MEMORANDUM

Date: May 31, 2012

To: TRPA Hearings Officer

From: TRPA Staff

Subject: North Lake Tahoe Water Shuttle, Placer County, California, TRPA File ERSP2012-0630
        APNs: 117-110-059, 115-050-028, 094-090-032, 097-130-031

Requested Action: Hearings Officer action on the proposed project and related findings (Attachment A).

Staff Recommendation: Staff recommends approval of the proposed project and a finding of no significant effect. The recommended conditions of approval are contained in the attached Draft Temporary Permit (Attachment B).

Required Actions: Staff recommends that the Hearings Officer approve the project by taking the following actions, based on this staff summary and the evidence contained in the project record:

I. Approve the required findings contained in Attachment A of this staff summary, including a finding of no significant effect; and

II. Approve the proposed project subject to the special conditions contained in the attached Draft Temporary Permit.

Project Description: The North Lake Tahoe Resort Association (NLTRA), in coordination with the Tahoe Transportation District (TTD), is requesting a temporary permit to provide a scheduled water shuttle service with multiple stops along the Placer County shoreline of Lake Tahoe. This is a pilot project that will evaluate the potential for a similar long-term water shuttle service. The proposed water shuttle service will utilize a single vessel during this pilot phase, which can transport up to fourteen passengers plus one crew member (the captain). The water shuttle is proposed to operate on a schedule (as opposed to a taxi type service) extending from approximately 8:00 AM to 9:00 PM, with service provided daily between May 26 (Memorial Day weekend) and September 3 (Labor Day), and then on weekends until September 30. As the operational season progresses, the evening hours of the service will be reduced to avoid nighttime operations.

The NLTRA will rely on a contractor to provide the vessel (including all equipment on the vessel) and to be fully responsible for insurance, operation, fueling, storage and maintenance of the vessel. The vessel is anticipated to be 30’ long and have a draft of 32”. The contractor will be responsible for the collection of tickets, tracking of ridership by run and stop, and preparation of weekly ridership reports.
The proposed water shuttle will serve four sites that currently function as multiple-use commercial or public piers, and that are within walking distance to commercial centers of activity, residential housing, tourist accommodations, and transit operations served by TART.

The landing sites, which would be served a minimum of 5 times per day, include:

- Tahoe Vista Recreation Area  
  State Route 28 (North Lake Blvd.) at National Ave., Tahoe Vista, CA  
  Assessor’s Parcel Number 117-110-059

- Gar Woods Grill and Pier  
  5000 North Lake Blvd., Carnelian Bay, CA  
  Assessor’s Parcel Number 115-050-028

- Tahoe City Marina  
  700 North Lake Blvd., Tahoe City, CA  
  Assessor’s Parcel Number 094-090-032

- West Shore Cafe  
  5160 West Lake Blvd., Homewood, CA  
  Assessor’s Parcel Number 097-130-031

The proposal is limited to operation of the water shuttle and consideration of the landing sites to be utilized as transit stations and terminals. With the exception of informational and directional signage at the proposed water shuttle landing sites, no physical changes or modifications to any of the shorezone facilities or upland properties are proposed as part of the pilot program. The need for additional or modified facilities (such as benches, shelters, and pier improvements) will be determined as the pilot project operates and considered at a future time.

**Landing Site Descriptions:**

**Tahoe Vista Recreation Area:** The Tahoe Vista Recreation Area is a public facility that is owned and operated by the North Tahoe Public Utility District. The site is located within Special Area #3 of the Tahoe Vista Community Plan, which lists Transit Stations and Terminals as a permissible Special Use. The existing shorezone facilities include a breakwater, pier and boat ramp. The pier is approximately 33’ long and the breakwater has approximately 150’ of deck available for boat landings. The site currently has a seasonal kayak rental concession. Parking is currently limited at the site due to phased improvements at the recreation area. A project that will add 41 automobile spaces and 24 pull-through auto/boat trailer parking spaces across the street on the northwest corner of the intersection of SR 28 and National Avenue is expected to begin this year. Surrounding land uses include single and multiple family dwellings, public services and commercial uses.

**Gar Woods Grill and Pier:** The Gar Woods site contains a restaurant and multiple-use pier operated by the owner. The parcel is located within the Carnelian Bay Community Plan, which lists Transit Stations and Terminals as a permissible Special Use. The existing pier is approximately 239’ long and extends to a lake bottom elevation of 6216’. The end of the pier has an adjustable lift that is ADA accessible. Railings run the length of the pier with openings to provide ramped access to two
adjustable catwalks that run the length of the pier on both sides. There is a large public parking lot adjacent to the site that provides ample parking. Surrounding land uses consist of residential, recreation, tourist, commercial and public uses.

_Tahoe City Marina:_ The privately owned Tahoe City Marina is located in downtown Tahoe City within Special Area #1 of the Tahoe City Community Plan. Transit Stations and Terminals are listed as an Allowed Use. The marina has been significantly expanded recently and contains facilities common to a large marina such as breakwaters, multiple boat slips, an ADA accessible dock with boat landings, a fueling station, and pump-out facilities. The marina also operates a boat and kayak rental service. On-site parking is limited during the peak summer weekends, but public parking exists nearby at the Grove St. and Jackpine parking lots. Surrounding land uses consist of residential, recreation, tourist, commercial and public uses.

_West Shore Café:_ The West Shore Café site contains a restaurant, lodging rooms, and a multiple-use pier operated by the owner. The parcel is located directly across the street from the Homewood Mountain Resort within Plan Area Statement 159 – Homewood/Commercial, which lists Transit Stations and Terminals as a permissible Special Use. The pier is approximately 115’ long and is accessed from an existing deck that is used by the café for outdoor seating during the summer months. The pier contains safety rails that run the length of the pier with openings to provide ramped access to two adjustable catwalks located at the end of the pier on both sides. On-site parking is limited, but ample parking exists across the street at Homewood Mountain Resort, which is owned by the same entity. Surrounding land uses consist of residential, recreation, tourist, commercial and public uses.

**Issues:** The primary issues associated with the North Lake Tahoe Water Shuttle include land use, parking, and noise. These issues are summarized and discussed in Attachment C.

**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 the required findings in Code Chapters 4, 21, 80, and 81 (see Attachments A and C for details).

**Contact Information:** For questions regarding this project, please contact Kim Hern at khern@trpa.org or (775)589-5277.

**Attachments:**

- A. Required Findings/Rationale
- B. Draft Permit
- C. Discussion of issues and Regional Plan Compliance Analysis
- D. Image of proposed vessel
Required Findings/Rationale  
(Attachment A)

Required Findings:

The following is a list of the required findings as set forth in Chapters 4, 21, 80, and 81 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.

TRPA has reviewed the proposal and confirmed that the proposed project is consistent with the Regional Plan. There is no evidence the project will have an adverse effect on the Land Use, Conservation, Transportation, Recreation, Scenic Quality, Public Services and Facilities, or Implementation sub-elements of the Regional Plan.

(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 Section 4.4 of the TRPA Code of Ordinances. All responses contained on the checklist indicate compliance with the environmental threshold carrying capacities. The applicant has also completed an Initial Environmental Checklist (IEC). No unmitigated environmental impacts were identified and TRPA has concluded the proposed project will not have a significant impact on the environment. A copy of the completed IEC and Article V(g) Findings will be made available at the Hearings Officer meeting and is available at 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 TPRA Compact, the project meets or exceeds such standards.

The basis for this finding is provided on the checklist entitled “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 the checklist indicate compliance with or exceedance of the applicable federal, state, and local air and water quality standards. A copy of the completed checklist will be made available at the Hearings Officer meeting and is available at TRPA offices.
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; 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; and 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.

   Transit Stations and Terminals are listed as an Allowed Use at the Tahoe City landing site, and a Special Use at the remaining three landing sites. Based on the analysis contained in the administrative record and the IEC, the proposed project is an appropriate use for the project areas. Waterborne transit operations (vessels that carry 30 passengers or more) are encouraged and considered an Allowed Use at all of the proposed landing sites. The proposed landing sites currently function as public or commercial piers that experience frequent daily boating activity during the summer months. The proposed vessel would carry a maximum of 15 persons and make a maximum of ten stops per day at the Tahoe City Marina and a maximum of six stops per day at the remaining sites, which would not result in significant adverse changes in boating activity or patterns at any of the proposed landing sites. Each site is within walking distance to TART transit operations and a variety of commercial, tourist, recreational, and residential uses. A special condition of approval requires the Permittee to submit a report prepared by a qualified noise consultant that certifies the vessel will comply with all TRPA standards for watercraft noise levels prior to operation.

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.

   There is no construction proposed as part of the project, and the proposed landing sites currently function as public or commercial piers that experience frequent daily boating activity during the summer months. The vessel has a draft of 32” and will operate at speeds of 5 MPH or less within 600 feet of the shoreline. At no time may the vessel operate in areas of Lake Tahoe that are less than 36” in depth.

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

   Each site has adequate accessory upland facilities such as garbage collection, restrooms, parking, ADA access, and the ability to sell tickets within existing structures or through existing on-site concessions. Fueling and waste disposal can be accommodated at the Tahoe City Marina.
(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.

There is no construction proposed as a part of the project, and the proposed landing sites currently function as public or commercial piers that experience frequent daily boating activity during the summer months. The proposed shuttle service and corresponding transit stations, or landing sites, are compatible with other boating activities in the vicinity. The vessel’s length and capacity can be accommodated by the exiting shorezone facilities at each landing site. A special condition of approval requires an engineer to verify that the structural stability of each landing site is sufficient to accommodate the existing and proposed pier activities. Also, a special condition of approval requires the Permittee to submit a report prepared by a qualified noise consultant that certifies the vessel will comply with all TRPA standards for watercraft noise levels prior to operation.

(d) **Use:** The use proposed in the foreshore or nearshore is water dependent.

The proposed water shuttle is, by its nature, water dependent and requires use of the foreshore and nearshore of Lake Tahoe.

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

No hazardous materials are to be stored on the vessel. All fueling and waste disposal will occur at TRPA approved fueling and pump-out facilities (i.e. the Tahoe City Marina) and are subject to the approved operation plans of the facility.

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

The proposed project does not include construction or ground disturbance.

(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.

There is no construction proposed as a part of the project, and the proposed landing sites are adequate to accommodate the vessel. The operator will be required to secure a license to operate the vessel from the United States Coast Guard.
(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.
Draft Temporary Permit  
(Attachment B)

PROJECT DESCRIPTION: North Lake Tahoe Water Shuttle  
FILE #: ERSP2012-0630

PERMITTEE: North Lake Tahoe Resort Association  
COUNTY: Placer

LOCATION/APN: Tahoe Vista Recreation Area, SR 28 at National Avenue, APN 117-110-059  
Gar Woods Grill and Pier, 5000 North Lake Blvd., APN 115-050-028  
Tahoe City Marina, 700 North Lake Blvd., APN 094-090-032  
West Shore Café, 5160 West Lake Blvd., APN 097-130-031

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on June 7, 2012, subject to the standard conditions of approval attached hereto (Attachment S), where applicable, and the special conditions found in this permit.

This permit authorizes one season of operation (May-September) and shall expire Six Months after the commencement of the scheduled service, or June 7, 2015, whichever is earlier. After commencement of the service, if the operation is diligently pursued and remains compliant with all elements of this permit, the TRPA may approve one six-month extension for a second season of operations.

NO OPERATIONS SHALL COMMENCE UNTIL:

(1) TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT;
(2) ALL PRE-OPERATION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA’S ACKNOWLEDGEMENT OF THIS PERMIT; AND
(3) THE PERMITTEE OBTAINS THE APPROPRIATE U.S. COAST GUARD AUTHORIZATION/CERTIFICATION AND COUNTY PERMIT. TRPA’S ACKNOWLEDGEMENT MAY BE NECESSARY TO OBTAIN OTHER PERMITS. THE TRPA PERMIT IS INDEPENDENT FROM OTHER AGENCIES AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS.

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(s) ___________________________________________ Date _______________________

(PERMIT CONTINUED ON NEXT PAGE)
D-R-A-F-T

FILE NO. ERSP2012-0630
APNs 117-110-059, 115-050-028, 094-090-032, 097-130-031

TRPA ACKNOWLEDGEMENT: The Permittee has complied with all pre-operation conditions of approval as of this date:

__________________________________________  ____________________________
TRPA Executive Director/Designee                  Date

SPECIAL CONDITIONS

1. This permit specifically authorizes the Permittee to operate a scheduled water shuttle service along the Placer County shoreline of Lake Tahoe. This is a temporary permit that allows the Permittee to evaluate the potential for a similar long-term water shuttle service. The proposed water shuttle service will utilize a single vessel that can transport up to fourteen passengers plus one crew member (the captain). The water shuttle shall operate on a published schedule extending from approximately 8:00 AM to 9:00 PM, with service provided daily between May 26 (Memorial Day weekend) and September 3 (Labor Day), and then on weekends until September 30. As the operational season progresses, the evening hours of the service will be reduced to avoid nighttime operations. This permit also allows the placement of directional/informational signs at each landing location served by the water shuttle. At each landing site, one freestanding sign in compliance with Subsection 38.11.2, and two directional signs in accordance with the standards under Subsection 38.9.4 of the Code, are permitted. This permit does not authorize dredging or any modifications to the subject properties or shorezone structures to facilitate usage of the water shuttle. No changes in land coverage, or ground or lakebed disturbance, are authorized by this permit. This permit authorizes the water shuttle to serve the following locations:

- Tahoe Vista Recreation Area
  State Route 28 (North Lake Blvd.) at National Ave., Tahoe Vista, CA
  Assessor’s Parcel Number 117-110-059

- Gar Woods Grill and Pier
  5000 North Lake Blvd., Carnelian Bay, CA
  Assessor’s Parcel Number 115-050-028

- Tahoe City Marina
  700 North Lake Blvd., Tahoe City, CA
  Assessor’s Parcel Number 094-090-032

- West Shore Café
  5160 West Lake Blvd., Homewood, CA
  Assessor’s Parcel Number 097-130-031
2. Where applicable, the Standard Conditions of Approval listed in Attachment S shall apply to this permit.

3. Prior to commencement of operations, the Permitee shall:

   A. Submit final specifications of the water shuttle vessel. This includes, but is not limited to, the maximum number of passengers as certified by the U.S. Coast Guard, vessel type, length, height, beam width, draft, weight, color, fuel capacity, and engine type.

   B. Submit a report from a qualified noise consultant certifying the vessel will not exceed the noise limitations for watercraft set forth in Section 68.3.1.C of the TRPA Code. The Permitee shall not operate the vessel unless the vessel meets the required TRPA noise standards for watercraft.

   C. Submit a report from a qualified engineer that certifies the structural integrity of all docking facilities to be used.

   D. Utilize best available technology (BAT) to ensure that the pump-out hose will not enter Lake Tahoe. Evidence of compliance with this permit condition shall be submitted to TRPA prior to operation.

   E. Submit a daily time schedule that includes departure and arrival times at each destination. Throughout the life of this permit the TRPA shall be informed of any changes to the submitted schedule prior to implementation of the changes.

   F. To the maximum extent allowable by law, the Permitee 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 Permitee.

   Included within the Permitee's indemnity obligation set forth herein, the Permitee 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. Permitee 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 Permitee shall, at its expense, satisfy and discharge the same.
4. All informational and directional signs shall comply with Section 38.11.2 and 38.9.4 of the TRPA Code, and be subject to approval and/or requests for modification(s) by a TRPA inspector. All signs associated with the water shuttle shall be removed upon termination of the water shuttle service.

5. Upon request, the Permittee shall cooperate with TRPA and provide any additional information needed to facilitate compliance with permit conditions, monitoring, and project evaluation in a timely fashion. All information shall be provided to TRPA within 30 days of request unless another time frame is mutually agreed to.

6. The Permittee shall discourage and prevent loud noises emanating from the vessel, including:
   
   A. Music shall not be played unless the vessel is more than 600 feet from shore and shall not be played within 1000 feet of the permitted landing sites.
   
   B. The on-board public address system shall be operated at the minimum level necessary to convey information to passengers.
   
   C. Except in cases of emergencies, no announcements shall be made over exterior speakers unless the vessel is 600 feet or more from the shore.
   
   D. The vessel shall not sound the horn to announce arrivals or departures. Horn use is only permissable to satisfy U.S. Coast Guard regulations and as needed to ensure the safety of the vessel and any surrounding watercraft or persons.

7. The permitted vessel shall not be substituted with any other vessel.

8. The number of persons on the vessel shall not exceed 15 (14 passengers and one crew member) at any one time. In no event shall the number of persons on the vessel exceed the capacities authorized by any other regulatory agency.

9. The Permittee shall provide written and verbal instructions to passengers advising them to refrain from trespassing or causing environmental damage while loading and unloading from the vessel.

10. The vessel shall remain at least 600 feet from shore while outside of permitted landing destinations. The vessel shall not exceed 5 MPH while operating less than 600 feet from shore.

11. The vessel shall not operate in water that is less than 36” in depth at any time, including all landing sites and docking areas.

12. The vessel shall be moored at a facility (marina, buoy, slip, etc.) that is recognized by TRPA as a legally existing mooring facility or structure.

13. When cleaning the vessel, the Permittee shall use sponges or mops to wash the surfaces, and shall only use biodegradable and phosphate-free detergents. No wastewater shall be allowed to enter Lake Tahoe.
14. No hazardous or toxic materials shall be stored on the vessel, except what is needed for immediate operations. All lubricants, hydraulic fluids, fuel, and any other hazardous or toxic material shall be contained within sealed containers.

15. The Permittee shall ensure the vessel and its engine are maintained in good working order to limit the emissions from the vessels.

16. Unless necessary for emergencies or repairs, engine idling of the vessel shall be limited to the minimum necessary for operation of the vessel and shall not exceed 20 consecutive minutes.

17. The Permittee shall avoid any disturbances to wildlife on or around the Lake.

18. The Permittee shall not discharge any petroleum products, litter, or waste of any kind into the waters of Lake Tahoe.

19. It is the Permittee’s responsibility to receive authorization, and obtain any necessary permits from other responsible agencies for the proposed project.

END OF PERMIT
Issues/Concerns Discussion and Regional Plan Compliance Analysis
(Attachment C)

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 meeting and at TRPA.

B. Land Use/Plan Area Statements: A project of this nature would typically be considered waterborne transit. Waterborne transit operations are encouraged in the TRPA Regional Plan and listed as an Allowed Use at all of the proposed landing sites. However, the proposed project is not considered to be a waterborne transit operation because the vessel that is proposed for use in the water shuttle service would not carry more than 30 passengers (see TRPA Code sections 81.5 and 90.2). In fact, the proposed shuttle will only carry 15 persons (including one crew member), which is half the amount of passengers required to recognize an operation as Waterborne Transit. In consultation with the applicant and the TTD, the TRPA staff determined that because the proposed project was a transportation service being offered by a public entity, the most appropriate use-category for the proposal would be Transit Stations and Terminals, which includes the use of ferries in its definition (see TRPA Code section 21.4-A). While the water shuttle and its use of associated landing sites are being considered under the Transit Stations and Terminals use-category, there are no proposed construction projects or modifications to existing upland or shorezone facilities. A temporary permit would allow operation of the water shuttle and the recognition of the existing shorezone facilities to function as waterborne shuttle stops – not unlike bus stops. Transit Stations and Terminals are listed as an Allowed Use at the Tahoe City landing site, and a Special Use at the remaining three landing sites; therefore, the proposed project requires Hearings Officer review according to subparagraph 2.2.2.F.2.a of the TRPA Code.

Agency staff has reviewed the applicable Plan Area Statement and Community Plans and has determined that the project is consistent with the permissible uses, planning considerations and special policies. The proposed landing sites currently function as public or commercial piers that experience frequent daily boating activity during the summer months. The proposed vessel would carry a maximum of 15 persons and make a maximum of ten stops per day at the Tahoe City Marina and a maximum of six stops per day at the remaining sites, which would not result in significant adverse changes in boating activity or patterns at any of the proposed landing sites. Each site is within walking distance to TART transit operations and a variety of commercial, tourist, recreational, and residential uses. A special condition of approval requires the Permittee to submit a report prepared by a qualified noise consultant that certifies the vessel will comply with all TRPA standards for watercraft noise levels prior to operation.

C. Noise: A special condition of approval requires the Permittee to submit a report from a qualified noise consultant certifying the vessel will not exceed the noise limitations for watercraft set forth in Section 68.3.1.C of the TRPA Code. The Permittee shall not operate the vessel unless the vessel meets the required TRPA noise standards for watercraft. Additionally, a special condition of approval requires the Permittee to discourage and prevent loud noises emanating from the vessel. This includes:
1. Music shall not be played unless the vessel is more than 600 feet from shore and shall not be played within 1000 feet of the permitted landing sites.

2. The on-board public address system shall be operated at the minimum level necessary to convey information to passengers.

3. Except in cases of emergencies, no announcements shall be made over exterior speakers unless the vessel is 600 feet or more from the shore.

4. The vessel shall not sound the horn to announce arrivals or departures. Horn use is only permissible to satisfy U.S. Coast Guard regulations and as needed to ensure the safety of the vessel and any surrounding watercraft or persons.

D. Parking: According to the Lake Tahoe Waterborne Shuttle Service Feasibility Study prepared by LSC Transportation Consultants, during the peak summer times of operation the water shuttle can be expected to increase parking demand at some locations (where a higher proportion of trips originate) and reduce parking demand at other locations (where a higher proportion of trips are destined). The overall impact of the program is expected to reduce the parking demand in Tahoe City by about 15 vehicles and increase the parking demand in Tahoe Vista by about 9 vehicles. Parking impacts at Gar Woods (Carnelian Bay) and the West Shore Café (Homewood) are considered to be negligible as there would be a slight decrease in the parking demand in Homewood (1-2 vehicles) and a slight increase in the parking demand in Carnelian Bay (1-2 vehicles). Both the Homewood and Carnelian Bay shuttle stops have ample parking on or adjacent to the landing sites.

Currently, there is no on-site parking available at the Tahoe Vista Recreation Area (TVRA). A project that will add 41 automobile spaces and 24 pull-through auto/boat trailer parking spaces across the street on the northwest corner of the intersection of SR 28 and National Avenue is expected to begin this year, and could allow adequate parking in the future. During the 2012 operating season, the parking demand can be adequately accommodated along State Route 28. Caltrans recently reconfigured the roadway by reducing the number of lanes from four to two (with a center turn lane). The roadway reconfiguration produced a significant amount of paved shoulder area that can be utilized for parking. Along the street frontage of the TVRA, there are pedestrian paths that connect the roadside parking to the site. Section 22.7.2 of the TRPA Code allows temporary uses to utilize offsite or on-street areas for parking. The site is also served by TART transit operations and a Class II bike trail. It should also be noted that the water shuttle project is a pilot program. One of the goals of the pilot program is to evaluate the potential of a similar long-term service. The transportation modes of arriving and departing passengers, impacts to parking, and shuttle route preferences, for example, are elements of the operation that will be examined during the pilot project. Data gathered from the pilot project will allow TRPA to more effectively evaluate the potential environmental impacts that may be associated with a long-term water shuttle service.

E. Shorezone Tolerance District: The subject parcels are located in Shorezone Tolerance District 1, 4, 6 and 7. Projects within those Shorezone Tolerance Districts require stabilized access ways to the shoreline in order to minimize the impact to the backshore. This requirement is satisfied at all of the proposed landing sites.
MEMORANDUM

Date: May 31, 2012

To: TRPA Governing Board

From: TRPA Staff

Subject: Pier Relocation-Expansion and Shoreline Restoration, 632 Olympic Drive, Placer County, California, Assessor’s Parcel Number (APN) 094-273-012, TRPA File Number ERSP2011-0906

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 for the relocation and expansion of an existing 40 foot long, single use pier along with the restoration of the adjacent shoreline area at 632 Olympic Drive, Tahoe City, Placer County, California. Restoration work will include the removal of approximately 80 linear feet of gabions and cemented concrete and failing wood retaining walls and decking. These failing structure will be replaced by a sloping dynamic revetment and vegetative landscaping elements. The new pier will be a total of 300 feet long, (including a 45 foot long by 10 foot wide pier head), by six foot wide pier which will extend to the TRPA pier head line and an adjustable three foot wide catwalk. The proposed pier deck will be supported by 16 single pier supports approximately 15 feet on center and four double pier supports for the pier head. The pier deck will be no higher than lakebed Elevation 6231 Lake Tahoe Datum (LTD). The restoration work will include the removal of approximately 725 square feet of 1b coverage made up of cemented rock and cobble and failing wooden structures, located in the backshore. Additional work will include fish habitat restoration by using rock taken from the existing gabions and hand placing it in the area of the pier expansion. All construction access will occur from the lake by barge. There are no proposed changes to land coverage, pier use, or to the pier’s historic bar/superstructure.

Under the Partial Shorezone Permitting Program, TRPA is able to accept and take action on applications for the maintenance, repair, reconstruction, modification, and expansion of certain legally existing boating structures provided the project would not adversely affect the environment, either individually or cumulatively. In demonstrating that the pier expansion meets the Partial Permitting Program, staff has analyzed the potential environmental impacts of the proposed expansion and determined that the expansion will not adversely affect the environment. A discussion and analysis of the potential issues
and concerns is included in the issues section of this staff report. This project is going in front of the Hearing Officer for review because while piers are identified as an allowed in this Plan Area, Shoreline Protective Structures are considered a Special Use and therefore requires Hearing Officer review according to subparagraph 2.2.2.F.2.a. of the TRPA Code.

Site Description: The subject property is located in Tahoe City, California. Existing improvements on the property include a single family residence with an attached garage, along with decks, and a walkway that leads to the existing wooden pier and failing retaining wall structures. 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 unverified Class 1b soils on the level upland portion of the property. The area lakeward of high water has been mapped as fish spawning habitat on the TRPA Fisheries Habitat Map although the lake bottom substrate in the immediate area is composed of sand as a result of past years dredging work which removed rock that might have been used for fish habitat. Surrounding land uses consist of both single-family and multi-family uses, as well as public recreational facilities.

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. Piers are identified as an allowed use while Shoreline Protective Structures are considered a Special Use within the plan area and therefore requires Hearing 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. The project calls for an overall reduction in total onsite land coverage. The applicant will also need to pay an excess coverage mitigation fee to mitigate any remaining that is over the allowable amount.

3. **Construction Methodology and BMPs:** Construction activity could cause an impact to the already unstable soil conditions. As such access to the site will be via the lake by barge and rubber-tired amphibious vehicles. In addition all temporary BMPs in the form of silt fencing, turbidity curtains shall be installed to prevent sediment from entering into the lake.

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 TRPA Scenic Threshold. The new pier expansion will create a total of 262.58 square feet of visible mass. In order to adhere to the Partial Shorezone Permitting Program as directed by the TRPA Governing Board, the applicant will mitigate each square foot of additional visible mass created by the pier expansion at a ratio of 1:1.5.

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 4,903 square feet of existing Land Capability Class 3 coverage in the upland area and 892 square feet of existing, unverified Class 1b coverage in the backshore. Assuming a project area size of 11,712 square feet, the total allowable land coverage for this site would be 339 square feet of Class 3 and 49 square feet of Class 1b coverage. The total existing on-site verified coverage per Placer County verification Placer in May 2005, Placer File #2002-062 is 5,617 square feet which was reduced to 4,903 square feet (the current existing amount of onsite coverage) when the previous house was torn down. This amount is minus the total allowable yields 3,387 square feet of excess coverage that is subject to a mitigation fee; (4903-388 = 3387 excess coverage).

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:** The site has not previously had a Tahoe Yellow Cress (TYC) inspection. As a condition of permit approval, 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 proposed project is visible from Scenic Shoreline Unit Number 14, which is currently not in attainment with the established TRPA Scenic Threshold. The new pier expansion will create a total of 262.58 square feet of visible mass. In order to adhere to the Partial Shorezone Permitting Program as directed by the TRPA Governing Board, the applicant will mitigate each square foot of additional visible mass created by the pier expansion at a ratio of 1:1.5. Therefore, the applicant must mitigate or reduce the visual mass of man-made structures by 393.87 square feet. This mitigation requirement will be accomplished by planting 26 arctic willows, 16 thimbleberry and six phlox plants which are expected to screen 400 square feet of visible area for the rock revetment.

It should be noted that the proposed pier expansion will be a total of 300 feet lakeward of high water and potentially visible from Commons Beach which is approximately a mile away. However with the existence of the Tahoe Tavern pier which is several feet longer and located to the north of the project site, the likelihood of the pier being visible is greatly diminished, see Attachment E. Also as proposed, the shoreline revetment will not have an adverse impact on the scenic quality of the shoreline as it is designed to replace several highly visible and failing wooden and concrete structures.

**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 both the extended pier and 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 shoreline protective structure is designed to inhibit further erosion of the bluff and associated water quality impacts. The project will also enhance the scenic and water quality of the associated shoreline of the project area by removing several failing built concrete and wooden structures from the backshore. The edges of the shoreline structure will be installed as to not encourage shoreline erosion on adjacent properties. The project, as conditioned in the draft permit 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 shoreline revetment of the 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 native earthen materials designed to enhance scenic threshold values for the project area. The shoreline structure shall be installed so that the ends of the structure are
‘feathered’ into the topography in a natural manner as to not cause erosion or 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.**

The proposed pier extension will not adversely impact littoral processes based on the pier extension’s use of an open piling design that is at least 90 percent open. The proposed project improves the lake-bottom fisheries habitat by reducing the number of pilings used to support the pier expansion. The proposed pier expansion will be placed in a location where the lake bottom has been historically dredged resulting in being void of fish habitat. As such a fish habitat restoration plan is being proposed as part of this project proposal which will include the placement of 8 inches in diameter cobble taken from the existing gabions and hand placed in the area where the pier expansion will be located as to create a vertical fish habitat.

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 LTD). The project includes temporary BMPs for protection of soil, vegetation and water quality, as well as the temporary impacts due to construction activity. 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 fish spawning habitat and contains where the substrate is currently predominantly sand as a result of past dredging activity. There will be 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 new pier, as well as the 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.**

The pier serves an existing single family residence that was approved by TRPA for a teardown rebuild permit in 2004 with an existing 40 foot pier that extends from lake elevation 6229’ to elevation 6226’ in addition to an 80 linear foot cemented concrete retaining wall that also consists of an extensive use of rock cobble and gabion crib wall. The project proposes to relocate and expand the existing pier structure 300 feet lakeward of high-water. In addition the proposal also calls for the modification of the existing shorezone structure by replacing the gabions and other material with a sloping dynamic rock revetment. Neither area of proposed work will alter the use of the
structures of the property. The proposed pier extension will not extend beyond the TRPA pier headline.

It should be noted that while the Shoreline protective structures is a permissible use in the applicable Plan Area Statement, it 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 components are located in the shorezone and are water dependent. The proposed 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 pier expansion project 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.

This project was brought before the Interagency Shorezone Review Committee in March 2012. There were objections to the project at that time. This proposal as conditioned will need to approved by all agency having jurisdiction over this project site.
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 stabilize and resistance any further erosion of the backshore bluff area. The proposed design will consist of various sizes of boulders and cobble laid over a layer of filter fabric keyed in at the toe of the structure. Material rock will be natural earthtone granite along with native vegetative screening at the top of the bluff to enhance the scenic quality of 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.**

The proposed project is designed to prevent future erosion of the backshore, which then allows for the removal of several built structures located in the shorezone area helping to achieve environmental gain on the ground.

(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 proposed project as indicated on plan sheets A1.1 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 shall be designed to avoid acceleration of backshore erosion on adjacent properties as a final condition of approval.

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

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

The project involves the relocation and expansion of an existing pier and construction of a shoreline protective structure designed to prevent further erosion of the slope and to remove coverage from the backshore. 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 problems 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 Site Plan
C. Rock Revetment Details
D. Photographs
E. Revetment Construction Methodology
F. Area Plan – Distance to Commons Beach
Draft Permit  
(Attachment A) 

PROJECT DESCRIPTION: Pier Relocation-Expansion and Shoreline Restoration  
APN: 094-273-012

PERMITTEE: Joe Colmery  
FILE #: ERSP2011-0906

COUNTY/LOCATION: Placer / 632 Olympic Drive

Having made the findings required by Agency ordinances and rules, the TRPA Hearings Officer approved the project on June 7, 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 June 7, 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 GRADEING SHALL COMMENCE UNLESS:

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)
D-R-A-F-T

APN 094-273-012
FILE NO. ERSP2011-0906

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:
(1) Amount to be determined. See Special Condition 3.F, below.
(2) See Special Condition 3.G, below.
(3) $152 if a cash security is posted or $135 if a non-cash security is posted.
(4) See Special Condition 3.H, below.
(5) $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:

__________________________________________ Date

TRPA Executive Director/Designee

SPECIAL CONDITIONS

1. This permit specifically authorizes the demolition, relocation and expansion of the exiting single use pier and shoreline restoration. The reconstructed pier will be 300 feet long, (including a 45 foot by 10 foot wide pier head), by six feet wide and shall be constructed using a single piling design (with a two piling design at the pier’s terminus). All appurtenant elements such as pier railings and ladders shall be constructed as shown on the plans received by TRPA on July 28, 2011. Only low level turtle lighting is approved as a result of this approval. Shoreline restoration work consists of the installation of a sloping permeable rock revetment built with
cobble and boulders of varying sizes and native vegetation to help stabilize the slope and act as visual screening. The total length of the revetment will be approximately 125 linear feet.

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 site plan (Sheet A.1, Existing/Proposed Upland Coverage) shall be revised to include on the final proposed land coverage calculations.

   B. The site plan shall be revised to show how the edges of the shoreline protective structure has been designed to be ‘feathered’ into the topography gradually as to not to promote erosion or shoreline degradation on adjacent properties. The shoreline protective structure shall be designed to avoid acceleration of backshore erosion on adjacent properties.

   C. 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.

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

   E. 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.

   F. The subject property has 3387 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 0.0125, divided by 8.

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

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 prepared by a licensed contractor, architect, or engineer. In no case shall the mitigation fee be less than $200.00.

G. 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.

H. 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.

I. 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.

J. 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%.
K. 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%.

L. 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.

M. 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; the dates that 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 obtain any authorization and/or necessary permits from all responsible agencies for the proposed project.
7. All removed material shall be hauled away from the site to a TRPA approved 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
BACKSHORE BOUNDARY
HIGH WATER
96' TO PL 350'+ TO PIER (ADJACENT SHOREZONE STRUCTURE)

6232 6234 6230 6228 6226 SOUTHERN PROJECTION LINE
SETBACK

LOT 65

ANCHOR FABRIC BY WRAPPING FABRIC AROUND PRESSURE TREATED 2X6 AND SECURED WITH HEAVY DUTY STAPLES
2" TO 4 1/2 DIAMETER GREY GRANITE BOULDERS PLACED TO MINIMIZED GAPS
ONE LAYER OF 6"-8" COBBLES
6" LAYER OF 3/4" TO 1 1/2" DRAIN ROCK
MIRAFI 1418 FILTER FABRIC OR EQUIVALENT
2" SAND LAYER

4' MAX. HEIGHT OF WALL

1'-0" 1'-0" CUT TO SECURE BASE OF WALL

NOTE:
ROCKS WILL BE LAYERED IN SUCH A MANNER TO DISSIPATE WAVE ENERGY AND PREVENT BANK EROSION.
5' BOULDER KEYED IN 12" AND SET ON STABLE NON-CLAY LAYER AND SURROUNDED BY 4" COBBLES TO INSURE SOLID BEARING

ANCHOR FABRIC BY WRAPPING FABRIC AROUND PRESSURE TREATED 2X6 AND SECURED WITH HEAVY DUTY STAPLES

SCALE: N.T.S.