All trenches must be approved by SPPC prior to any construction.

TYPICAL GAS AND WATER MAIN TRENCH

UTILITY DESIGNATION AND LEGEND

TP TELEPHONE  W WATER
TV CABLE TV  E ELECTRIC
G GAS

(O.D.) OUTSIDE DIAMETER
9.6 Embedded Pole and Sonotube Reference Guide

9.7 Embedded Decorative Steel Pole Installation, And Sonotube Installation For 17’ and 19’ Embedded Decorative Steel Poles.

Pole installation by S.P.P.Co.

Sonotube installation by developer.

Pipe, Std: 3/4” CTS.
Plain ends, 200 lb. Polyethylene 340
Level with the top of the Sonotube.

See TE0001U in section 3 volume 17 for installation, backfill, and compaction specification for street lights.
In compliance with (Check one):

☐ Your application of ___________________________ of ___________________________

☐ Utility Notice No. ___________________________ of ___________________________

☐ Agreement No. ___________________________ of ___________________________

☐ RW Contract No. ___________________________ of ___________________________

TO: Liberty Energy
c/o Tri Sage Consulting
5418 Longley Lane, Suite A
Reno, NV 89511
[Att: Bob Fong]
(775)250-9685

and subject to the following, PERMISSION IS HEREBY GRANTED to:
Upgrade existing aerial crossing to 3, #2ACSR on State Highway 267 approximately 2500 feet east of Carmelian Bay Avenue as per attached plans and following conditions:
1. Advanced flagger shall be used in the downhill direction (East Bound Hwy 267).
2. Permittee shall provide safe access for Peds/bikes at all times through work area.

Permittee shall contact State Inspector Ron Mills (530) 755-6688 SEVEN (7) working days prior to commencing work to arrange a pre-job meeting in accordance with General Provisions. All work shall be conducted and completed to the satisfaction of the Caltrans representative. Immediately following completion of the work permitted herein, the Permittee shall fill out and mail the Notice of Completion attached to this Permit.

THIS PERMIT IS NOT A PROPERTY RIGHT AND DOES NOT TRANSFER WITH THE PROPERTY TO A NEW OWNER.

The following attachments are also included as part of this permit (Check applicable):

☐ Yes ☐ No General Provisions
☐ Yes ☐ No Utility Maintenance Provisions
☒ Yes ☐ No Special Provisions TRAFFIC CONTROL
☒ Yes ☐ No A Cal-OSHA permit, if required: Permit No.
☒ Yes ☐ No As-Built Plans Submittal Route Slip for Locally Advertised Projects
☒ Yes ☐ No Storm Water Pollution Protection Plan

In addition to fee, the permittee will be billed actual costs for:

☐ Yes ☐ No Review
☐ Yes ☐ No Inspection
☐ Yes ☐ No Field work

(If any Caltrans effort expended)

☐ Yes ☐ No The information in the environmental documentation has been reviewed and considered prior to approval of this permit.

This permit is void unless the work is completed before ___________________________.

This permit is to be strictly construed and no other work other than specifically mentioned is hereby authorized.
No project work shall be commenced until all other necessary permits and environmental clearances have been obtained.

Ron Mills, P.O. Box 579, Truckee, CA 96160
(530) 582-8133 Cellular (530) 755-6688
c: Tim Hutton, Liberty Energy/California Pacific Electric Company, 933 Eloise Avenue, South Lake Tahoe, CA 96150

Stan Richins, Sutter/Sierra Maint, Region

APPROVED:

JODY JONES, District Director

BRUCE D. CAPAUL, Chief-Encroachment Permits Branch

ADA Notice: For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 653-3657 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.
MEMORANDUM

Date: May 3, 2012

To: TRPA Hearings Officer

From: Wendy Jepson, Senior Planner, Current Planning Department

Subject: Cedar Crest Multi-Family Rebuild, 4815 West Lake Boulevard, Homewood, California, APN 097-083-11 and 13, TRPA File ERSP2010-0931

Requested Action: Hearings Officer action on the proposed project and a finding of no significant environmental effect.

Staff Recommendation: Staff recommends that the Hearings Officer make the required findings and approve the proposed project.

Required Motions: In order to approve the proposed project, the Hearings Officer must make the following motions, based on this staff summary and the evidence in the record:

1) A motion to approve the required findings (see Attachment A), including a finding of no significant effect; and 2) A motion to approve the proposed project subject to the conditions contained in the draft permit (see Attachment B).

Project Description/Background: The project area consists of 10 existing residential units on a 33,840 square foot project area. The proposed project involves the entire reconstruction of one residential unit and modifications to eight residential units. The modifications include raising the existing units and adding basements, moving five cabins approximately four feet south out of the property line setback and consolidating four units into two by connecting the residential units. Onsite parking will be modified to conform to TRPA and Placer County standards and Best Management Practices (BMPs) will be installed within the project area. Landscaping and revegetation will also occur. Eight of the residential units have been identified as having historical significance. The proposed modifications will retain the historical significant elements identified by the State of California Office of Historic Preservation. Upon completion of the project, TRPA will recognize two banked residential units on APN 097-083-13.

Issues/Concerns: The proposed project (multi-family residential) is a legally established non-conforming use for Plan Area Statements 160 – Homewood/Residential. Multi-family is not a listed permissible use for the Plan Area. Section 21.5 of the TRPA Code of Ordinances permits the non-conforming use to be modified if TRPA finds the modifications do not increase the extent of the nonconformity. Those findings can be found in Attachment A of this staff summary. Hearings Officer review is required for this project in accordance with Chapter 2 of the TRPA Code of Ordinances.
Regional Plan Compliance: The proposed project complies with all requirements of the TRPA Goals and Policies, Plan Area Statements, and Code of Ordinances, including all required findings in Chapters 4, 21, 30, 33 and 37 of the TRPA Code of Ordinances (see Attachments A and C for details).

Contact Information: If you have any questions, please contact Wendy Jepson, AICP, Senior Planner at wjepson@trpa.org or 775-589-5269.

Attachments:
A. Required Findings/Rationale
B. Draft Permit
C. Regional Plan Compliance Analysis
D. Site Plan
Attachment A: Required Findings/Rationale

The following is a list of the required findings as set forth in Chapters 4, 21, 30, 33 and 37 of the TRPA Code of Ordinances. Following each finding, Agency staff has indicated if there is sufficient evidence contained in the record to make the applicable findings or has briefly summarized the evidence on which the finding can be made.

1. Chapter 4 – Required Findings:

(a) 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.

TRPA staff has reviewed the proposal and confirmed that the proposed project is consistent with the Regional Plan, and determined that the project will not adversely affect implementation of the Regional Plan.

(b) The project will not cause the environmental threshold carrying capacities to be exceeded.

TRPA staff has completed the “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 the checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Hearings Officer meeting and at TRPA.

(c) 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 TPRA Compact, the project meets or exceeds such standards.

(Refer to paragraph (b), above.)

2. Chapter 21 – Permissible Uses:

(a) The project, to which the use pertains, is of such a nature, scale, density, intensity and type to be an appropriate use for the parcel on which, and surrounding area in which, it will be located.

The project will not change the existing use on the site which is multi-family. The project area currently contains ten units and upon completion of the project eight residential units will exist. This project reduces density within the project area. The multi-family development has existed on this site for over 50 years. The proposed project will restore the deteriorated units on the site. Surrounding land uses include residential properties and Highway 89 to the east.

(b) The project, to which the use pertains, will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region, and the applicant has taken
reasonable steps to protect against any such injury and to protect the land, water, and air resources of both the applicant's property and that of surrounding property owners.

The proposed project is a multi-family development which does not pose an increased risk of injury or disturbance to the health, safety or general welfare to persons and property in the Region. The proposed project will restore deteriorating buildings and update the site with Best Management Practices, defensible space and new landscaping.

(c) The project, to which the use pertains, will not change the character of the neighborhood, detrimentally affect or alter the purpose of the applicable planning area statement, community plan and specific or master plan, as the case may be.

The existing multi-family development has existed on this site for over 50 years. The applicant proposes to update the site to current standards while keeping the architectural historical significance of the development. The non-conformity of the site is the multi-family use. This use will continue, however, the number of units will decrease by two upon completion of the project.

3. Chapter 30 – Land Coverage:

(a) The relocation is to an equal or superior portion of the parcel or project area.

Land coverage will be relocated within Class 3 land, and from Class 3 to Class 5 land. Relocation is also proposed between the Class 3 and the IPES area, however, the IPES area has also been verified as Class 3 land. The relocation of land coverage will be centered on the parcel, removing existing developments from front, side and rear yard setbacks.

(b) The area from which the land coverage was removed for relocation is restored in accordance with subsection 30.5.3.

All areas of removed land coverage will be restored. The applicant has submitted a landscape/revegetation plan documenting areas of removed land coverage and proposed landscape/restoration for these areas.

(c) The relocation shall not be to Land Capability Districts 1a, 1b, 1c, 2 or 3, from any higher numbered land capability district.

Land coverage will be relocated within Class 3 land less 3 to Class 3 land, and from Class 3 to Class 5 land.

4. Chapter 33 – Grading and Construction

(a) A soils/hydrologic report prepared by a qualified professional, whose proposed content and methodology has been reviewed and approved in advance by TRPA, demonstrates that no interference or interception of groundwater will occur as a result of the excavation.
A soils/hydrologic report has been reviewed and approved by TRPA which allows for an excavation of nineteen feet below ground surface. The maximum excavation proposed for the project is approximately twelve feet below ground surface.

(b) The excavation is designed such that no damage occurs to mature trees, except where tree removal is allowed pursuant to Subsection 33.6.5, including root systems, and hydrologic conditions of the soil.

No trees, other than those shown on the proposed site plan, will be removed or impacted as a result of the proposed development. Details of excavation methods close to mature trees will be a condition of project approval.

(c) Excavated material is disposed of pursuant to subsection 33.3.4 and the project area’s natural topography is maintained pursuant to subparagraph 36.5.1.A.

All material not utilized within the land coverage footprint and shown on the submitted drawings shall be removed from the site and disposed of at a location acceptable to TRPA.

5. **Chapter 37 – Height:** The building heights for the proposed residential cabins are less than 26 feet and do not require any additional height findings to be made. The proposed residence to be rebuilt will exceed 26 feet in height and the below findings are applicable to that building only.

(a) **When viewed from major arterials, scenic turnouts, public recreation areas of the waters of Lake Tahoe, from a distance of 300 feet, the additional height will not cause a building to extend above the forest canopy, when present, or a ridgeline.** For height greater than that set forth in Table 37.4.1-1 for a 5:12 roof pitch, the additional height shall not increase the visual magnitude beyond that permitted for structures in the shoreland as set forth in subsection 66.3.7, Additional Visual Magnitude, or Appendix H, Visual Assessment Tool, of the Design Review Guidelines.

The building is located approximately 140 linear feet uphill from the edge of pavement of Highway 89. The site contains several large trees located between the right of way and the proposed building. The building will not be visible from Lake Tahoe. The proposed height of 37 feet is consistent with TRPA regulations and is less than the allowable height of 40 feet, for a majority roof pitch of 12:12 with a 16% building cross slope. The parcel has many mature trees that exceed 37 feet in height preventing the building from extending beyond the forest canopy.

(b) **When outside a community plan, the additional height is consistent with the surrounding uses.**
The proposed residence is two stories in height with a basement. The building site has an approximate slope of 16%. The new rebuilt residence is consistent with the surrounding neighborhood of other residential development.

(c) The maximum height at any corner of two exterior walls of the building is not greater than 90 percent of the maximum building height. The maximum height at the corner of two exterior walls is the difference between the point of lowest natural ground elevation along an exterior wall of the building and point at which the corner of the same exterior wall meets the roof. This standard shall not apply to an architectural feature described as a prow.

The proposed residence has a majority roof pitch of 12:12 which meets this requirement.
Attachment B: DRAFT PERMIT

PROJECT DESCRIPTION: Multi-Family Rebuild

APN 097-083-11 & 13

PERMITTEE(S): Alpine Bear Creek LLP

FILE #: ERSP2010-0931

COUNTY/LOCATION: Placer/4815 West Lake Boulevard, Homewood, California

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on May 10, 2012, subject to the standard conditions of approval attached hereto (Attachment Q) and the special conditions found in this permit.

This permit shall expire on May 10, 2015 without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of pouring concrete for a foundation and does not include grading, installation of utilities or landscaping. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

NO CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:

1. TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT;

2. ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA’S ACKNOWLEDGEMENT OF THIS PERMIT;

3. THE PERMITTEE OBTAINS A COUNTY BUILDING PERMIT. TRPA’S ACKNOWLEDGEMENT IS NECESSARY TO OBTAIN A COUNTY BUILDING PERMIT. THE COUNTY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS; AND

4. A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.

---

TRPA Executive Director/Designee  Date

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PERMITTEE’S ACCEPTANCE: I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents’ and employees’ compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I also understand that certain mitigation fees associated with this permit are non-refundable once paid to TRPA. I understand that it is my sole responsibility to obtain any and all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

Signature of Permittee(s)  Date

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PERMIT CONTINUED ON NEXT PAGE
APN 097-083-11 & 13
FILE NO. ERSP2010-0931

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

Project Security Posted (2): Amount $_______ Type ___ Paid _____ Receipt No._____

Security Administrative Fee (3): Amount $_______ Paid _____ Receipt No._____

Notes:
(1) Amount to be determined. See Special Condition 3.E, below.
(2) Amount to be determined. See Special Condition 3.D, below.
(3) $152 if a cash security is posted, or $135 if a non-cash security is posted.

Required plans determined to be in conformance with approval: Date:______________

TRPA ACKNOWLEDGEMENT: The permittee has complied with all pre-construction conditions of approval as of this date and is eligible for a county permit:

TRPA Executive Director/Designee

Date

SPECIAL CONDITIONS

1. This permit authorizes the reconstruction of one existing residential unit of use and the modification of eight cabins (also verified as residential units of use). Two sets of cabins will be connected, eliminating two residential units of use which will be banked upon project completion. All cabins will be raised and basements added to the cabins. Along the north property line, five cabins will be shifted south to from the existing location within the side yard setback. The parking will be modified and located within the interior of the project area. Best Management Practices and landscaping will be added to the site.

2. The Standard Conditions of Approval listed in Attachment Q shall apply to this permit.

3. Prior to permit acknowledgement, the following conditions of approval must be satisfied.

A. A Best Management Practices (BMP) plan shall be submitted for the project area. The BMP plan shall include:

(1) Temporary erosion control structures located downslope of the proposed construction areas shall be shown on the submitted site plan. Please Note: Straw bales are no longer acceptable for
temporary erosion control or mulch material in the Lake Tahoe Basin. The use of straw has contributed to the spread of noxious weeds throughout the basin. The use of alternatives to straw bales, such as pine needle bales, filter fabric, coir logs and pine needle or wood mulches for erosion control purposes is required.

(2) Vegetation protective fencing around the entire construction site and individual trees where appropriate shall be shown on the site plan. Where a tree exists within the construction area, the vegetation protection fencing must be placed beyond the drip-line of the outermost branches or, in limited instances, at the limit of the residential foundation. No equipment, personnel or disturbance is allowed within the vegetation fencing. The exact location of vegetation protection fencing shall be approved by TRPA at the pre-grade inspection. Any necessary modifications may be made at the time of the inspection as approved by the TRPA Inspector.

(3) Location of all permanent infiltration devices, including dripline trenches, parking lot infiltration and treatment devices, slotted drains and drywells. Sizing calculations shall be provided for all required devices. All runoff generated on site shall be infiltrated onsite.

B. Parking barriers, wood bollards, or other type of barrier to restrict parking to approved parking surfaces only shall be shown on the site plan. Previous walkway areas shown for restoration shall also include some type of barrier or planting which prohibits future disturbance.

C. The security required under Standard Condition I.B of Attachment Q shall be determined upon the permittee’s submittal of required Best Management Practices plan and related cost estimate. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.

D. The project area has 12,217 square feet of excess land coverage. The permittee shall mitigate a portion or all of the excess land coverage on this property by removing coverage within Hydrologic Transfer Area 7 – McKinney Bay or by submitting an excess coverage mitigation fee.

To calculate the amount of excess coverage to be removed, use the following formula:

Estimated project construction cost multiplied by the fee percentage of 0.0250 divided by the mitigation factor of 8. If you choose this option, please revise your final site plans and land coverage calculations to account for the permanent coverage removal.
An excess land coverage mitigation fee may be paid in lieu of permanently retiring land coverage. The excess coverage mitigation fee shall be calculated as follows:

Coverage reduction square footage (as determined by formula above) multiplied by the coverage mitigation cost fee of $8.50 for projects within Hydrologic Transfer Area 7. Please provide a construction cost estimate by your licensed contractor, architect or engineer. In no case shall the mitigation fee be less than $200.00.

E. The permittee shall submit a revised landscape/revegetation plan that includes temporary and any proposed permanent irrigation systems and a fertilizer management plan. The fertilizer management plan shall be in accordance with Section 60.1.8 of the TRPA Code of Ordinances. Grading needed for the irrigation shall be identified either on the landscape plan or the required grading plan (see Special Condition 3.E, below). The landscape plan shall be revised to include:

1. Additional plantings of low level shrubs and groundcovers along the Highway 89 frontage.
2. Planting of two trees adjacent to parking spaces 2 through 5, to break up the new main residence as viewed up the driveway from Highway 89. Please note that Sheet A-02.02 appears to be incorrect and that the trees shown in front of the main cabin will be or have been removed.
3. Details of what the description “ revegetation” will include. Identify what will occur in these areas and what will be planted.

F. The permittee shall submit a grading plan for the entire project area. In particular, the grading plan shall document existing and proposed grades, cut/fill calculations, disposal location of any excess material not utilized within the land coverage footprint and grading protection methods so mature trees and root systems are not impacted. The grading plan shall document that all excavation activities shall be consistent with the excavation depths approved by the TRPA Soils/Hydrologic Report dated July 20, 2011 (TRPA File LCAP2011-0130). All overhead utility lines within the project area shall be undergrounded and all associated utility grading shown on the grading plan.

G. The permittee shall demonstrate that all existing signs within the project area conform to the requirements of Chapter 38 of the TRPA Code of Ordinances.

H. The permittee shall provide individual height calculations for each building within the project area. Height is measured from the lowest point of natural grade along the exterior of the building to the top of the highest ridge. The building cross slope is the slope across each individual
building site. Roof pitches shall be shown and for buildings with multiple roof pitches, a calculation of the area of each pitch type shall be provided.

I. The existing driveway width exceeds the maximum width of 24 feet as identified in Section 34.3.4 of the TRPA Code of Ordinances. The permittee shall revise the driveway to meet TRPA requirements or alternatively, provide documentation from Caltrans that the existing width of 30 feet at the property line is necessary to meet Caltrans safety requirements.

J. The permittee shall provide documentation showing that the proposed 13 parking spaces (12 surface, one garage) meets the Placer County parking requirements.

K. Details of the proposed wood walkways/stairs and concrete ramps located within the "common area" of the project area, shall be provided.

L. Design and material notes shall be added to the elevation drawings identifying the historic preservation elements of cabins.

M. All exterior lighting shall be identified on the submitted plans. Details of any proposed exterior lighting shall be provided and demonstrate conformance with Section 36.8 of the TRPA Code of Ordinances.

N. The permittee shall submit three sets of final construction drawings and site plans to TRPA.

4. The permittee shall submit a projected construction completion schedule to TRPA prior to or at the TRPA pre-grade inspection. Said schedule shall include completion dates for each item of construction, as well as BMP installation for the entire project area.

5. Upon return of the project security, TRPA will recognize two banked residential units of use within the project area.

6. By acceptance of this permit, the permittee acknowledges the historical significance of the small cabin units and agrees to maintain the historic features as identified in the application material as submitted by the permittee.

7. To the maximum extent allowable by law, the Permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board, its Planning Commission, its agents, and its employees (collectively, TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person or property or (b) to set aside, attack, void, modify, amend, or annul any actions of TRPA. The foregoing indemnity obligation applies, without limitation, to any and all suits, losses, damages, injuries, liabilities, and claims by any person from any cause whatsoever arising out of or in connection with either directly or indirectly, and in whole or in part (1) the processing, conditioning, issuance, or implementation of
this permit; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or Permittee.

Included within the Permittee's indemnity obligation set forth herein, the Permittee agrees to pay all fees of TRPA's attorneys and all other costs and expenses of defenses as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees incurred by TRPA for actions arising directly or indirectly from issuance or implementation of this permit. Permittee shall also pay all costs, including attorneys' fees, incurred by TRPA to enforce this indemnification agreement. If any judgment is rendered against TRPA in any action subject to this indemnification, the Permittee shall, at its expense, satisfy and discharge the same.

8. No trees shall be removed (other than those shown on the approved site plan) or trimmed for view enhancement purposes without prior TRPA written approval as per the conditions of the Landscape and Revegetation Plan.

9. 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.

10. All mechanical equipment shall be screened from view from the Highway 89 Scenic Corridor. This equipment would include, but not be limited to, trash receptacles, satellite receiving dishes, communication equipment and utility hardware on the roof, building or the ground.

END OF PERMIT
Attachment C: Regional Plan Compliance Analysis

A. Plan Area Statement/Community Plan: The project is located within Plan Area Statement 160 – Homewood/Residential. The Land Use Classification is Residential and the Management Strategy is Mitigation. Multi-family residences are not a permissible use for the Plan Area. This multi-family use has existed on the site for over 50 years. Section 21.5 of the TRPA Code of Ordinances permits the non-conforming use to be modified if TRPA finds the modifications do not increase the extent of the nonconformity. Those findings can be found in Attachment A of this staff summary. Agency staff has reviewed the Plan Area Statements and has determined that the project, as conditioned in the attached permit, is consistent with the applicable planning statements, planning considerations, and special policies, and is considered a permissible use.

B. Land Coverage: The following are the land coverage calculations for the project area. The project area consists of two parcels which have previously been formed into a TRPA project area. One parcel contains a single family dwelling on a parcel that was evaluated and initially developed under the IPES system. The IPES evaluation permitted 5% land coverage. The IPES parcel was also included in the land capability verification and identified as Class 3, which allows for 5% land coverage.

Project Area: 33,840 s.f.

Allowable Coverage:
Class 3: 1,166 s.f.
Class 5: 117 s.f.
IPES: 502 s.f.
Total: 1,785 s.f.

Existing Coverage:
Class 3: 10,032 s.f.
Class 5: 291 s.f.
IPES: 3,773 s.f.
Total: 14,096 s.f.

Proposed Coverage:
Class 3: 9,505 s.f.
Class 5: 331 s.f.
IPES: 4,260 s.f.
Total: 14,096 s.f.

Excess Coverage: 14,096 s.f. − 1,785 s.f. = 12,311 s.f.
Previously Mitigated Coverage: 94 s.f. (TRPA File 2008-0493)
Excess Coverage for this application: 12,311 s.f. − 94 s.f. = 12,217 s.f.

C. Historic Resource Protection: The project area as it exists today consists of 7 small cabins, a foundation of an eighth cabin which has burned, a larger main house, and an existing residence that was recently moved to the site. The residence that was moved
to the site is not subject to historic resource protection. The larger main house was analyzed by the Placer County Museums Division and was determined not to meet the criteria for the National Register of Historic Places and therefore the demolition proposed is acceptable.

The seven small cabins (and the eighth burned cabin) have been identified as historic resources by TRPA. These cabins were built in 1933. The State of California Office of Historic Preservation was contacted regarding the proposed project and offered suggestions to the design that would help maintain the historic character and features of the cabins. The applicant has proposed the following measures as recommended by the Office of Historic Preservation:

- Maintain the present orientation (south-facing, east-facing) of the cabins. It was suggested to keep the buildings in the same location, however the required setbacks serve a purpose for fire safety. A fire has claimed one cabin and the applicant desires to provide a safe environment by meeting the Placer County standards.
- Existing materials will be retained, repaired and reused to the greatest extent possible.
- Vertical wood wainscoting will be added around the outside of the proposed basement walls. The vertical wood is sufficiently different to be able to differentiate between the historic fabric of the cabins and the new basement level.
- Wood shake roofing will be replaced by asphalt shingles to comply with fire department requirements.