

MINUTE ITEM
This Calendar Item No. 17
was approved as Minute Item
No. 17 by the State Lands
Commission by a vote of 3
to 0 at its 10/7/88
meeting.

CALENDAR ITEM

A 7
S 1

17

10/07/88
W 20403 PRC 7258
J. Ludlow

RECREATIONAL PIER PERMIT

APPLICANT: Murray M. Smith, et al
3110 Gold Canal Drive
Rancho Cordova, California 95670

AREA, TYPE LAND AND LOCATION:
A parcel of submerged land in Lake Tahoe,
El Dorado County.

LAND USE: Construction and maintenance of a recreational
multi-use pier and continued use and
maintenance of two mooring buoys.

TERMS OF PROPOSED PERMIT:
Initial period: Ten years beginning October 7,
1988.

CONSIDERATION: Rent-free pursuant to Section 6503.5 of the
P.R.C.

APPLICANT STATUS:
Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing fee and processing costs have been
received.

STATUTORY AND OTHER REFERENCES:
A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
B. Cal. Adm. Code: Title 2, Div. 3; Title 14,
Div. 6.

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(ADDED 10/07/88 pgs. 108-108.10)

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AB 884:

02/13/89.

OTHER PERTINENT INFORMATION:

1. As to the mooring buoys, pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), as a categorically exempt project. The project is exempt under Class 1, Existing Facilities, 2 Cal. Adm. Code 2905(a)(2).

Authority: P.R.C. 21084, 14 Cal. Adm. Code 15300, and 2 Cal. Adm. Code 2905.

2. As to the new pier, pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 3, New Construction of Small Structure, 2 Cal. Adm. Code 2905(c)(1).

Authority: P.R.C. 21084, 14 Cal. Adm. Code 15300, and 2 Cal. Adm. Code 2905.

3. In order to determine other potential trust uses in the area of the proposed project, the staff contacted representatives of the following agencies: TRPA, Department of Fish and Game, County of El Dorado, and the Tahoe Conservancy. None of these agencies expressed a concern that the proposed project would have a significant negative effect on trust uses in the area. The agencies did not identify any trust needs which were not being met by existing facilities in the area, and a field inspection by staff confirmed that trust needs were being met in a satisfactory manner. Identified trust uses in this area would include swimming, boating, walking along the beach, and views of the lake.

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4. Staff has determined that the proposed project is not located in an area identified as prime fish habitat, fish spawning area, or a habitat restoration area, identified by the Tahoe Regional Planning Agency and the Department of Fish and Game.
5. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.
6. All permits covering structures in Lake Tahoe will include a condition subsequent that if any structure authorized is found to be in nonconformance with the Tahoe Regional Planning Agency's shorezone ordinance and if any alterations, repairs, or removal required pursuant to said ordinance are not accomplished within the designated time period, then the permit will be automatically terminated, effective upon notice by the State, and the site shall be cleared pursuant to the terms thereof.

APPROVALS OBTAINED:

Tahoe Regional Planning Agency.
United States Army Corps of Engineers.

FURTHER APPROVALS REQUIRED:

County of El Dorado.

EXHIBITS:

- A. Land Description.
- B. Location Map.
- C. El Dorado County Requirements.
- D. TRPA Permit.

IT IS RECOMMENDED THAT THE COMMISSION:

1. AS TO THE MOORING BUOYS, FIND THAT THE ACTIVITY IS EXEMPT

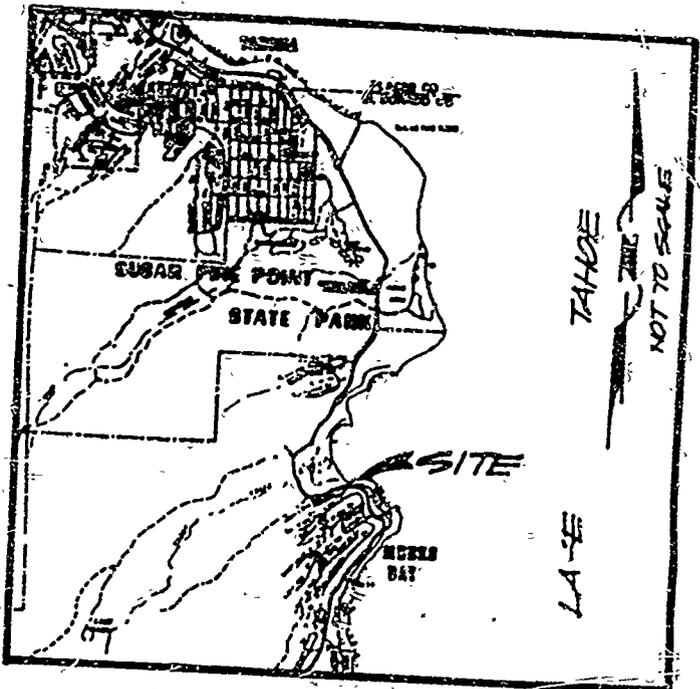
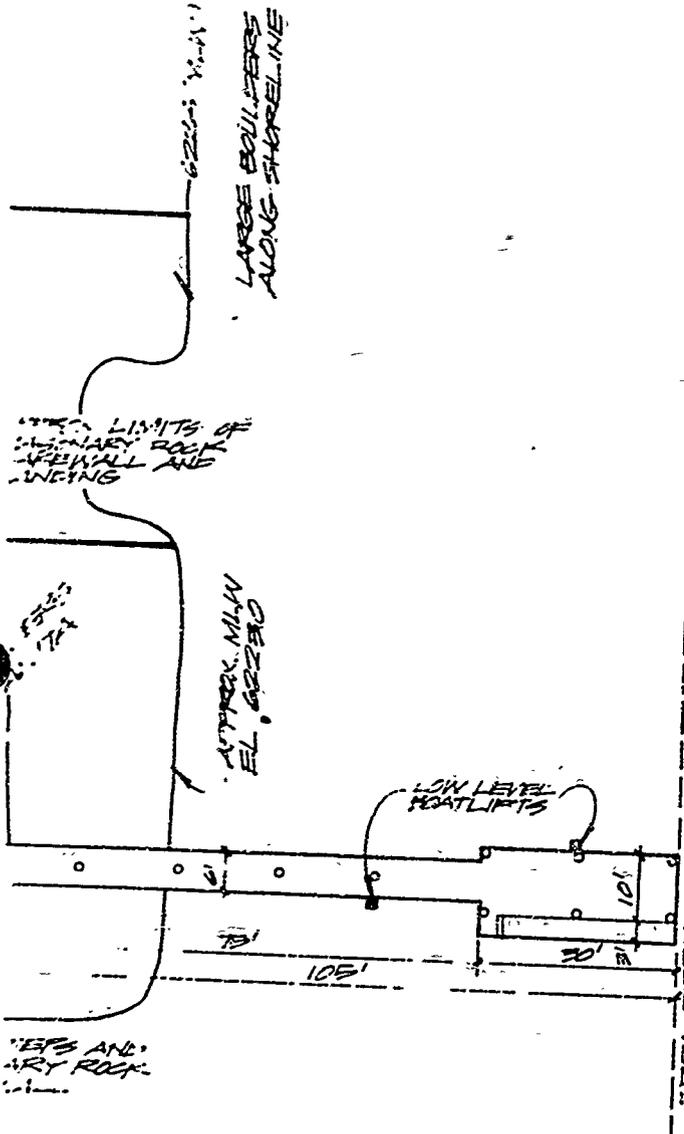
CALENDAR ITEM NO. 17 (CONT'D)

FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES, 2 CAL. ADM. CODE 2905(a)(2).

2. AS TO THE NEW PIER, FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 3, NEW CONSTRUCTION OF SMALL STRUCTURE, 2 CAL. ADM. CODE 2905(c)(1).
3. AUTHORIZE ISSUANCE TO MURRAY M. SMITH, CAROL J. CASTRO, DONQUAN C. DAVIS AND JEANNE M. DAVIS, OF A TEN-YEAR RECREATIONAL PIER PERMIT BEGINNING OCTOBER 7, 1988, FOR THE CONSTRUCTION, USE AND MAINTENANCE OF ONE MULTI-USE PIER AND THE CONTINUED USE AND MAINTENANCE OF TWO EXISTING MOORING BUOYS ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.



SCALE 1"=20'



LOCATION MAP

○ APPROX. BUOY LOCATION (DAVIS PROPERTY)

○ APPROX. BUOY LOCATION (SMITH PROPERTY)

LAKE TAHOE

WITH PROPERTY
PN 16-051-331
T. AREA

ALLOWABLE COVERAGE
EXISTING COVERAGE
AND CAPABILITY:

12,000 SF
120 SF
4,000 SF
1a (MSG)

BMP 208 SITE PLAN
NEW PIER CONSTRUCTION
DAVIS / SMITH PROPERTIES
8193/8201 MEEKS BAY AVE.
EL DORADO COUNTY, CA
APN 16-051-041, 321, 331
AUGUST 1983

EXHIBIT "A"



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LAKE TAHOE

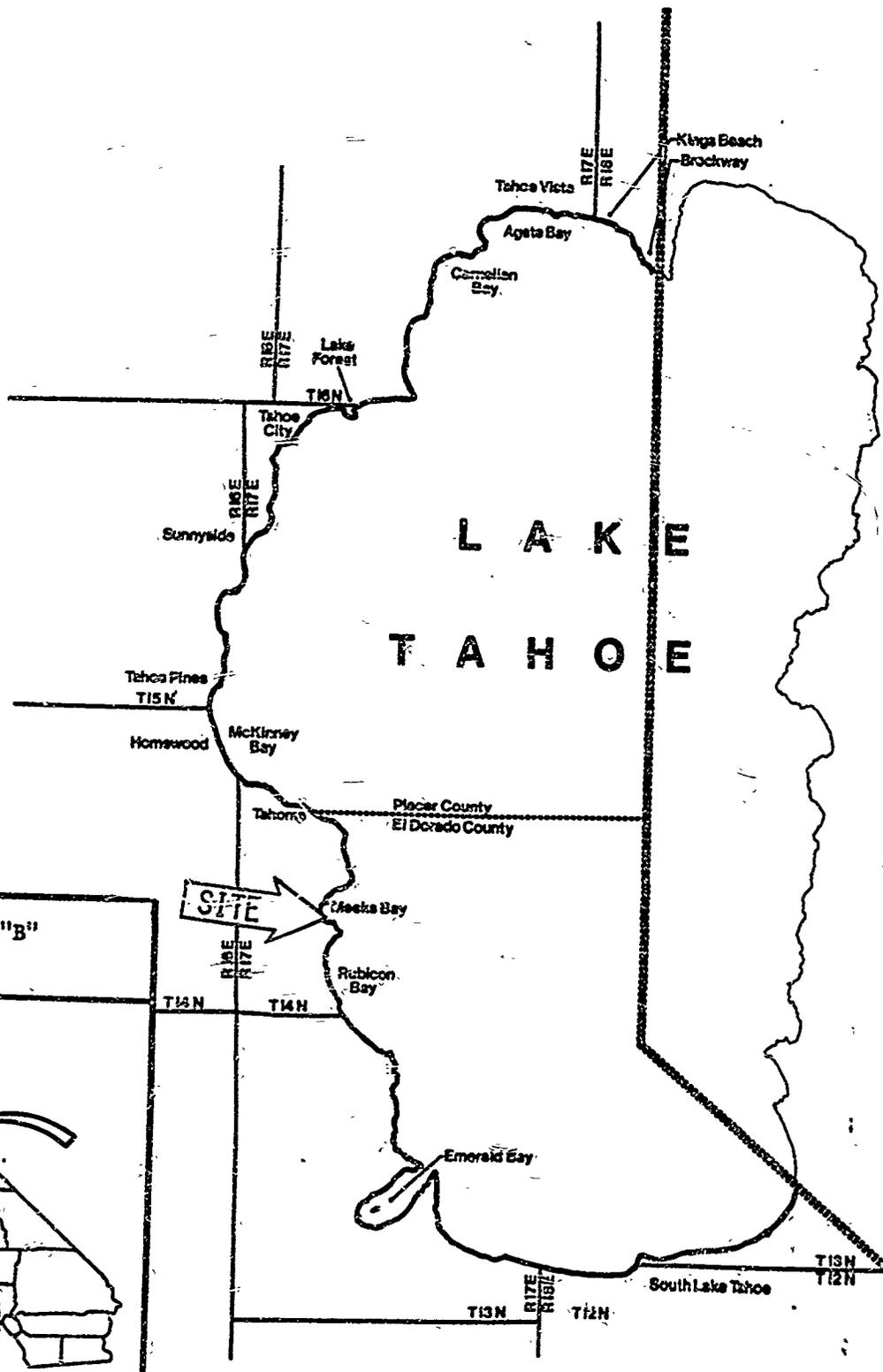


EXHIBIT "B"
W 20403

SITE



COUNTY OF
EL DORADO

COMMUNITY DEVELOPMENT DEPARTMENT
BUILDING DIVISION



MAIN OFFICE:
380 FAIR LANE
PLACERVILLE, CA 95667

(916) 621-5315

SOUTH LAKE TAHOE OFFICE:
1359 JOHNSON BLVD.
P.O. BOX 14508
SOUTH LAKE TAHOE, CA 95702
(916) 573-3145

September 16, 1988

Ms. Judy Ludlow
California State Lands
Commission
1807 13th Street
Sacramento, CA 95814

SUBJECT: Pier Permit Requirements - El Dorado County

Dear Ms. Ludlow:

To obtain a building permit for pier construction from
El Dorado County the following are required.

Tahoe Regional Planning Agency Approval

Department of Army Approval (Regulatory Sec. No3-181)

Plot Plan

Construction Plans

Structural Calculations

If you have any questions, you may reach me at 916-573-3145.

Sincerely,

EL DORADO COUNTY
BUILDING DIVISION

John S. Walker

John S. Walker
Building Inspector III

JSW/df

*County is sending a letter of
non objection to this project*

Judy Ludlow

EXHIBIT "C"

CALENDAR PAGE 108.6
3039

TAHOE REGIONAL PLANNING AGENCY

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

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

(702) 588-4547

PROJECT TYPE Shorezone-Multiple-Use Residential Pier APN 016-051-04, 32 & 33

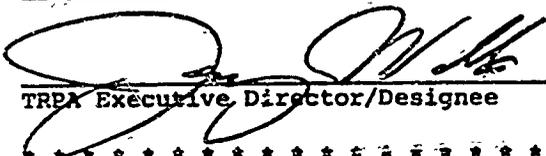
PERMITTEE(S) Donovan Davis / Murray Smith

COUNTY/LOCATION El Dorado, 3201, 8193 and 8197 Meeks Bay Avenue

Having made the findings required by Agency ordinances and rules, TRPA Governing Board approved the project on 7-27-88, subject to the standard conditions of approval attached hereto (Attachment S) and the special conditions on the back of this permit.

This permit shall expire on 7-27-91 without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Diligent pursuit is defined as completion of the project 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 THE PERMITTEE OBTAINS A COUNTY/CITY BUILDING PERMIT. THE COUNTY/CITY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS. NO CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA'S ACKNOWLEDGEMENT ON THE BACK OF THIS PERMIT. TRPA'S ACKNOWLEDGEMENT IS NECESSARY TO OBTAIN A COUNTY BUILDING PERMIT. IN ADDITION, NO CONSTRUCTION OR GRADING 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 AND A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED.



TRPA Executive Director/Designee

8-3-88

Date

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.

Signature of Permittee(s)  Date 8/13/88

PERMIT CONTINUED ON BACK

GC:cs

EXHIBIT "D"

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APN 016-051-05, 32 & 33

New Pier Mitigation Fee: Amount \$3,150 Paid _____ Receipt No. _____
Excess Coverage Mitigation Fee: Amount * _____ Paid _____ Receipt No. _____
Security Posted: Amount * _____ Posted _____ Receipt No. _____

* To be determined.

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

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

TRPA Executive Director/Designee

SPECIAL CONDITIONS

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

1. The use of wood preservatives on wood in contact with the water is prohibited. Extreme care shall be taken to insure that wood preservatives are not introduced into Lake Tahoe. Spray painting and the use of tributyltin (TBT) will be prohibited.
2. Disturbance of the lake bed materials shall be kept to the minimum necessary for project construction.
3. Best practical control technology shall be employed to prevent earthen materials to be resuspended as a result of pier construction and from being transported to adjacent lake waters. The applicant shall install a turbidity screen around the entire construction site (in the water) prior to construction. This screen may be removed upon project completion only upon a satisfactory inspection by TRPA to insure that all suspended materials have settled.
4. 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 site and deposited only at legal points of disposal.
5. In no case shall the width of this pier be greater than 10 feet, except that portion of the pier with a catwalk. The catwalk shall not exceed three feet in width.

SPECIAL CONDITIONS CONTINUED ON NEXT PAGE

SPECIAL CONDITIONS (continued)

APN 016-051-04, 32 & 33

6. Final construction drawings shall conform to all the applicable design standards of Section 54.4.B., TRPA Code of Ordinances and all other applicable TRPA design standards.
7. The applicant shall submit a new pier mitigation fee of \$3,150 for the construction of 105 feet of new pier.
8. The applicant shall submit a construction schedule prior to commencement of construction. This schedule shall identify dates for the following:
 - a. When installation of temporary erosion control structures and turbidity screens will occur.
 - b. When construction will commence.
 - c. When construction slash and debris will be removed.
 - d. When installation of all permanent erosion control structures will occur.
 - e. When construction will be completed.
9. The applicant shall submit plans and cost estimates for the installation of all required water quality improvements (BMPs) prior to commencement of construction. The security required under Standard Condition A.3 of Attachment S shall be 110 percent of this cost estimate.
10. This pier shall be wood tone or earth tone in color.
11. Prior to commencement of construction, the applicant shall obtain all required approvals from the U.S. Army Corps of Engineers, the Lahontan Regional Water Quality Control Board, the California Department of Fish and Game, and the California State Lands Commission for this new pier.
12. No containers of fuel, paint, or other hazardous materials may be stored on the pier.
13. The applicant shall mitigate excess land coverage on this property in a manner consistent with Chapter 20 of the TRPA Code of Ordinances. This condition may be satisfied by submittal of an excess land coverage mitigation fee as follows:

Cost of project x 0.05 (TRPA Reduction Factor) x Excess Land Coverage percentage.

Excess land coverage percentage equals the existing land coverage percentage minus one percent. Please provide a written cost estimate by your contractor. In no case shall the mitigation fee be less than \$100.

SPECIAL CONDITIONS CONTINUED ON NEXT PAGE

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SPECIAL CONDITIONS (continued)

APN 016-051-04, 32 & 33

Also, if you choose, existing land coverage may be removed in lieu of payment of an excess land coverage mitigation fee. To calculate this land coverage reduction amount, divide the amount of the mitigation fee by \$5 per square foot. Please revise your site plan land coverage calculations if you choose this option.

14. The applicant shall submit three sets of final construction drawings and site plans to TRPA.
15. Property owners of parcels APN 016-051-04, 32, and 33 shall have access to the pier facility.
16. Deed restrictions satisfactory to the TRPA shall be filed with the County Recorder by the Owners limiting the rights to piers to the three parcels listed in Condition 15, above, to this single multiple use pier.
17. Prior to commencement of construction the applicant shall submit a revised site plan indicating all Water Quality Improvements (BWPs) in accordance with Standard Condition A.1 of Attachment S.