

**KINGS BEACH COMMERCIAL CORE IMPROVEMENT PROJECT  
GRANT OF EASEMENT**

**Summary:** Staff recommends authorization to grant an easement to Placer County for improvements and maintenance associated with the Kings Beach Commercial Core Improvement Project.

**Location:** Within Kings Beach (Placer County Assessor Parcel Numbers 090-080-025, 090-134-001, 090-135-030, 090-135-031, 090-135-032, 090-135-033, 090-135-034, 090-135-035, 090-135-036, 090-135-037, and 090-135-042)  
(Attachment 1)

**Fiscal Summary:** Incidental staff costs

**Recommended Action:** Adopt Resolution 12-03-04 (Attachment 2).

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**Background**

The Kings Beach Commercial Core Improvement Project (Kings Beach CCIP) is Placer County's (County) \$44,000,000 initiative to revitalize Kings Beach through installation of storm water collection and treatment improvements to benefit water quality, and new streetscape designs and traffic-calming measures to improve pedestrian and bicycle safety and mobility. The project centers around State Route 28/North Lake Boulevard through the Kings Beach commercial core, modifying it from a four-lane roadway into three lanes (one 12-foot travelway in each direction and a two-way, center turn lane) with roundabouts at the Bear and Coon Street intersections. A five-foot Class 2 bike lane will be created in each direction, along with new curbs, gutters, and sidewalks. The County indicates the anticipated project benefits include:

- improved clarity of Lake Tahoe;
- safe walking and bike routes;
- an attractive business core; and
- an enhanced local and visitor experience.

The Conservancy Board previously authorized \$600,000 to plan the Kings Beach CCIP and \$1,123,000 for the Kings Beach Water Quality and Stream Environment Zone Improvement Project. Placer County has received additional project funding from its Redevelopment Agency, the State Transportation Improvement Program, the Southern Nevada Public Land Management Act (Rounds 5 and 9), the American Recovery and Reinvestment Act of 2009, the U.S. Forest Service, the Placer County Transit Occupancy Tax (through the North Lake Tahoe Resort Association), Federal Transportation Enhancements, Tahoe Regional Planning Agency (TRPA) Water Quality Funds, and County Traffic Impact Fees.

Given current funding constraints, the County split the project into three phases in order to construct portions of the project as funding becomes available. The County continues to work with its consultant design team to advance and finalize the design of the project. The three phases are summarized as follows:

- Phase I focuses on the installation of neighborhood traffic-calming improvements (underway; completion in 2012);
- Phase II consists of off-highway improvements such as sidewalks, parking, and water quality improvements (2012); and
- Phase III proposes three lanes with roundabouts, sidewalks, parking, water quality improvements, and landscape and streetscape amenities along State Route 28/North Lake Boulevard (2013-14).

The Kings Beach CCIP furthers the Watershed, Habitat, and Water Quality Goal of the Environmental Improvement Program through implementation of Stormwater Management Sub-Program Project Number 01.01.01.42.

At this time, the Conservancy's numerous Public Access and Recreation Program land acquisitions in Kings Beach (\$2,930,000 in past acquisition expenditures), including the Kings Beach Plaza Project (\$1,300,000 in site improvements), provide a land base that the County seeks to utilize for project streetscape and drainage improvements. Conservancy acquisitions took place between 1988 and 1994 when the Conservancy, with assistance from The Trust for Public Land, acquired a total of eleven parcels at or near the southwest corner of North Lake Boulevard and Coon Street. The Conservancy authorized acquisition of the parcels in order to provide opportunities to create open space, enhance public lake access, provide visitor-serving amenities, and improve lake vistas from State Route 28/North Lake Boulevard.

The County is currently working to acquire all necessary entitlements to implement the project, including the recommended easement for uses on Conservancy-owned property. These entitlements are necessary for the County to proceed with the project.

### **Project Description**

This project involves the grant of a permanent easement to the County for project construction, operation, and maintenance on eleven Conservancy-owned parcels, including shorter-term access rights to facilitate project implementation. The easement will affect only those portions of Conservancy parcels needed to efficiently construct and maintain the proposed improvements, as follows:

Highway/Roadway Easement: A highway/roadway easement (approximately 2,798 square feet) is required due to the reconfiguration of the Coon Street and State Route 28/North Lake Boulevard intersection to accommodate the new roundabout geometrics. Conveyance from the Conservancy to the County would provide for the ability to ultimately transfer portions of the easement to Caltrans in order to enable maintenance of their right to the circulatory roadway of the highway. The County will retain and maintain the new sidewalk and crosswalk.

Drainage Easement: An easement for both updated and new drainage facilities will ensure that the County can maintain the drainage features (approximately 4,534 square feet).

Temporary Construction Easement: The Conservancy's Kings Beach Plaza must be reconfigured to allow room for roundabout geometrics and still provide full use of the pedestrian plaza area, as well as walkways for people accessing the beach. Conservancy staff has worked extensively with Kings Beach CCIP consultants to insure the integrity of plaza design and materials in its reconfigured format. Temporary use of the land (approximately 18,991 square feet) will enable the reconfiguration and ensure the long-term integrity of the Kings Beach Plaza.

In addition to receiving the grant of an easement, the County staff has indicated that it will recommend abandonment of an approximately 1,144-square-foot sliver of land no longer needed for roadway purposes along Coon Street. This will result in an exchange of property rights for the Conservancy's Coon Street parcel (APN 090-134-002), located at the southeast corner of State Route 28 and Coon Street. This parcel is considered a Conservancy asset land, potentially generating significant revenue to assist in long-term operation and maintenance costs of the Kings Beach Plaza and other areas. Subject to the County Board of Supervisors approval, the County staff would process the road

abandonment on that portion of Coon Street and reserve all rights necessary for existing utilities and a drainage easement. No structures would be permitted within the area reserved for drainage and public utilities purposes.

### **Project Evaluation**

The granting of an easement to construct, operate, and maintain project improvements is consistent with the Conservancy's Urban Land Management Program Special Use Guidelines. In this case, the easement granted will be for short-term (temporary construction) uses and permanent uses. No other feasible locations exist for the proposed improvements and activities. The amount of Conservancy-owned land in the project vicinity limits options for improvements that do not cross State ownership.

The Conservancy's Kings Beach Plaza Project was the first comprehensive planning activity undertaken by the Conservancy for recreational site improvements on Conservancy lands. Totaling 1.4 acres, the Conservancy's property is adjacent to the largest lakefront recreational and visitor-serving complex on the north shore of Lake Tahoe, including 2,900 linear feet of lake frontage for the Kings Beach State Recreation Area and the State-owned Coon Street public boat launching facility. The Conservancy project included the creation of a large central plaza and lakefront promenade; picnic areas; extensive natural landscaping, revegetation and infiltration areas; a basketball court; and public open space within the urban commercial core of the Kings Beach community.

The implementation of the Kings Beach CCIP protects the integrity of these important recreational resources and furthers other Public Access and Recreation Program objectives with its scenic and aesthetic improvements. Kings Beach CCIP Class 2 bike trail and pedestrian improvements enhance the properties in a manner that is consistent with Public Access and Recreation Program objectives for the non-motorized trail network and pedestrian mobility. The proposed drainage easement is consistent with the Conservancy's water quality site improvements for the Kings Beach Plaza Project, which was built with adequate capacity to serve these uses.

The exchange proposed for the Coon Street parcel enables alignment of the parcel to the new intersection. While no structures would be permitted within the area reserved for drainage and public utilities purposes, the abandoned land would provide for continuous Conservancy frontage on the road right of way.

## **Consistency with the Conservancy's Enabling Legislation**

The recommended easement is consistent with the Conservancy's enabling legislation. Specifically, Government Code section 66907.8 authorizes the Conservancy to lease, rent, sell, exchange, or otherwise transfer any interest in real property or interest therein to local public agencies, individuals, corporate entities, or partnerships for management purposes. Under Government Code section 66907.9, the Conservancy is authorized to initiate, negotiate, and participate in agreements for the management of land under its ownership or control with local public agencies, State agencies, federal agencies, nonprofit organizations, individuals, corporate entities, or partnerships, and to enter into any other agreements authorized by State or federal law.

## **Compliance with the California Environmental Quality Act (CEQA)**

Placer County, acting as the lead agency, prepared an Environmental Impact Report (EIR) for the Kings Beach CCIP to comply with CEQA. It was prepared in conjunction with TRPA and the California Department of Transportation to fulfill TRPA and National Environmental Policy Act requirements. The County certified the EIR on September 23, 2008 and filed a Notice of Determination (NOD) on that same day with the Placer County Clerk and on September 30, 2008 with the California State Clearinghouse.

In order to comply with CEQA, the Conservancy, acting as a responsible agency, prepared an Addendum to the EIR to specifically call out the Placer County Assessor parcel numbers for Conservancy-owned parcels over which easements will be granted for project implementation.

A copy of the EIR and associated Addendum are provided to the Board under separate cover and are available for public review at the California Tahoe Conservancy office, 1061 Third Street, South Lake Tahoe, CA 96150 (Attachment 3).

Staff has reviewed the EIR and Addendum and believes that the improvements proposed have been adequately analyzed in the document. Since completion of the EIR and the Addendum, there is no new information, substantial changes to the proposed project, or changes to implementation which would involve any new significant effects which were not analyzed in the EIR and the Addendum.

Staff recommends that the Board review the EIR and Addendum; make the appropriate CEQA findings pursuant to CEQA Guidelines, sections 15091, 15093, and 15096 (Attachments A and B to the Board resolution); and authorize the granting of an easement in support of project implementation. If the Board authorizes the proposed

project, staff will file an NOD with the State Clearinghouse pursuant to CEQA Guidelines section 15096 (Attachment 4).

**List of Attachments:**

Attachment 1 – Project Location Map

Attachment 2 – Resolution 12-03-04

Attachment 3 – Placer County Environmental Impact Report and Addendum to  
Environmental Impact Report (on CD)

Attachment 4 – Notice of Determination

**Conservancy Staff Contact:**

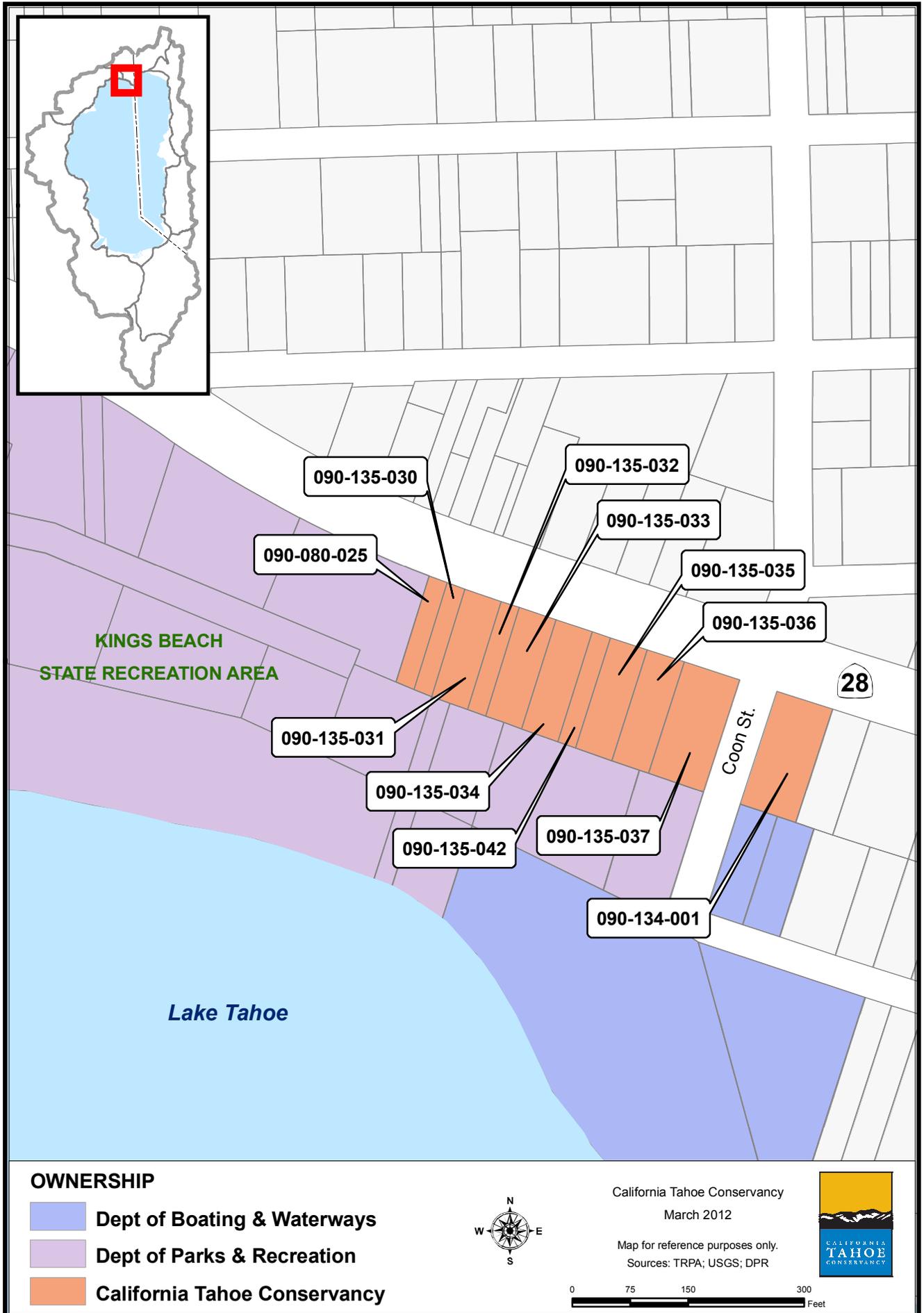
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**ATTACHMENT 1  
Project Location Map:**

**Grant of Easement for Kings Beach Commercial Core Improvement Project**



## **ATTACHMENT 2**

California Tahoe Conservancy  
Resolution  
12-03-04  
March 15, 2012

### **KINGS BEACH COMMERCIAL CORE IMPROVEMENT PROJECT GRANT OF EASEMENT**

Staff recommends that the California Tahoe Conservancy (Conservancy) make the following finding based on the accompanying staff report pursuant to Public Resources Code section 21000 et seq.:

“The Conservancy has considered the environmental impacts of the Kings Beach Commercial Core Improvement Project as described in the Placer County’s Environmental Impact Report (EIR), certified by the Board of Supervisors on September 23, 2008. In February 2012, the Conservancy drafted an Addendum to the EIR clarifying the incorporation of these eleven Conservancy-owned parcels. Neither new impacts nor mitigation measures result from the Addendum. The Conservancy has reviewed the EIR and Addendum and finds that the improvements proposed within the easement areas have been adequately analyzed. The Conservancy finds that no new substantial changes to the proposed project or other changes to the project implementation would involve any new significant effects that were not analyzed in the environmental documents. No substantial changes are proposed in the project, and no substantial changes have occurred with respect to the circumstances under which the project is undertaken that would involve any new significant environmental effects or significantly increase the severity of any previously-identified impacts Pursuant to CEQA Guidelines, section 15091, 15093, and 15096, the Conservancy makes specific CEQA findings, as set forth in the CEQA Findings of Fact (Attachment A) and Statement of Overriding Considerations (Attachment B).

Staff further recommends that the Conservancy adopt the following resolution pursuant to Government Code sections 66907.8 and 66907.9:

"The Conservancy hereby authorizes staff to grant an easement to Placer County over portions of Placer County Assessor Parcel Numbers 090-080-025; 090-134-001; 090-135-030; 090-135-031; 090-135-032; 090-135-033; 090-135-034; 090-135-035; 090-135-036, 090-135-037; and 090-135-042, for the temporary construction, highway improvements, and drainage needs of the Kings Beach Commercial Core Improvement Project, and authorizes staff to take all other necessary steps consistent with the accompanying staff recommendation."

I hereby certify that the foregoing is a true and correct copy of the Resolution duly and regularly adopted by the Conservancy at a meeting thereof held on the 15<sup>th</sup> day of March 2012.

In WITNESS THEREOF, I have hereunto set my hand this 15<sup>th</sup> day of March 2012.

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Patrick Wright  
Executive Director

Attachments:

Attachment A: CEQA Findings of Fact

Attachment B: Statement of Overriding Considerations

# ATTACHMENT A

## CEQA Findings of Fact

Regarding the Final Environmental Impact Report for the  
Kings Beach Commercial Core Improvement Project  
State Clearinghouse No. 2002112087

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### I. Environmental Impacts and Findings

The California Environmental Quality Act (CEQA) Guidelines, section 15091, states that no public agency shall approve or carry out a project for which an environmental impact report (EIR) has been completed which identifies one or more significant effects on the environment unless the public agency makes one or more of the following three findings:

- (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
- (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

The California Tahoe Conservancy (Conservancy) is a responsible agency under CEQA for the Kings Beach Commercial Core Improvement Project (Project) Final Environmental Impact Report (KBCCIP EIR). As the lead agency, Placer County had the responsibility of preparing and certifying the EIR. When the document was certified by Placer County on September 23, 2008, the Placer County Board of Supervisors also adopted mitigation measures and findings related to mitigation measures, project alternatives, and a Statement of Overriding Considerations (“A Resolution Certifying the Final Environmental Impact Report, Mitigation Monitoring Plan, Adopting a Statement of Findings, that includes a Statement of Overriding Considerations, and approve the Kings Beach Commercial Core Improvement Project (Hybrid Alternative).” This decision document is found on the attached CEQA CD (Attachment 3 of the Staff Recommendation for this project).

The Conservancy has reviewed and considered Placer County’s KBCCIP EIR; the CEQA Findings made by the Placer County Board of Supervisors in certifying the EIR and selecting the Alternative 2 “hybrid alternative” as the project to be implemented (dated September 23, 2008); and the adopted Mitigation Monitoring and Reporting Program (Appendix T of KBCCIP EIR).

### II. Conservancy CEQA Findings

In accordance with CEQA Guidelines section 15096(h), the Conservancy has made one or more of these specific written findings regarding significant impacts associated with the KBCCIP:

Impacts Requiring Mitigation:

- AIR QUALITY

**Impact AIR-1: Generation of Construction-Related Emissions of Ozone Precursors (Reactive Organic Gases and Oxides of Nitrogen), Carbon Monoxide, and Particulate Matter contributing to the short-term ambient air quality in the area**

This impact can be minimized through implementation of Mitigation Measures AIR-1, 2, and 3:

*Mitigation AIR-1: Implement All Applicable Placer County Air Pollution Control District (PCAPCD) Best-Available Mitigation Measures*

*Mitigation AIR-2: Implement All Applicable Tahoe Regional Planning Agency (TRPA) Best Management Practices*

*Mitigation AIR-3: Implement Caltrans Standard Specification 7-1.01F and Standard Specification 10*

These mitigation measures impose requirements to implement all feasible control measures to reduce the Project's contributions to cumulative air quality impacts and for consistency with the Placer County Air Pollution Control District's (PCAPCD) air quality attainment plan, Tahoe Regional Planning Agency (TRPA) Code requirements for construction activities and Caltrans requirements related to following local air pollution control district rules, and State-imposed dust control standards. These control measures are expected to reduce this project impact to a less than significant level.

**Impact AIR-5: Exposure of Sensitive Receptors to Elevated Levels of Diesel Exhaust and Increased Health Risk**

This impact can be minimized through implementation of Minimization Measure AIR-4:

*Minimization Measure AIR-4: Implement Construction Emissions Control Technology*

This minimization measure requires that control measures to achieve emission reductions for heavy-duty, off road vehicles used in the construction project will achieve a project wide fleet average 20% NOX reduction and a 45% particulate reduction as compared to the most recent Air Resources Board fleet average. These emission reduction practices are expected to reduce this project impact to a less than significant level.

- CULTURAL RESOURCES

**Impact CR-1: Potential Disturbance to Unidentified Archaeological Resources during Construction**

This impact can be minimized through implementation of Mitigation Measure CR-1:

*Mitigation CR-1: Stop Work if Buried Resources are Discovered Inadvertently*

This mitigation measure imposes requirements on Placer County and its contractor to stop work if buried cultural resources are discovered during ground disturbing activities. Work must stop within 100 feet of the find until a qualified archaeologist assesses the significance of the find and develops appropriate treatment measures concurred upon by appropriate agencies. Taking these steps as project protocol in the event of a buried cultural find would reduce potential impacts to a less than significant level.

**Impact CR-2: Inadvertent Discovery of Native American Human Remains**

This impact can be minimized through Mitigation Measure CR-2:

Mitigation CR-2: Comply with State and Federal Law Relating to Native American Remains

This mitigation measure imposes requirements to stop work if human remains are discovered during earth moving activities. Work must cease nearby the discovery and the county coroner and Caltrans are to be contacted. If the remains are potentially Native American, then the Native American Heritage Commission will also be contacted and additional protocols followed. Taking these steps as project protocol in the event of discovery of buried human remains would reduce potential impacts to a less than significant level.

- **SOCIAL ENVIRONMENT**

- **Impact SOC-6: Construction Related Economic Impacts**

This impact can be minimized through implementation of Mitigation Measures LU-1 and TRA-3:

Mitigation LU-1: Implement a Community Involvement and Public Participation Plan

Mitigation TRA-3: Implement a Construction Traffic Management Plan during Construction

These mitigation measures impose requirements to identify stakeholders within the action area and create a plan for coordination between local agencies and to generate public awareness for the project to allow for advance planning and public participation. A separate Construction Traffic Management Plan (CTMP) will be developed consistent with Caltrans guidelines in order to reduce project-related traffic delays to 20 minutes or less and maintain pedestrian and bicycle traffic during construction. The CTMP will combine public and motorist information, demand management, incident management, system management, alternate route strategies, construction strategies and other strategies. In addition, Caltrans will develop a Regional Transportation Management Plan (RTMP) due to the large number of transportation improvement projects scheduled for implementation in the same timeframe, thus promoting greater coordination between projects. These control measures would reduce this project impact to a less than significant level.

- **HAZARDOUS WASTE**

- **Impact HAZ-2: Potential Accidental Release of Hazardous Materials into the Environment**

This impact can be minimized through implementation of Mitigation Measure HAZ-1:

Mitigation Measure HAZ-1: Incorporate Measures to Reduce Potential for Accidental Release or Exposure to Hazardous Materials

This mitigation measure imposes requirements related to the chromium and lead found in roadway traffic striping. It imposes measures in accordance with Caltrans standard operating procedures when dealing with paint/paint residue. It implements hazardous waste disposal protocols for removed striping, including testing, labeling handling, and transporting requirements for the containerized waste. It also requires lead and asbestos testing/removal prior to any demolition activities. It provides protocols if contamination is encountered on-site during construction. Incorporating these project protocols for handling hazardous materials would reduce potential impacts to a less than significant level.

- **Impact HAZ-4: Potential Exposure of the Public to Contaminated Soils**

This impact can be minimized through implementation of Mitigation Measure HAZ-2:  
Mitigation Measure HAZ-2: Implement Measures to Reduce Potential Exposure to Contaminated Soils

Soil and groundwater contaminated with petroleum hydrocarbons are known to exist in the action area. Proposed construction activities associated with the proposed action may require excavation and dewatering activities in locations where these recognized environmental conditions occur. In addition, unknown contamination may be discovered, such as buried heating oil tanks or other contaminated soils. If encountered, this mitigation requires impacted soil or groundwater to be removed, managed, or disposed of properly, to the fullest extent feasible. Where contamination is known to be present, all personnel will complete an applicable safety training program. During excavation, suspected contaminated areas will be monitored with a photo ionization detector or similar equipment. If suspected contaminants are encountered, work will stop and exclusion and clear zones will be defined consistent with regulation and remediation will occur. Incorporating these project protocols for handling hazardous materials would reduce potential impacts to a less than significant level.

- EMERGENCY RESPONSE

- **Impact HAZ-6: Potential Conflict with Emergency Response**

- This impact can be minimized through implementation of Mitigation Measure TRA-3:  
Mitigation TRA-3: Implement a CTMP during Construction

- A CTMP will be developed consistent with Caltrans guidelines in order to reduce project-related traffic delays to 20 minutes or less and maintain pedestrian and bicycle traffic during construction. It will require coordination with local agencies, including first responders. The CTMP will combine public and motorist information, demand management, incident management, system management, alternate route strategies, construction strategies and other strategies. In addition, Caltrans will develop a RTMP due to the large number of transportation improvement projects scheduled for implementation in the same timeframe, thus promoting greater coordination between projects. These control measures will reduce this potential project impact to a less than significant level.

- RISK OF WILDFIRE

- **Impact HAZ-7: Potential Conflict with Emergency Response**

- This impact can be minimized through implementation of Mitigation Measures HAZ-3, HAZ-4, and TRA-3:

- Mitigation Measure HAZ-3: Require Spark-Generating Construction Equipment be Equipped with Manufacturers' Recommended Spark Arresters

- Mitigation Measure HAZ-4: Clear Materials That Could Serve as Fire Fuel from Areas Slated for Construction Activities Before Construction Begins

- Mitigation TRA-3: Implement a CTMP during Construction

- These mitigation measures impose requirements to implement all feasible control measures to reduce the Project's possibility of igniting a fire. Construction equipment normally having a spark arrestor will be required to have one; the site will be prepped in equipment operations areas by clearing potential fuels. The CTMP will be implemented, allowing for emergency response. These control measures will reduce this potential project impact to a less than significant level.

- TRAFFIC  
**Impact TRA-7: Short-term Construction-Related Changes in Circulation and Local Traffic Patterns**

This impact can be minimized through implementation of Mitigation Measure TRA-3:  
Mitigation TRA-3: *Implement a CTMP during Construction*

Traffic volumes are expected to exceed capacity provided by one lane of travel in each direction. A CTMP will be developed consistent with Caltrans guidelines in order to reduce project-related traffic delays to 20 minutes or less and maintain pedestrian and bicycle traffic during construction. It will require coordination with local agencies, including first responders. The CTMP will combine public and motorist information, demand management, incident management, system management, alternate route strategies, construction strategies and other strategies. In addition, Caltrans will develop a RTMP due to the large number of transportation improvement projects scheduled for implementation in the same timeframe, thus promoting greater coordination between projects. These control measures will reduce this potential project impact to a less than significant level.

- LAND USE AND PLANNING  
**Impact LU-1: Potential Inconsistency with Existing Land Uses**

This impact can be minimized through implementation of Mitigation Measures LU-1 and TRA-3:

Mitigation LU-1: *Implement a Community Involvement and Public Participation Plan*  
Mitigation TRA-3: *Implement a CTMP during Construction*

Partial acquisitions of a number of parcels adjacent to the State Route 28 right of way will displace uses (e.g., parking, improvements, landscaping, etc.) within the existing and proposed new right of way. These mitigation measures impose requirements to identify stakeholders within the action area, create a plan for coordination between local agencies, and generate public awareness for the project to allow for advance planning and public participation. A separate CTMP will be developed consistent with Caltrans guidelines in order to reduce project-related traffic delays to 20 minutes or less and maintain pedestrian and bicycle traffic during construction. The CTMP will combine public and motorist information, demand management, incident management, system management, alternate route strategies, construction strategies and other strategies. In addition, Caltrans will develop a RTMP due to the large number of transportation improvement projects scheduled for implementation in the same timeframe, thus promoting greater coordination between projects. These control measures will reduce this project impact to a less than significant level.

**Impact LU-2: Potential Inconsistency with Local and Regional Plans and Policies**

This impact can be minimized through implementation of Mitigation Measure LU-2:  
Mitigation LU-2: *Amend the Kings Beach Community Plan*

Placer County and TRPA will amend the Kings Beach Community Plan Transportation Element Policy 3C-1 to allow for a three-lane configuration on State Route 28, reducing this impact to less than significant.

- NOISE

### **Impact NZ-1: Generation of Construction Noise in Excess of Standards**

This impact can be minimized through implementation of Mitigation Measures NZ-1, NZ-2, and NZ-3:

Mitigation NZ-1: *Employ Noise-Reduction Construction Measures*

Mitigation NZ-2: *Prohibit Nighttime Construction Activities*

Mitigation NZ-3: *Disseminate Essential Information to Residences and Implement a Complaint/Response Tracking System*

A contractor-prepared Noise Control Plan based upon the construction methods proposed will ensure compliance with a daytime 55 dBA standard. Construction activities will be limited to the hours between 0800 and 1830. A noise disturbance coordinator will respond to complaints about construction noise and determine if there are reasonable measures to address the problem. These measures will reduce potential noise impacts to a less than significant level.

- RECREATION

#### **Impact REC-2: Section 4(f) Use of Land**

This impact can be minimized through implementation of Mitigation Measure REC-1:

Mitigation REC-1: *Implement Measures to Minimize Effects to Kings Beach SRA*

Portions of the Kings Beach State Recreation Area (KBSRA) are needed for installation of Project improvements. Some of the proposed improvements are sidewalks and bicycle lanes, which directly benefit users of KBSRA. Roadway improvements facilitate ingress and egress to the recreation facilities. Mitigation REC-1 provides advance notice of construction activities to recreation land owners, minimizes the construction footprint, and revegetates disturbed areas to reduce recreation impact levels to less than significant.

- PUBLIC SERVICES AND UTILITIES

#### **Impact UT-2: Impacts on Law Enforcement, Fire Protection, and Emergency Medical Services**

This impact can be minimized through implementation of Mitigation Measure UT-1:

Mitigation UT-1: *Implement Measures to Reduce Potential Impacts on Law Enforcement, Fire Protection, and Emergency Medical Services*

Controlled traffic during construction can affect emergency responders. This mitigation measure requires preparation of a Traffic Management Plan (TMP), prepared to State and American Association of State Highway and Transportation Officials (AASHTO) standards. The TMP notifies first responders about construction activities a week in advance and ensures adequate access for emergency responders, including providing access to temporarily closed roadway segments, reducing impact levels to less than significant.

#### **Impact UT-3: Impacts on Stormwater Drainage Facilities**

This impact can be minimized through implementation of Mitigation Measure UT-2:

Mitigation UT-2: *Develop a Comprehensive Stormwater Drainage Conveyance Plan*

The existing stormwater conveyance system for Kings Beach does not meet current requirements and is undersized. This mitigation measure will install a stormwater conveyance system beneath the roadway in the action area to provide sufficient conveyance capacity to accommodate design flows. Combined with stormwater collection facilities installation and source control, impact levels will be reduced to less than significant.

- **GEOLOGY AND SOILS**

- **Impact GEO-2: Increase the Potential for Structural Damage and Injury Caused by Ground Shaking**

This impact can be minimized through implementation of Mitigation Measure GEO-1:

Mitigation GEO-1: *Incorporate Recommendations from Geotechnical Reports into Project Design*

Although the Project does not itself increase the present ground-shaking hazard, the geotech report includes site preparation, excavation, structural fill, trench bedding and backfill, subsurface drainage, base requirements for paved areas and concrete slabs, and asphalt concrete pavement requirements for project design that minimizes negative effects associated with ground shaking hazards. The resulting well-built, long-term functioning improvements will reduce ground shaking impact levels to less than significant.

- **Impact GEO-5: Temporarily Increase the Potential for Accelerated Runoff, Erosion, and Sedimentation as a Result of Grading and Construction Activities**

This impact can be minimized through implementation of Mitigation Measure GEO-1:

Mitigation GEO-1: *Incorporate Recommendations from Geotechnical Reports into Project Design*

Project grading activities have the potential to increase construction-related runoff, erosion, and sedimentation during construction. The geotech report includes site preparation, excavation, structural fill, trench bedding and backfill, subsurface drainage, base requirements for paved areas and concrete slabs, and asphalt concrete pavement requirements for project design that minimizes negative effects to water quality during construction and reduces their impact to less than significant.

- **WATER QUALITY**

- **Impact WQ-1: Substantial Alteration in the Quality of Surface Runoff**

This impact can be minimized through implementation of Mitigation Measures WQ-1 and WQ-2:

Mitigation WQ-1: *Implement Construction Best Management Practices Contained in the Stormwater Pollution Protection Plan*

Mitigation WQ-2: *Implement a Spill Prevention and Control Program*

Short-term effects to water quality, through elevated nutrient levels during precipitation events or hazardous spills, could occur during construction activities. (Long-term Project improvements will improve water quality.) The Project's required Stormwater Pollution Protection Plan (SWPPP) will incorporate temporary and permanent Best Management Practices (BMPs) to protect water quality during construction and long-term. They will maximize sediment removal and represent the best available technology that is economically achievable. The required Spill Prevention and Control Program, which is part of the SWPPP,

addresses non-stormwater releases. It includes practices and procedures, including notification procedures in the event of a hazardous spill. Implementation of the measures required by these two plans will protect water quality, especially of Lake Tahoe, reducing impact levels to less than significant.

**Impact WQ-3: Substantial Alterations of the Existing Drainage Pattern of the Site Area Such that Flood Risk and/or Erosion and Siltation Potential Would Increase**

This impact can be minimized through implementation of Mitigation Measures WQ-1 and WQ-2:

Mitigation WQ-1: *Implement Construction BMPs Contained in the SWPPP*

Mitigation WQ-2: *Implement a Spill Prevention and Control Program*

Design features will help to collect, convey, and treat water runoff from the action area, and would result in long-term benefits to the quality of surface runoff due to these improved drainage, collection, conveyance and treatment facilities. The Project's required SWPPP will incorporate temporary and permanent BMPs to protect water quality during construction and long-term. They will maximize sediment removal and represent the best available technology that is economically achievable. The required Spill Prevention and Control Program, which is part of the SWPPP, addresses non-stormwater releases. It includes practices and procedures, including notification procedures in the event of a hazardous spill. Implementation of the design features and other measures required by these two plans will protect water quality, especially of Lake Tahoe, reducing impact levels to less than significant.

- VISUAL RESOURCES

**Impact VIS-3: Degrade the Existing Visual Character or Quality of the Site and Its Surroundings**

This impact can be minimized through implementation of Mitigation Measure VIS-1:

Mitigation VIS-1: *Implement Project Landscaping Plan to Replace Trees that are Removed, Using Specified Guidelines*

The Project's landscaping plan will ensure the long-term retention of the visual character of Tahoe's forested environment with its emphasis on retaining and replacing trees that are impacted by project design and construction activities in order to prevent adverse changes to the visual character and quality of the site and its surroundings, reducing the level of impact to less than significant.

**Impact VIS-4: Create a New Source of Light and Glare that Affects Views in the Area**

This impact can be minimized through implementation of Mitigation Measures VIS-2, VIS-3, and VIS-4:

Mitigation VIS-2: *Lighting Levels*

Mitigation VIS-3: *Directed Lighting*

Mitigation VIS-4: *Highway Fixtures with Low Sheen and Non-Reflective Surface Materials*

The project replaces existing standard tall galvanized steel streetlights with a larger number of shorter lights, each with a more narrow spread of light. Earth-toned materials will replace

the existing chrome color fixtures, reducing glare potential. Lighting will be downward directed. These requirements will reduce the level of significance for this potential impact to less than significant.

- **BIOLOGICAL RESOURCES**

- **Impact BIO-1: Disturbance of Urban-Altered Jeffery Pine Forest**

This impact can be minimized through implementation of Mitigation Measures BIO-1, BIO-2, BIO-3, and BIO-4:

Mitigation BIO-1: *Establish Exclusion Zones*

Mitigation BIO-2: *Seasonal Restrictions on Construction*

Mitigation BIO-3: *Avoid Introduction of New Noxious Weeds*

Mitigation BIO-4: *Revegetate Disturbed Areas*

Implementation of the Project would result in tree and understory vegetation removal and incidental damage to trees and their root systems. Approximately 63 trees require removal to support Project design, altering the shelter and forage values they afford wildlife species in the area. The forest has already been fragmented and urbanized, so further tree removal is minimized and the highest level protection of the residual trees is incorporated into the project design. Seasonal restrictions on construction protect migratory bird species. Practices to prevent the introduction of noxious weeds, such as cleaning construction equipment, are incorporated into the Project. Follow-up post-project monitoring will provide the quality control needed to ensure the success of contractor efforts after completion of revegetation. These efforts will reduce the potential wildlife impact level to less than significant.

- **Impact BIO-2: Loss or Disturbance of Wetlands or Streams**

This impact can be minimized through implementation of Mitigation Measures BIO-1, BIO-2, BIO-3, and BIO-4:

Mitigation BIO-1: *Establish Exclusion Zones*

Mitigation BIO-2: *Seasonal Restrictions on Construction*

Mitigation BIO-3: *Avoid Introduction of New Noxious Weeds*

Mitigation BIO-4: *Revegetate Disturbed Areas*

The project has the potential to adversely affect the riparian vegetation in the roadside drainage ditches. The contractor will install orange construction barrier fencing to demarcate environmentally sensitive areas, including wetlands and riparian vegetation. Seasonal restrictions on construction will ensure that ground disturbing activities occur when soils are dry. Practices to prevent the introduction of noxious weeds, such as cleaning construction equipment, are incorporated into the Project. Follow-up post-project monitoring will provide the quality control needed to ensure the success of contractor efforts after completion of revegetation. These efforts will reduce the potential wetland/riparian impact levels to less than significant.

- **Impact BIO-3: Impacts on Regional Wildlife Species of Concern**

This impact can be minimized through implementation of Mitigation Measures BIO-2 and BIO-4:

Mitigation BIO-2: *Seasonal Restrictions on Construction*

Mitigation BIO-4: *Revegetate Disturbed Areas*

Bald eagles, osprey, migratory birds, and rainbow and brook trout have habitat in the action area for the Project. The contractor will install orange construction barrier fencing to demarcate environmentally sensitive areas, including streams, wetlands, and riparian vegetation. Seasonal restrictions on construction will ensure that ground disturbing activities occur when soils are dry, limiting erosion potential. Practices to prevent the introduction of noxious weeds, such as cleaning construction equipment, are incorporated into the Project. Follow-up post-project monitoring will provide the quality control needed to ensure the success of contractor efforts after completion of revegetation. These efforts will reduce the potential for impacts to regional species of concern to levels that are less than significant.

**Impact BIO-4: Spread of Weedy Plant Species**

This impact can be minimized through implementation of Mitigation Measures BIO-3 and BIO-4:

Mitigation BIO-3: *Avoid Introduction of New Noxious Weeds*

Mitigation BIO-4: *Revegetate Disturbed Areas*

Practices to prevent the introduction of noxious weeds, such as cleaning construction equipment, are incorporated into the Project. Follow-up post-project monitoring will provide the quality control needed to ensure the success of contractor efforts after completion of revegetation. These efforts will reduce the potential wildlife impact level to less than significant.

### **III. Conclusion**

The Conservancy has reviewed each of the mitigation measures and alternatives identified in the EIR prepared by Placer County. Implementation of the mitigation measures and alternatives are within the jurisdiction of Placer County and other agencies. At the time it approved the project, Placer County's Board of Supervisors adopted a mitigation monitoring and reporting program that identified the appropriate implementing agencies. Based on the findings assessment in Section II of this document, the issue area assessment found in the EIR, and the Mitigation Monitoring and Reporting Program document, the Conservancy hereby finds, pursuant to section 15096(h) of the CEQA Guidelines, that the above-listed environmental impacts can and will be mitigated to below a level of significance based upon Placer County's commitment to implement the mitigation measures in the EIR.

**(END OF RESOLUTION ATTACHMENT A)**

# ATTACHMENT B

## STATEMENT OF OVERRIDING CONSIDERATIONS

Regarding the Final Environmental Impact Report for the  
Kings Beach Commercial Core Improvement Project  
State Clearinghouse No. 2002112087

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The California Environmental Quality Act (CEQA) requires a responsible agency to balance the benefits of the project against its unavoidable environmental risks in determining whether to approve the project. (CEQA Guidelines §§ 15096(h), 15093(a).) If the benefits outweigh the unavoidable adverse effects, those effects may be considered acceptable. (CEQA Guidelines § 15093(a).) The responsible agency must identify in writing, however, specific reasons for considering a project acceptable when significant impacts are infeasible to mitigate. The agency's statement is referred to as a "Statement of Overriding Considerations."

The California Tahoe Conservancy (Conservancy) is a responsible agency under CEQA for the Kings Beach Commercial Core Improvement Project (Project) Final Environmental Impact Report (KBCCIP EIR). The KBCCIP EIR, prepared by Placer County, identified several environmental impacts which cannot be fully mitigated and are therefore considered unavoidable. Despite the occurrence of these effects, however, the Placer County Board of Supervisors chose to approve the project on September 23, 2008 because, in its view, the economic, social, and other benefits that the Project will produce will render the significant effects acceptable. The Placer County Board of Supervisors made specific written findings stating why it has rejected other alternatives to the project as infeasible and adopted a Statement of Overriding Considerations as part of its approval decision.

In its Statement of Overriding Considerations, the Placer County Board of Supervisors considered the information contained in the Final EIR for the project as well as the public testimony and record in proceedings in which the project was considered. The Placer County Board of Supervisors balanced the Project's benefits against the unavoidable adverse impacts identified in the Final EIR and determined that the Project's benefits outweigh the significant, unmitigated adverse impacts.

Those impact areas are:

- Degradation of SR 28 Roadway Level of Service (LOS) Below Applicable Standards;
- Increase in Average Daily Traffic on Residential Streets in Excess of Applicable Standards;
- Degradation of Intersection Levels of Service Below Applicable Standards; and
- Degradation of Transit Operations.

The Placer County Board of Supervisors chose to accept certain traffic related environmental impacts because to eliminate them would unduly compromise other important economic, social, and other goals. They concluded that the economic, fiscal, social, planning, and other benefits to be obtained by approving the KBCCIP outweigh its unavoidable environmental and related potential impacts.

The Conservancy concurs with Placer County that the benefits of the KBCCIP (modified Alternative Two/"Hybrid Alternative) in promoting bicycle and pedestrian mobility, improving water quality, enhancing the aesthetics of the commercial core area, and fulfilling the vision of the locally-developed Community Plan, override the significant and unavoidable environmental impacts associated with the Project. The Conservancy concurs with the Placer County Board of Supervisors that the significant, unavoidable and unmitigatable impacts are acceptable when weighed against the overriding benefits set forth in this Statement of Overriding Considerations.

**(END OF RESOLUTION ATTACHMENT B)**

**ATTACHMENT 3**

**KINGS BEACH COMMERCIAL CORE IMPROVEMENT PROJECT  
GRANT OF EASEMENT**

Placer County Environmental Impact Report  
Addendum to Environmental Impact Report

On CD

## ATTACHMENT 4

### NOTICE OF DETERMINATION

TO: Office of Planning and Research  
1400 10<sup>th</sup> Street, Room 121  
Sacramento, CA 95814

FROM: California Tahoe Conservancy  
1061 Third Street  
South Lake Tahoe, CA 96150

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***Subject:***

Filing of Notice of Determination in compliance with sections 21108 and 21152 of the Public Resources Code.

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***Project Title:***

Grant of Easement for Kings Beach Commercial Core Improvement Project

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***State Clearinghouse Number:***

2002112087

***Contact Person:***

Lisa O'Daly

***Telephone Number:***

(530) 543-6037

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***Project Location:***

Conservancy-owned parcels within Kings Beach, Placer County Assessor Parcel Numbers 090-080-025; 090-134-001; 090-135-030; 090-135-031; 090-135-032; 090-135-033; 090-135-034; 090-135-035; 090-135-036, 090-135-037; and 090-135-042, in the vicinity of Coon Street and State Route 28 (North Lake Boulevard).

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***Project Description:***

Placer County proposes to construct curb, gutter, sidewalk, water quality, and other aesthetic, pedestrian, and bikeway improvements to the Kings Beach Commercial Core area. The Conservancy proposes to grant the necessary short-term and permanent easements to enable the activities to proceed.

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This is to advise that the California Tahoe Conservancy, acting as a responsible agency, approved the above described project on March 15, 2012 and has made the following determinations:

1. The project will not have a significant effect on the environment.
2. An Environmental Impact Report (EIR) was prepared by Placer County as lead agency and certified and approved on September 23, 2008. Its associated Notice of Determination was filed that same day with the County Clerk and September 30, 2008 with the State Clearinghouse. The Notice of Determination, EIR, and record of project approval may be examined at Placer County Department of Public Works, 7717 North Lake Boulevard, Tahoe Vista, CA 96148. The Conservancy considered the EIR prepared by Placer County with respect to its discretionary approval authority over portions of the project.
3. Mitigation measures were made a condition of the approval of the project by Placer County.
4. Placer County and the California Tahoe Conservancy adopted a Statement of Overriding Considerations for this project.
5. The California Tahoe Conservancy prepared an Addendum to the EIR clarifying the specific Conservancy-owned parcels affected by the project, stating the Conservancy's role as a Responsible Agency, and reaffirming de minimis 4(f) findings.
6. The Conservancy finds that since adoption of the EIR and preparation of the Addendum, there is no new information, substantial changes to the proposed project, or changes to project implementation which would involve any new significant effects which were not analyzed in the EIR and Addendum. Further, since the Placer County's certification of the EIR and the Conservancy's preparation of the

Addendum, there are no changes regarding the project that would require new or different mitigation measures.

7. The Addendum to the EIR, supporting documentation, and record of project approval may be examined at California Tahoe Conservancy office, 1061 Third Street, South Lake Tahoe, CA 96150.
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Fish and Game Fees: A California Department of Fish and Game Environmental Filing Fee was paid for this project. A copy of the receipt will be filed with this notice.

***Date Received for Filing:***

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Patrick Wright  
Executive Director