MEMORANDUM

To: TRPA Hearings Officer

From: TRPA Staff

Date: August 11, 2011

Subject: Fulton Water Company Tank Replacement, 4480/4490 Pineywood Road, Placer County, California, Assessor’s Parcel Number 091-162-004, TRPA File #ERSP2011-0653

____________________________________________________________________________

Proposed Action: Hearings Officer action on the proposed project and related findings based on this staff summary and the attached Draft Permit. The required actions and recommended conditions are outlined in Attachment 1 of this Staff Summary.

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 consists of replacing two existing steel water tanks which have a total volume of 20,000 gallons with a single steel water tank with a volume of 75,000 gallons to meet fire flow requirements and increase the reliability of the water system. The water from the existing tanks will be pumped into the water distribution system. The existing tanks will be dismantled on site and trucked to a metal recycler. The new tank will require a concrete foundation.

Site Description: The proposed project area is located at 4480/4490 Pinewood Road in Placer County, CA. The project area is within Land Capability Class 6 and Class 4. Surrounding land use includes single family dwellings.

Issues: According to Plan Area Statement 014, Cedar Flat, local public health and safety facilities are a special use and therefore require Hearings Officer review in accordance with Chapter 4, Appendix A, of the TRPA Code.

Staff Analysis:

A. Environmental Documentation: TRPA staff has completed the Initial Environmental Checklist (IEC) and “Project Review Conformance Checklist and Article V(g) Findings” in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklists indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklists will be made available at the Hearings Officer hearing and at TRPA.

B. Plan Area Statement: The project is located within the Cedar Flat Plan Area Statement. The Land Use Classification is Commercial/Public Service and the Management Strategy is
Redirection. Agency Staff has reviewed the subject Plan Area Statement and has determined that the project is consistent with the applicable planning statement, planning considerations, and special policies. The proposed use (local public health and safety facility) is listed as a special use.

C. **Required Findings:** The following is a list of the required findings as set forth in Chapters 6, 18, and 22, 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 6 – 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.

   (1) **Land Use:** There are no new land uses associated with this project. The proposed use is the replacement of a water tank. The project is consistent with the Land Use element of TRPA’s Goals and Policies, the Regional Plan, and other applicable TRPA plans and programs.

   (2) **Transportation:** The project does not create any daily vehicle trip ends (dvte). No significant impacts to Level of Service or Regional or Sub-Regional air quality are anticipated based on the Initial Environmental Checklist.

   (3) **Conservation:** The project is not visible from any scenic resources. The project is within allowable coverage and temporary Best Management Practices are included as part of the project.

   (4) **Recreation:** The project is located in a residential neighborhood and will have no effect on the public recreation opportunities in the Lake Tahoe Basin.

   (5) **Public Services Facilities:** The project does not require additional public services facilities and will not adversely affect implementation of the Public Service Element of TRPA’s plans and program.

   (6) **Implementation:** The project requires no additional development allocations and is consistent with the Implementation Element of the Goals and Policies of the Regional Plan.

2. **Chapter 18 – 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 property on which the tanks (existing and proposed) are located has been used as a water tank site since the development of the subdivision in 1960. Replacing two existing tanks (20,000 gallon total) with a single larger (75,000 gallon) tank will increase the fire flow capacity and reliability of the water system. The proposed project is consistent with
the residential use of the neighborhood and required for public health and safety. The project is of the appropriate scale and size for domestic water supply.

(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.

This public health and safety project will directly enhance the health and safety of the property, and general welfare of the persons in the neighborhood and community. The applicant has taken every step to protect the land, water and air resources. The project will improve the reliability and quality of the drinking water to the community and significantly improve fire protection capacity.

(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 project will not adversely affect the community plan or change the character of the neighborhood. The proposed project is to replace existing water tanks and includes the installation of permanent Best Management Practices.

4. Chapter 22-Height Findings

(a) When viewed from major arterials, scenic turnouts, public recreation areas or 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 set forth in Table A for a 5:12 pitch, the additional height shall not increase the visual magnitude beyond that permitted for structures in the shoreland as set forth in Section 30.15.6, Additional Visual Magnitude, or Appendix H, Visual Assessment Tool, of the Design Review Guidelines.

The proposed structure is not visible from major arterials, scenic turnouts, public recreation areas or the waters of Lake Tahoe. The project area is heavily wooded and located 1,100 feet from Highway 29.

(b) When outside a community plan, the additional height is consistent with surrounding land uses.

The project area is located within Cedar Flat Plan Area Statement. The proposed height is similar in height to the existing water tanks and consistent with the surrounding residential buildings.
(c) With respect to that portion of the building which is permitted the additional height, the building has been designed to minimize interference with existing views within the area to the extent practicable.

The proposed structure is the replacement of a previous structure of the same scale. As such, the proposed structure has been designed to minimize interference with the existing views within the area.

Required Actions: Agency 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 finding of no significant environmental effect.

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

Attachments:

1. Draft Permit
2. Site Plans
DRAFT PERMIT

APN: 091-162-004
FILE NO. ERSP2011-0653

Water Quality Mitigation Fee (1): Amount $________ Paid _____ Receipt No.______

Security Posted (2): Amount $________ Type Paid _____ Receipt No.______

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

Notes:
(1) See Special Condition 3.E, below.
(2) See Special Condition 3. B, 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 building permit:

___________________________________________________________________

TRPA Executive Director/Designee Date

SPECIAL CONDITIONS

1. This permit specifically authorizes the removal of two existing steel water tanks with a total volume of 20,000 gallons which will be replaced with a single steel water tank with a volume of 75,000 gallons to meet fire flow requirements and increase the reliability of the water system. The water from the existing tanks will be pumped into the water distribution system. The existing tanks will be dismantled on site and trucked to a metal recycler. The new tank will require a concrete foundation. Excavation will not exceed 5 feet below ground surface. The project requires 804 square feet of new Land Capability Class 6 coverage and is within the allowable coverage.

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 site plan shall be revised to include:

(1) A note indicating: “All barren areas and areas disturbed by construction shall be revegetated in accordance with the TRPA Handbook of Best Management Practices. Application of a mulch may enhance vegetative establishment.”
A note indicating: “All project related vehicles shall park on existing paved surfaces or existing compacted road shoulders.”

Identify all temporary stockpile areas, equipment and machinery staging areas, and material storage locations.

The permittee shall submit calculations and proposed permanent Best Management Practices for the slope and soil type of the property and will capture and infiltrate a 20 year/1 hour storm event using the updated spread sheet available at www.tahoebmp.org.

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.

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.

Condition A.I 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.

An excavation/disposal plan shall be submitted to TRPA for review and approval, indicating the amount of material excavated and the disposal location.

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.

A water quality mitigation fee of $1,495.44 shall be paid to TRPA. This fee is based on the creation of 804 square feet of land coverage at a rate of $1.86/Sq ft.

The permittee shall submit authorization from the USFS for disturbance to the USFS lot with Assessor’s Parcel Number 091-190-029.

The permittee shall record a TRPA approved project area deed restriction for land coverage purposes against APN 091-162-004, 091-190-030 and 091-190-029. Evidence of document recording is required prior to final acknowledgement of this permit.

The permittee shall submit three sets of final construction drawings and site plans to TRPA.
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 temporary erosion control and vegetation protection fencing shall be maintained in a functioning condition during construction staging activities and until the site is revegetated, if applicable.

6. Any work requiring temporary disturbance to existing vegetation or undisturbed areas shall be kept to the minimum necessary. Existing vegetation areas disturbed by construction activities shall be revegetated upon completion of project activities.

7. Soil stockpiles shall not be placed on top of existing vegetation. All excavated material shall be placed uphill of trench locations. All temporary stockpiles shall be contained by temporary erosion control fences or fiber roll logs (12” minimum diameter) and covered with non-permeable material at the end of the work day and/or during periods of precipitation of high winds.

6. Drop inlets and storm water conveyance and treatment facilities located downslope of excavated material shall be protected by temporary erosion control fences or fiber roll logs (minimum 12 inch diameter).

7. Temporary erosion control structures must be maintained until disturbed areas are stabilized or sufficiently revegetated. Temporary erosion control structures shall be removed once the site has been stabilized or revegetated.

8. All temporary erosion control and vegetation protection fencing shall be maintained in a functioning condition during construction staging activities and until the site is revegetated, if applicable.

9. Asphalt cuttings and soil tracked onto pavement shall be removed through regular sweeping at the end of each business day.
10. 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.

END OF PERMIT
NOTE:
1) FOUNDATION BASED ON AWWA REQUIREMENTS FOR TYPE I FOUNDATION PER AWWA B36-97.
2) RINGWALLS AND SLABS, BEFORE PLACING THE CEMENT FIBER JOINT FILLER, SHALL BE LEVEL WITHIN 1/4 IN. IN ANY 30 FT CIRCUMFERENCE UNDER THE SHELL. THE LEVELNESS ON THE CIRCUMFERENCE SHALL NOT VARY BY MORE THAN 1/4 IN. FROM AN ESTABLISHED PLANE.
3) ALL CONCRETE SHALL BE 3000 PSI STRENGTH PER ACI-318.
4) REINFORCING STEEL SHALL BE GRADE 60, 3" COVER (TYP).
5) FOUNDATION DESIGN BASED ON A SOIL READING PRESSURE OF 2500 PSI. (STATIC)
6) DESIGNED FOR 100 MPH WIND & SEISMIC ZONE 4.
7) FOUNDATION(S) TO BE FURNISHED ON S.D. 10-4411.
8) FOLLOW GEOTECH REPORT NO. 41435-61, BY HK DATED SEP 14, 2010.
9) THE ALLOWABLE SOIL READING PRESSURE AND SUITABILITY OF THE SOIL SHALL BE VERIFIED BY AN ENGINEER PRIOR TO CONSTRUCTION. IF THE SOIL CONDITIONS ARE UNSUITABLE, THE ALLOWABLE SOIL READING PRESSURE IS LESS THAN 2500 PSI, THEN THIS DRAWING AND DESIGN SHALL BE NULL AND VOID.

FULTON COUNTY WATER CO.
MEMORANDUM

Date: August 11, 2011
To: TRPA Hearings Officer
From: TRPA Staff
Subject: SUBDIVISION OF EXISTING STRUCTURES, 301-395 EUGENE DRIVE AND 401-490 ARTHUR DRIVE, DOUGLAS COUNTY, NEVADA, ASSESSOR’S PARCEL NUMBER (APN) 1318-22-002-002, TRPA FILE NUMBER SUBD2010-0610.

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 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.

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

Project Description/Background: The applicant is proposing a subdivision of the Tahoe Shores Mobile Home Park. The proposal involves subdividing existing structures within the park into 151 individual residential lots, with common areas set aside for roads and recreational and administrative purposes. No change in use is proposed, and the only physical change involves the removal of three existing mobile home pads to comply with TRPA’s density requirements. Despite the fact the mobile home park has existed at the site for more than four decades and TRPA has issued numerous permits on the property, the Special Use findings for Mobile Homes were never explicitly addressed or approved in previous permits, and because subdivision is considered an intensification of use, this project requires TRPA Hearings Officer approval.
Site Description: The 752,466 square foot (17.27 acres) project site is located at the northwest end of Kahle Drive in Douglas County, Nevada. The Tahoe Shores Mobile Home Park was developed in the 1960’s and 1970’s and contains 154 mobile home residential units of use accessed via two parallel roads. The site includes Land Capability Districts 1b (SEZ) and 7 resulting in 50,918 square feet of base allowable coverage. TRPA recognizes 437,379 square feet of verified existing land coverage, equal to 58 percent of the parcel. Of the 154 existing mobile home units, 54 have been determined to qualify as moderate income housing units. The parcel is located with Plan Area Statement (PAS) 077 – Oliver Park, with a land use classification of residential. The parcel is surrounded by United States Forest Service lands to the north, including Burke Creek (Rabe) Meadow and Nevada Beach Campground, residential apartments and Oliver Park General Improvement District to the south and Lake Tahoe to the west. The site was originally part of Burke Creek Meadow. It was graded in the 1960s and used as an airport runway for the South Lake Tahoe area until the 1970s when the Tahoe Shores Mobile Home Park was constructed. The site lacks sufficient drainage and water quality treatment facilities.

Issues/Concerns: During environmental review the Kingsbury General Improvement District requested information regarding the proposed subdivision, indicating the existing infrastructure (e.g. water and sewer lines) may need to be upgraded and district services provided to residents may need to be separated to the individual residential lots. The Draft Permit directs the permittee to consult with KGID (and Douglas County) for compliance with their requirements.

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 6, 18, and 43 of the TRPA Code of Ordinances.

Contact Information: If you have any questions, please contact Patrick Dobbs, Associate Planner, at pdobbs@trpa.org or (775) 589-5215.

Attachments:
A. Required Findings/Rationale
B. Draft Permit
Chapter 6.3 – Threshold-Related Findings:

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

The proposal involves the subdivision of the existing mobile home park into individual lots pursuant to Chapters 41 and 43 of the TRPA Code of Ordinances (Code). The park is located in Plan Area Statement (PAS) 077 (Oliver Park), a residential plan area in which mobile home dwellings is a permissible use. Three of the existing mobile home pads, which constitute residential units of use, will be removed, and banked for future transfer and use offsite, to conform to the density requirements set forth in Section 43.2.D of the Code and PAS 077. The subdivision is consistent with and will not adversely affect implementation of the Regional Plan.

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

No change in use is proposed and the project will not have an impact on the environmental threshold carrying capacities. The basis for this finding is provided on the checklists entitled “TRPA Initial Environmental Checklist” and “Project Review Conformance Checklist and Article V(g) Findings,” in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklists indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklists will be made available at the Hearings Officer public hearing and at TRPA.

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

The subdivision will not impact air or water quality standards as no additional development or improvements or changes in use are proposed. The existing mobile home park is subject to and must comply with TRPA’s BMP Retrofit Program for the improvement and protection of water quality.
Chapter 18.1 – Special Use Findings:

(1) 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.

There is no construction or change in use proposed with the subdivision of the Tahoe Shores Mobile Home Park. Residents will not be displaced as a direct result of this subdivision. Subdividing the existing structures is of such a nature, scale, density, intensity to be appropriate for the parcel and surrounding area.

(2) 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 subdivision will not be injurious or disturbing to the health, safety, enjoyment of property, and will not adversely affect the general welfare of the neighborhood or region. The permittee shall complete the installation of water quality improvements no later than 1 year after recording the subdivision map.

(3) 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.

Since the project will not change the nature, scale, density, and intensity from what currently exists, the character of the neighborhood will not be affected.

Chapter 43.2 – Subdivision of Existing Structures Findings:

(1) Conversions of existing structures which exceed the density standards in Chapter 21 by no more than ten percent may be permitted provided TRPA finds that the resultant excess density is not inconsistent with the surrounding uses and the goals of the applicable plan area statement.

Ten percent above the permissible density for the 17.26-acre mobile home park site is 151 units (8 units per acre x 17.26 acres x 1.10%). Thus, three of the
existing 154 units must be removed, but may be banked for future transfer and use offsite.

The ten percent additional density is not inconsistent with the surrounding uses or the goals of the applicable plan area statement. PAS 077 is a Residential plan area comprised of “a mixture of lower income residential uses which include a large trailer court, large apartment complex, and numerous other residential units.” The Planning Statement for PAS 077 provides “this area should continue to serve as a residential area.” Moreover, higher density residential uses are encouraged in PAS 077 as evidenced by its Special Designations: TDR Receiving Area for Multi-Residential Units, Multi-Residential Incentive Program and Preferred Affordable Housing Area.
DRAFT PERMIT

PROJECT DESCRIPTION: Subdivision of Pre-1987 Residential Units   APN: 1318-22-002-002

PERMITTEE: South Shore Tahoe, LLC                     FILE: SUBD2010-0610

COUNTY/LOCATION: Douglas/301-395 Eugene Drive and 401-490 Arthur Drive, Stateline, NV

Having made the findings required by Agency ordinances and rules, TRPA Hearings Officer approved the project on August 18, 2011, subject to the special conditions of approval found in this permit.

This permit shall expire on August 18, 2014, without further notice. 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 RECORDING OF THE SUBDIVISION MAP SHALL COMMENCE UNTIL THE PERMITTEE OBTAINS 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. NO RECORDING OF THE SUBDIVISION MAP SHALL COMMENCE UNTIL ALL PRE-RECORDING CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA’S ACKNOWLEDGEMENT OF THIS PERMIT. IN ADDITION, NO RECORDING OF THE SUBDIVISION MAP SHALL COMMENCE UNTIL 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. TRPA’S ACKNOWLEDGEMENT IS NECESSARY TO OBTAIN A COUNTY PERMIT.

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___________________________      Date______________________
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PERMIT CONTINUED ON NEXT PAGE
APN 1318-22-002-002
FILE NO. SUBD2010-0610

Security Posted (1): Amount $______ Posted _____ Receipt No. _______ Type________

Security Administrative Fee (2): Amount $______ Paid ______ Receipt No. _______

Notes:
(1) Amount to be determined. See Special Condition 2. F., below.
(2) $152 if cash/check security posted, $135 for any other security posted.

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

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

___________________________________________________________________________
TRPA Executive Director/Designee  Date

SPECIAL CONDITIONS

1. This permit specifically authorizes subdivision of the Tahoe Shores Mobile Home Park located on Assessor’s Parcel Number (APN) 1318-22-002-002, as shown on the site plan submitted to TRPA on September 21, 2010. The subdivision results in 151 individual residential lots, 2 dedicated common area parcels containing administrative facilities and providing open space, and the final resultant parcel includes the existing roadways (Arthur Drive and Eugene Drive) and snow storage areas. The project includes the removal and banking of three existing mobile home dwellings. To mitigate the loss of moderate income housing associated with this subdivision, 54 existing residential units shall be income-restricted, limiting the rental rates and sale price to those which are affordable to households or tenants that earn not more that 120% of the Douglas County median income.

2. Prior to permit acknowledgement and map recordation with Douglas County, the following conditions of approval must be satisfied.

A. The site plan shall be revised to include:

(1) Identification of where the third mobile home being removed is located and which resultant parcel the residential units of use (3) will be banked on.
B. The permittee shall submit plans, calculations, cost estimates, and schedule for the installation of all required water quality improvements (BMPs) for APN 1318-22-002-002. Install sand/oil separators in driveway and parking areas to remove particles and hydrocarbons prior to infiltration. The project area shall be retrofitted no later than one year after the recordation of the map documenting the subdivision.

C. The permittee shall prepare for TRPA approval and signature a deed restriction permanently assuring that the 39 residential units located in the Aspen Grove Apartments (APN 1318-22-002-007) are limited to moderate income households (income not to exceed 120 percent of the median income for Douglas County). The permittee shall record the deed restriction with the Douglas County Recorder’s Office and provide a conformed copy of the recorded deed restriction, or the original deed restriction to TRPA.

D. The permittee shall identify the location of an additional 15 residential units of use that will be deed restricted as moderate income housing. The permittee shall prepare for TRPA approval and signature a deed restriction permanently assuring that the 15 identified for the moderate income housing are available to moderate income households (income not to exceed 120 percent of the median income for Douglas County). All housing units shall be occupied in accordance with local, regional, state, and federal standards for the assistance of households with lower income and very low income occupants. Such housing shall be made available for rental or sale at a cost that does not exceed the recommended state and federal standards. The permittee shall record the deed restriction with the Douglas County Recorder’s Office and provide a conformed copy of the recorded deed restriction, or the original deed restriction to TRPA.

E. The permittee shall submit covenants, conditions, and restrictions (CC&Rs) pursuant to Subsection 43.2.K. of the TRPA Code of Ordinances for review and approval which must include the following:

1. A requirement that provisions be made for maintenance of all BMPs located within the common areas.

2. A requirement that each residence, and the project area as a whole, comply with the exterior lighting standards as applicable per Subsection 30.8 of the TRPA Code of Ordinances.

3. A requirement that any existing residences with combustion appliances, including fireplaces, shall be retrofitted to comply with the standards of Chapter 91 of the TRPA Code of Ordinances. Such upgrades shall occur:
(a) Prior to the sale of individual lots, or;

(b) At the time of any change in tenancy of park-owned units, or;

(c) At the time of any modifications to existing units.

Any new or replacement mobile home units brought into the park shall comply with the combustion appliance standards at the time of unit installation.

(4) A requirement that the project area comply with snow storage standards as applicable in Subsection 30.5.C of the TRPA Code of Ordinances.

F. The security required under Subsection 43.2.F of the TRPA Code of Ordinances shall be determined upon the Permittee’s submittal of required Best Management Practices plan and related cost estimate. The security shall be 110 percent of the estimated BMP costs. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.

G. The Permittee shall provide, prior to final recordation, a final Mylar map, or similar document which is to be recorded, for the approved subdivision which contains a signature block for TRPA to document regional approval, and three copies of the subdivision map.

3. Please be aware that Douglas County and the Kingsbury General Improvement District (KGID) may have specific requirements related to the approval of this subdivision. The permittee is encouraged to contact these agencies to ensure this project is in compliance with their requirements.

4. Within 30 days of recordation, the Permittee shall provide to TRPA a copy of the recorded subdivision map and any new Assessor’s Parcel Numbers.

5. The security required under Special Condition 2.F. of this permit shall not be released until:

A. TRPA receives a copy of the recorded subdivision map, and;

B. TRPA confirms that all required BMPs have been installed as shown on the approved BMP plan and a BMP Certificate of Compliance has been issued for the project area.
6. 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.

END OF PERMIT
MEMORANDUM

To: TRPA Hearings Officer
From: TRPA Staff
Date: August 11, 2011
Subject: Shorezone protective structure, 709 Lakeview Avenue, City of South Lake Tahoe, El Dorado County, California, Assessor’s Parcel Number 026-271-28, TRPA File Number ERSP2011-0250

Proposed Action: Hearings Officer action on the proposed project and related findings based on this Staff Summary and the attached Draft Permit. The required actions and recommended conditions are outlined in Section I of this Staff Summary.

Staff Recommendation: Staff Recommends that the Hearings Officer make the required findings and approve the proposed project subject to the special conditions in the draft permit (attached).

Project Description/Background: This is a proposal for the placement of a new sloping dynamic rock revetment on the lake side of an existing sheet pile retaining wall, designed to protect bearing loads from the existing condominium complex foundation and deck piers from wave action erosion, and the removal and replacement of the wooden deck adjacent to the sheet pile wall. The dynamic sloping revetment is needed because the existing sheet pile wall, approximately 310 feet in length and between 4 and 7 feet tall is failing in several locations. The new rock revetment will reduce the effects of wave action, reduce soil erosion and improve stability along the shoreline. Proposed construction involves keying in large granite boulders 24 inches in diameter on a layer of filter at the base of the sheet pile to prevent undermining from wave action. Smaller 12 to 24 inch boulders will then be placed directly against the sheet pile with smaller 4 to 12 inch rock placed on top of the large boulders at a slope ratio of no more 1:1 and preferably at 1:2. The proposed sloping rock revetment will aid in dissipating wave energy as well as reduce the visual impact of the static vertical sheet pile. The new sloping revetment will not adversely impact littoral processes based on the structures sloping and permeable nature.

The proposed sloping revetment which will use +/- 400 cubic yards of rock infill will be approximately 305 long, 12 feet wide and 6 feet tall. In addition, approximately 35 cubic yards of sand will be removed to accommodate the keying in of rock for the toe of the structure. Sand will also be placed behind existing sheet pile wall, around existing deck footings to replace lost material from previous wave action while approximately 21 cubic yards of material will be removed to accommodate footings for the deck replacement.
The project area is a 52,812 square foot (1.21 acre) lakefront property located on the north side of Lakeview Avenue. The site is currently developed as a 27 unit multi-family residential condominium complex and common area, with a swimming pool, parking, and a wooden boardwalk type deck on the north side of the property. The lake bottom substrate in the project area has been mapped as marginal fish habitat. In 1995 TRPA verified the land capability for this property as larger areas of Class 6 and 7 with smaller areas of Class 2 and Class 1b (SEZ). The project area falls within Shorezone Tolerance District 4 characterized as steep, crumbling cliffs with continuing erosion problems. The vertical sheet pile wall which runs the full length of the property is made of corrugated steel currently rusted and is buckling or being undermined in several locations. The project site is visible from Scenic Shoreline Unit 32 (Al Tahoe) which is currently in attainment. Surrounding land uses consist primarily of non-littoral parcels with single-family residences to the south and a mixture of littoral single and multi-family residences to the east.

**Issues/Concerns:** See Attachment C for a more detailed Staff Analysis

- Fish Habitat
- Soil Erosion and Water Quality
- Scenic Quality
- TYC

**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 6, 50, 51, 54 and 55

**Attachments:**

- Required Findings/Rationale (Attachment A)
- Draft Permit (Attachment B)
- Issues/Concerns Discussion (Attachment C)
- Regional Plan Compliance Analysis (Attachment D)
- Plans (Attachment E)
  - Vicinity Map
  - Site Plans
  - Elevations
  - Photographs
Required Findings/Rationale (Attachment A)

**Required Findings:** The following is a list of the required findings as set forth in Chapters 6, 50, 51, 54 and 55 of the TRPA Code of Ordinances. Following each finding, Agency staff has summarized the evidence on which the finding can be made.

1. **Chapter 6 – Threshold-Related 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.

   **Land Use:** Shoreline Protective Structures are listed as a Special Use accessory to an existing, allowed use located on the same adjoining littoral parcel located within the 099 Al Tahoe Plan Area. Surrounding land uses are made up primarily of single family residential and some multiple family residential uses with accessory shorezone development consisting of piers, backshore decks and terraces to the east, non-littoral single family residences to the south and California Tahoe Conservancy property to the west. The proposed project will not alter land use patterns.

   **Transportation:** The proposed project will not result in an increase in daily vehicle trip ends (dvte) to the subject parcel or vehicle miles traveled (VMT).

   **Conservation:** The project is consistent with the Conservation Element of the Regional Plan. The proposed materials and design are consistent with the TRPA Design Review Guidelines. The project area is within Scenic Shoreline Unit 32 (Al Tahoe) which is currently in scenic attainment. The proposed shoreline protective structure will utilize native rock that will allow the structure to blend rather than contrast with the surroundings. Staff anticipates that the scenic quality rating upon successful implementation of the project will improve both the existing condition of the sheet pile as well as the scenic shoreline unit.

   The area is a mapped as marginal fish habitat which consists of a sandy lake bottom which is not suitable for fish spawning.

   It is generally TRPA policy not to approve shoreline protective structures located below the high water line. However, given the need to protect the integrity of the perimeter of the concrete stem wall supporting the condos, the 30”x36” round concrete piers supporting the deck, and the failing static sheet pile wall the design of the 1:2 sloping revetment requires that materials for the structure are be placed below the high water line.
Tahoe Yellow Cress (*Rorippa subumbellata*) has been observed along the shoreline near the northeast corner of the property. As a TYC management and construction protection plan has or will be implemented for the protection of the existing TYC population on site, it is anticipated that there will be no impact during the implementation and long term monitoring of this project.

The applicant shall install all required water quality Best Management Practices (BMPs) on the parcel in accordance with Chapter 25 of the TRPA Code. There are no known special interest animal species or cultural resources within the project area.

**Recreation:** The project is in the vicinity of the Thomas F. Regan memorial Park located to the west and to the east and the Upper Truckee Marsh further to the east and southeast of the project site. The project while not visible from the eastern portion of Regan beach will be visible from the Marsh, the western reaches of the beach and Globin’s pier. However, with the use of native rock materials the project will blend in with the existing natural materials resulting in an overall scenic improvement. The proposed shoreline protective structure will not adversely affect recreational boating or pier access.

**Public Service and Facilities:** This project will not require any additional public service facilities.

**Implementation:** The proposed project will not require the transfer of allocations or other development rights. The project will however require review and approvals from other local jurisdictions and agency. To date the project has received approvals from the City of South Lake Tahoe and State of California Department of Fish and Game.

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 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Governing Board hearing and at TRPA.

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

2. Chapter 50 Shorezone Standards:

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

      The proposed new shorezone protective structure will not adversely impact littoral processes based on the structures sloping permeable nature which is dynamic in nature and designed to dissipate wave action. The proposed structure will not impact feed and cover fish habitat as it is located in an area mapped as marginal fish habitat. The proposed project is not located within an area that is mapped as on-shore wildlife habitat nor has the site been shown to be a waterfowl nesting area.

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

      The shoreline protective structure is a permissible accessory use to the upland Residential use. By its very nature the dynamic revetment is designed to protect the integrity of the perimeter concrete stem wall supporting the condominium complex, a primary use, and 30”x36” round concrete piers supporting the wooden deck.

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

      The project will compliment other existing shorezone accessory uses in the area, (piers, boathouses, and decks and terraces) by improving overall scenic quality of the shoreline unit as well as the structural integrity to the primary use on site.

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

      The proposed shorezone protective structure is located in the Shorezone of Lake Tahoe and by its nature is water-dependent.

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

      This approval prohibits the use of spray painting and the use of tributyltin (TBT). Also, conditions of approval prohibit the discharge of petroleum products,
construction waste and litter or earthen materials to the surface waters of the Lake Tahoe Basin. All surplus construction waste materials shall be removed from the project and deposited only at TRPA approved points of disposal. No containers of fuel, paint, or other hazardous materials may be stored in the foreshore or nearshore.

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

The applicant shall not store construction materials on the beach or in the backshore. Permanent disturbance to ground and vegetation is prohibited. All construction and grading activities will adhere to the standards found in Chapters 62 and 63 of the TRPA Code of Ordinances. Temporary BMPs will be required to ensure disturbance is minimized.

g. **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 existing sheet pile wall currently encroaches into the lake to an approximate Lake Tahoe datum of 6,225/6,226 which is below the high water elevation of 6,229. While further encroachment into the lake is generally not encouraged by TRPA, the increase encroachment with the proposed sloping dynamic revetment will work to dissipate wave energy which is currently undermining portions of the of the sheet pile wall and eventually the deck and condo foundation. Merely replacing the vertical sheet wall will not help to combat the effect of wave action or improve the scenic quality of this shoreline unit. Although a portion of the structure will be installed below the high-water line of 6,229 in order to dissipate wave energy the proposed location of the protective structure 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.

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

The project was taken to the Shorezone Review Committee and received no negative comments from members of the committee. However this project will require all necessary approvals from other local jurisdictions and agencies as a condition of approval.
3. **Chapter 51 Special Use Findings — [Required for Shorezone Protection Structures**

   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 protective structure addresses both structural/littoral issues as well as scenic issues in a positive fashion. The sloping revetment will be an improvement to the existing shoreline conditions. The scale and design of the structure is appropriate for this already impacted shoreline unit. The permit will be conditioned to require a monitoring plan to ensure that the structure remains structurally sound for a period of no less than 5 years.

   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 shoreline protective structure is an accessory use allowed under the Al Tahoe Plan Area Statement (PAS 099). The proposed structure will serve the existing multi-family residential structures by physically supporting and augmenting the failing sheet pile wall and eroding shoreline of the property. As a condition of approval, a long term monitoring plan shall be submitted to TRPA to monitor the effectiveness of the protective structure.

   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.**

   Installation of the proposed shoreline protective structure will not permanently change the character of the neighborhood or detrimentally affect or alter the purpose of the plan area statement. The proposed sloping revetment will provide an improvement to the shoreline and existing structural elements which are currently experiencing eroding wave action. The proposed shoreline structure shall be for the applicant’s property exclusively; APN 026-271-28 and shall be confined to the subject parcel boundaries. The proposed structure will be designed to run the width of the property and will gradually blend into the existing landscape at either end of the property.
4. **Chapter 54 Shorezone Findings:**

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

      The shoreline revetment has been designed as a dynamic sloping structure, portions of which will be placed below the high water line, keying in large granite boulders 24 inches in diameter at the base of the sheet pile to prevent undermining from wave action, with smaller 12 to 24 inch boulders placed directly against the sheet pile, with smaller 4 to 12 inch rock placed on top of the large boulders at a slope ratio of around 1:2.

   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 sloping revetment has been designed as a dynamic sloping structure, placed against an existing sheet pile wall built in 1969, prior to the current shorezone ordinances. The sheet pile is currently highly visible from 300 feet lakeward of high water and is failing in a number of places. The wall currently encroaches into the lake to a lakebed elevation of 6,225. Merely replacing the existing sheet pile vertical wall with a newer sheet pile was will not aid in dissipating wave action and its effects of undermining soil erosion. Further the removal and replacement of the wall would cause more degradation to the shoreline unit as opposed to replacing the existing structure by introducing a more efficient dynamic structure. The sloping revetment will not only improve the scenic quality of the shoreline unit, but will also dissipate wave energy and reduce the effects of erosion and thus improve littoral processes.

   c. **Each protective structure has been designed to be sloping and permeable.**

      The proposed revetment incorporates design and construction standards contained in Chapter 54 of the TRPA Code of Ordinances. The structure will consist of a base rock of 24 inches in diameter keyed in at the toe to a depth of around 16 inches, with smaller 12 inch to 24 inch boulder placed against the existing sheet wall at a 1:1 slope. Smaller rocks between 4 and 12 inches in diameter will be placed on the larger rock at a 2:1 slope ratio with all voids larger than 1 inches being “chinked” with smaller rock. As a condition of approval, the applicant will be responsible for maintaining sand backfill against rock slope base rock to protect against erosion at the slope of the structure.
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 proposed project is designed to increase protection against wave action especially during episodes of high water and help improve littoral processes along this segment of the shoreline. The sloping nature of the structure will aid in counteracting gravitational forces from the sheet pile and foundation from the condo complex. The use of filter fabric at the toe of the structure will aid in reducing of scouring or undermining of the structure. To avoid scour the structures ends will slope into the ground at each property so as not to impact adjacent properties.

5. Chapter 55 Shorezone Findings:

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

The new sloping revetment is needed to protect the failing sheet wall and to reduce wave energy and scouring in this area designated as having high erosion potential due to its terrain and the type of volcanic soil.

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

There is no reasonable alternative to avoid encroachment into the lake as the previously placed sheet pile wall currently encroaches into the lake and removing it would cause a great deal more disturbance than the placement of rocks for the sloping revetment. Proposed construction involves keying in large granite boulders approximately 24 inches in diameter at the base of the sheet pile on top of a layer of filter fabric designed to prevent undermining from wave action. Smaller 12 to 24 inch boulders will then be placed directly against the sheet pile with smaller 4 to 12 inch rock placed on top of the large boulders at a slope ration of no more 1:1 and preferably at 1:2. Smaller rock will be placed in all void spaces in areas larger than 1 inch.
Having made the findings required by Agency ordinances and rules, TRPA Hearings Officer approved the project on **August 18, 2011**, subject to the standard conditions of approval attached hereto (Attachment S) and the special conditions found in this permit.

This permit shall expire on **August 18, 2014**, 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 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 026-271-28
FILE NO. ERSP2011-0250

Security Posted (1): Amount $______ Type _____ Paid _____ Receipt No.______

Security Administrative Fee (2): Amount $______ Paid _____ Receipt No.______

Shorezone Monitoring Security (3): Amount $5,000 Posted _____ Type _____ Receipt No.______

Shorezone Security Administrative Fee (4): Amount $______ Paid _____ Receipt No. ______

Notes:
(1) Amount to be determined. See Special Condition 3 D., below.
(3) See Special Condition 3 E., below.
(2) (4) $152 if a cash security is posted or $134 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 construction of a new sloping dynamic rock revetment on the lake side of an existing sheet pile retaining wall which was designed to protect bearing loads from the existing condominium complex foundation and deck piers from wave action erosion at 709 North Lakeview Avenue. The dynamic sloping revetment is needed to reduce undermining soil erosion along the sheet pile wall and improve slope stability. The shoreline protective structure will consist of the following components; keying large granite boulders approximately 24 inches in diameter at the base of the toe of the revetment over a layer of filter fabric designed to prevent undermining from wave action, 12 to 24 inch boulders placed directly against the sheet pile at a ratio of 1:1 with smaller 4 to 12 inch rock placed on top of the large boulders at a slope ration of no more 1:2. Smaller rock will be placed or chinked in all void spaces larger than 1 inch in diameter. The modification to temporary BMPs (Best Management Practices); turbidity curtains etc., may be required depending on Lake the level at the
time of construction. Additional work will include the removal and replacement of the wooden deck adjacent to the sheet pile wall.

2. No new land coverage shall be created nor is it approved as a result of this permit. No modification or expansion of any additional Shorezone structure or additional disturbance outside of the scope of this permit in the backshore is approved as a result of this permit. Any periodic maintenance may require further review and approval by TRPA.

3. The standard conditions of approval listed in Attachment Q shall apply to this permit.

3. Prior to final permit acknowledgement the following conditions of approval shall be satisfied.

A. The permittee shall revise the site plan to include:

   (1) Notes indicating that there will be no storage of excavated material on site; and fill material will be disposed of in a TRPA approved location.

   (2) Installation of a dual (double thickness) erosion control fence, fiber roll log or similar product, located within 6 feet on the toe of the proposed rock revetment. The filter fabric fence shall be anchored to the exposed lake by gravel bags or alternatively a fiber roll log anchored to the lake bottom with properly installed stakes and wire. The entire length of the filter fabric fence or fiber roll log shall be in direct contact with the exposed lake substrate at all times.

   (3) The location and details of all proposed building and pedestrian lighting. All lighting shall demonstrate conformance to the TRPA Code of Ordinances.

B. The permittee shall submit a projected construction completion schedule to TRPA prior to acknowledgment. Said schedule shall include completion dates for each item of construction demonstrating completion by Oct 15th of each construction season.

C. A written construction methodology which shall include access points, the location of construction equipment and materials staging areas and all temporary BMPs.

D. The permittee shall bring the project area into conformance with a minimum contrast rating score of 21 by implementing scenic BMPs in the shoreland. If the score of 21 cannot be attained, a written strategy shall be provided to TRPA as to
how an improvement in the scenic score can be achieved through the introduction of scenic BMPs.

E. The permittee shall submit a rock revetment monitoring plan to consist of:

- An initial 30 day post-construction photo
- Annual post-construction report and photos taken on the anniversary of the installation of the revetment consistent with the same established viewpoints as identified on acknowledged and TRPA stamped plan sets submitted by Sept 15, each year for at least 5 years

Photos submitted will demonstrate that the proposed revetment is adequate to achieve the required performance. A monitoring security shall be held for a minimum of 5 years to ensure that the sloping revetment is functioning as designed and there are no ill effects resulting from such. Any components that fail or show evidence of undermining or erosion shall be repaired at the appropriate time of grading season. By signature of this permit, the permittee agrees that the sloping revetment authorized under this permit shall be monitored and maintained per approved conditions of approval and design specifications.

The permittee shall pay monitoring fees for TRPA staff to review reports and conduct periodic site visits. The applicant agrees to pay to TRPA, reasonable, hourly monitoring costs that will not exceed the costs incurred by the Agency. These costs will be billed to the applicant and shall be submitted to TRPA within 30-days of receipt of the invoice. Fees for monitoring are based on an hourly rate. Rates are subject to change.

Or

The payment of a monitoring deposit prior to acknowledgment of the permit subject to a refund or additional billing may be paid in lieu of TRPA monitoring invoicing. Per TRPA Code Subsection 8.8.B.2, a deposit shall be provided by the permittee in an amount equal to 110% of the material and labor costs of the required restoration/mitigation to ensure success of the proposed restoration/mitigation requirements. Field inspections and administrative costs related to monitoring will be charged against the deposit. Fees for monitoring are based on a reasonable hourly rate. Rates are subject to change.

F. The security required under Standard Condition A.3 of Attachment C shall be equal to 110 percent of all required Best Management Practices required for the project, but not less than $5,000. Please see Attachment J, Security Procedures,
for appropriate methods of posting the security and for calculation of the required security administration fee.

G. A Scenic/Landscape security of $5,000 shall be required. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.

H. A rock sample for the proposed shoreline portion of the protective structure shall be submitted to TRPA for review and approval.

I. The permittee shall provide (3) three sets of the final plans for TRPA Acknowledgement.

4. To the maximum extent allowable by law, the Permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board, its Planning Commission, its agents, and its employees (collectively TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person or property or (b) to set aside, attack, void, modify, amend, or annul any actions of any 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 areas temporarily disturbed by construction shall be immediately (within 48 hours) reseeded/re-vegetated and mulched.

6. Any and all temporary soil stockpiles shall be appropriately covered with tarps and contained by temporary erosion control fences and/or coir logs with gravel bags.

7. No grading or excavation shall be permitted except as shown on the plans for the proposed shorezone structure.
8. Any and all unused excavated material shall be hauled away from the site to a TRPA approved location. No fills or re-contouring, other than backfill for structures, shall be allowed.

9. Any and all 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.

10. All employee temporary construction vehicles shall be parked on existing paved surfaces or existing compacted road shoulders only.

11. All rock material (gravel, cobble, and/or boulders) imported to the site for use in the shoreline construction area shall be thoroughly washed and shall be free of any silt and clay material. The permittee shall submit certification from a qualified professional that all the imported rock is free of minus #200 sieve material, prior to placing the material into the shoreline protection structure.

12. Disturbance to lakebed materials shall be kept to the minimum necessary for construction.

13. The discharge of petroleum products, construction waste and litter (including sawdust), or earthen materials to the waters of the Lake Tahoe Basin is prohibited. All surplus construction waste materials shall be removed from the project and deposited in a TRPA approved sites.

14. Any normal construction activity creating noise in excess of the TRPA noise standards shall be considered exempt from said standards provided all such work is conducted between the hours of 8:00 A.M. and 6:30 P.M.

15. Grading and excavation is prohibited at any time of the year during periods of precipitation and for the resulting period of time when the site is covered with snow or is saturated, muddy or unstable.

16. 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
Issues/Concerns Discussion (Attachment C)

A. **Land Use**: No issue

B. **Plan Area Statement**: No issue

C. **Fish Habitat**: No issue as the lake bottom substrate for this project area is composed of sand and has been mapped and verified as marginal fish habitat.

D. **Soil Erosion**: The project area lies within Shorezone Tolerance District 4 characterized as steep, crumbling cliffs with continuing erosion problems. The remedy for this problem was to install vertical corrugated steel, sheet pile wall which is currently failing. In terms of dissipating the erosive wave action, this type of structure is inefficient.

E. **Scenic Quality**: The proposed project is visible from Scenic Shoreline Unit 32 Al Tahoe which is currently in attainment with the established scenic threshold. In addition the Plan Area Statement for this area Al Tahoe 099 identifies that the shoreline is eroding and has poor public access.

F. **Tahoe Yellow Crest (TYC)**: A TYC survey was conducted on September 27, 2010. TYC was observed at 2 different locations, adjacent to the north eastern property boundary. As a condition of approval, a TYC Management Plan will need to be maintained to protect the existing population within the project area.
Regional Plan Compliance Analysis (Attachment D)

A. **Environmental Documentation:** The applicant has completed an Initial Environmental Checklist (IEC) to assess the potential impacts of the project. Some potential environmental impacts were identified and staff has concluded that these impacts are temporary in nature and when mitigated will have less than a significant effect on the environment. A copy of the completed IEC will be made available at the Governing Board hearing and at TRPA.

B. **Plan Area Statement:** The project is located within the Al Tahoe (099) in which Shoreline Protective Structures are a special use allowed as an accessory structure to an existing allowed use. The Land Use Classification is Residential and the Management Strategy is Redirection. The project site is located within Shorezone Tolerance District 4.

C. **Fish Habitat:** This project site is located within an area mapped as marginal fish habitat. TRPA has reviewed the subject parcel in relationship to the configuration of the shoreline structure and has determined that the proposed placement of revetment material below high water line will not adversely impact the area or littoral processes but rather improve them. As a condition of approval the proposed dynamic sloping revetment structure shall not extend further than is absolutely necessary to achieve a 1:1 slope ratio for the new structure.

D. **Soil Erosion:** The project area lies within Shorezone Tolerance District 4 characterized as steep, crumbling cliffs with continuing erosion problems. The proposed sloping revetment incorporates both design and construction standards contained in Chapter 54 of the TRPA Code of Ordinances which are designed specifically to combat the effects of soil eroding wave action. To combat the eroding wave action, the rock revetment will contain elements that will dissipate wave action, combat undermining at the structure’s toe by keying in large boulders and filter fabric and reduce the chance of failure by “chinking”, smaller openings in the structure to protect the interior space from additional adverse conditions increased protection against wave action during episodes of high water. The applicant will be required to submit a long term monitoring plan for the sloping rock which demonstrates that the toe and other components of the revetment are structurally sound. The applicant will also be responsible for maintaining sand replenishment along the toe of the new structure.

E. **Scenic Quality:** The proposed project is visible from Scenic Shoreline Unit Number 32 Al Tahoe which is currently in attainment with the established scenic threshold. While the introduction of the new sloping rock revetment will result in a visual improvement to the shoreline unit, a separate baseline scenic assessment was not performed for the proposed for the revetment structure. A baseline scenic assessment was completed for the existing residential shoreland structure which yielded a score contrast rating score of 14 or a visible allowable of 260 square feet. The total visible façade square footage
may be increased by 7.5% for each additional 10 feet of linear lake frontage over 100 feet and is there allowed a total of 650 square feet of allowable visible mass. For the construction of the proposed structure additional scenic mitigations are required per the following; Level 3: Non-repair projects on structures adjacent and lakeward of the shoreland. The mitigation requirements for this level shall be the implementation of scenic BMPs in the shoreland. The BMPs shall bring the project area into conformance with a minimum contrast rating score of 21 except where:

a) it is physically impossible to attain a score of 21 through application of scenic BMPs; or

(b) the cost of the scenic BMPs required to increase the baseline contrast score to 21 exceeds ten percent of the cost of the project; and

(c) if the project is not required to bring the project area into conformance as a result of subparagraphs (a) and (b) above, the applicant shall attain the highest possible score.

F. Tahoe Yellow Cress (TYC): On September 27, 2010 a TYC survey was conducted along the entire beach area fronting the Chateaux Du Lac condominium complex. TYC was observed at two locations within the project area near the property’s eastern property boundary. A TYC management plan was implemented to protect the existing TYC population on site. In addition, the sloping rock revetment has been designed to avoid TYC populations and steps have been taken to avoid the TYC during construction using wooden protective structures as depicted in Attachment E, page D1, detail 5/D1.
Aerial Photograph

Area of Sheet Pile Wall
Condominium Complex and Sheet Pile Wall looking north
Condominium Complex and Sheet Pile Wall and Rail looking south
Construction Detail