

California Tahoe Conservancy
Agenda Item 7
December 12, 2013

**TAHOE KEYS MARINA
ASSIGNMENT OF LAND COVERAGE**

Summary: Staff recommends the assignment of an additional 15,000 square feet of potential land coverage for shared-use parking on Conservancy land pursuant to a previously authorized 30-year lease agreement with the Tahoe Keys Marina & Yacht Club, LLC.

Location: Near the terminus of Venice Drive East in the City of South Lake Tahoe, El Dorado County (a 1.5-acre portion of Assessor's Parcel Number 22-210-50) (Attachment 1)

Fiscal Summary: No direct impact, as the Conservancy retains ownership to the assigned land coverage. In consideration for the assigned coverage, Tahoe Keys Marina & Yacht Club, LLC will construct and maintain additional public access parking.

Recommended Action: Adopt Resolution 13-12-01 (Attachment 2)

Background

In 1988 and 1991, the Board authorized acquisitions totaling 212 acres in and around the area then referred to as Cove East, near the mouth of the Upper Truckee River. This area, in combination with later California Tahoe Conservancy (Conservancy) acquisitions in the vicinity, is now part of a larger Conservancy landholding of approximately 525 acres, generally known as the Upper Truckee Marsh (UTM).

In January 2011, the Board authorized a 30-year lease agreement with Tahoe Keys Marina & Yacht Club, LLC (TKM) for construction of a shared-use parking facility on an approximately 1.5 acre portion of Conservancy land (Attachment 1). TKM will construct, operate, and maintain a shared-use parking facility, public restroom, and Blue Boating Lane at no direct cost to the Conservancy. Up to 45,000 square feet of Conservancy land coverage was assigned for the project under the Board's January 2011 authorization.

The 30-year lease was executed by staff consistent with the Board's authority. Current conceptual design plans suggest up to 60,000 square feet of land coverage may be desired to implement a shared-use parking plan that meets both the Conservancy and TKM objectives.

Project Description

Staff recommends that the Conservancy Board authorize an assignment of an additional 15,000 square feet of potential land coverage, bringing the total assignment to a maximum of 60,000 square feet under the existing 30-year lease for use by the proposed shared-use parking, public restroom, and Blue Boating Lane facility. No other changes to the 30-year lease are proposed.

The proposed action will provide staff with the ability to approve a site plan that uses up to 60,000 square feet of land coverage. The higher amount of land coverage allows for an increased number of parking spaces within the lease area and the inclusion of 5 fully accessible parking spaces adjoining the restroom facility (Attachment 3).

Implementation

Following the additional assignment of land coverage, TKM will commission final engineering design plans and seek all necessary permits to implement the shared-use parking and restroom facility by fall 2014.

Evaluation

Development of the shared-use facilities and associated amenities fulfills a long-standing Conservancy goal, going back to the Conservancy's acquisition of the Cove East portion of the Upper Truckee Marsh (UTM) in 1988. The increased amount of land coverage allows for a greater number of parking spaces close to the Conservancy's recreational amenities and to the Marina's docks, restaurant, and associated businesses. The number of parking spaces within the Marina is regulated by the Tahoe Keys Marina Master Plan. The most recent approval under the Master Plan allows the Marina to provide 303 parking spaces on its property. Construction of the shared-use facility will require the Marina to remove a like number of parking spaces elsewhere from its property so the maximum number remains 303 spaces.

As previously noted in January 2011, the shared-use improvements promote visitor use in support of the Lake Tahoe Environmental Improvement Program's (EIP), Tahoe Keys Marina Master Plan, and the Upper Truckee River and Marsh Restoration. In addition, the proposed action supports the regional Blue Boating Program and aquatic invasive

species inspection needs by providing an inspection lane for vehicles and vessels prior to launching.

The currently authorized 30-year lease enables a public-private partnership that assures the long-term operation and maintenance of shared-use facilities to support both public access to the Cove East Trail and Beach and existing recreational uses within the Marina. TKM's undertakings to construct, operate, and maintain these facilities provide the public with much-needed amenities in an era when State funding to support such purposes is extremely limited. The agreement relieves the Conservancy from the need to expend capital outlay monies to plan, design, and construct a separate, State-owned facility. Additionally, since TKM will operate and maintain the improvements, the Conservancy will be further relieved of having to annually allocate funds for this purpose.

Consistency with the Conservancy's Enabling Legislation

Implementation of this project 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)

The City of South Lake Tahoe, acting as the lead agency under CEQA, prepared an Initial Study and Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the TKM Master Plan. The City certified the EIR in June 2001 and filed a Notice of Determination (NOD) on July 12, 2001.

The Conservancy, acting as responsible agency under CEQA at the time it authorized the 30-year lease in January 2011, considered the EIR/EIS and filed a NOD on January 24, 2011. The Conservancy's findings incorporated an Addendum to the EIR/EIS prepared by staff to reflect minor modifications to the plans contemplated in the TKM Master Plan. The July 2010 Addendum and NOD are included in Attachment 4.

A copy of the EIR/EIS is being provided to the Board under separate cover and is available for public review at the California Tahoe Conservancy office, 1061 Third Street, South Lake Tahoe, CA 96150 (Attachment 4).

In support of the proposed action, the Conservancy, acting as responsible agency under CEQA, subsequently prepared a Second Addendum to the EIR/EIS reflecting minor modifications to the plans contemplated in both the TKM Master Plan and the July 2010 Addendum. The Second Addendum is included as Attachment 5.

Staff has reviewed the EIR/EIS, the July 2010 Addendum, and the Second Addendum, and believes that the improvements and other measures involved in the project have been adequately analyzed in the document. Since completion of the EIR/EIS, the July 2010 Addendum, and the Second Addendum, there is no new information, substantial changes to the proposed project, or changes to implementation involving any new significant effects not analyzed in the EIR/EIS and the Addenda.

Staff recommends that the Board review the EIR/EIS, the July 2010 Addendum, and the Second Addendum; make the appropriate CEQA findings pursuant to CEQA Guidelines, sections 15091 and 15096 (Attachment A to Board Resolution 13-12-01); and authorize the assignment of potential land coverage 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 6 contains the proposed NOD.

List of Attachments:

Attachment 1 – Project Location Map

Attachment 2 – Resolution 13-12-01

Attachment 3 – Preliminary Site Plan

Attachment 4 – CEQA EIR/TRPA EIS, July 2010 Addendum, and NOD
(On attached CD)

Attachment 5 – December 2013 Addendum

Attachment 6 – Notice of Determination

Conservancy Staff Contact:

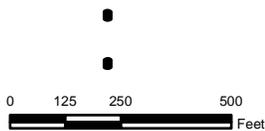
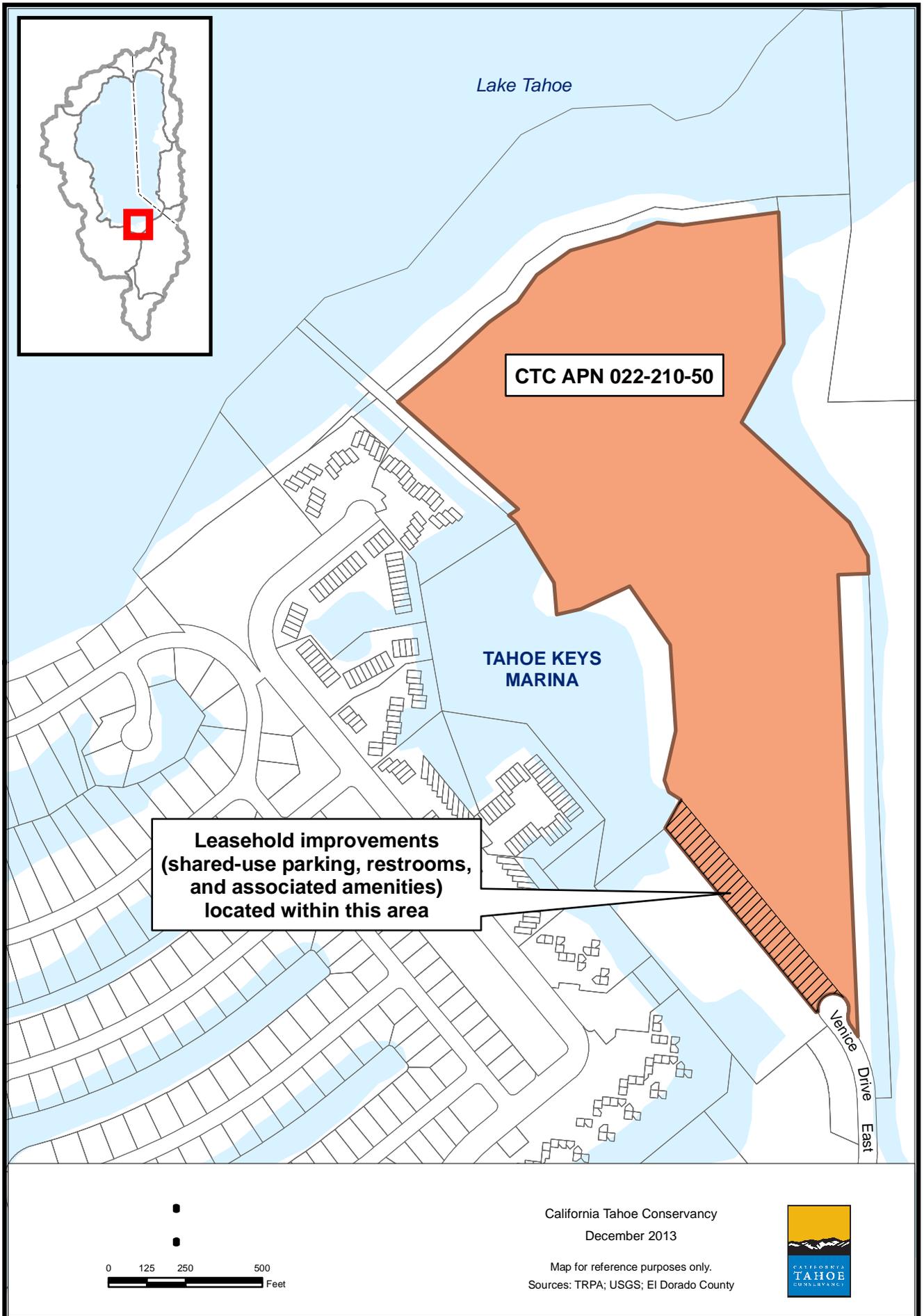
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ATTACHMENT 1

Upper Truckee Marsh Public Access Improvements



California Tahoe Conservancy
December 2013

Map for reference purposes only.
Sources: TRPA; USGS; El Dorado County



ATTACHMENT 2

California Tahoe Conservancy
Resolution
13-12-01
Adopted: December 12, 2013

TAHOE KEYS MARINA ASSIGNMENT OF LAND COVERAGE

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

“The Conservancy, in its role as a responsible agency, has considered the environmental impacts of the Tahoe Keys Marina Master Plan Environmental Impact Report, certified by the City of South Lake Tahoe in June 2001, and the July 2010 Addendum prepared by Conservancy staff. In December 2013, the Conservancy drafted a Second Addendum to the EIR clarifying the assignment of additional land coverage for shared-use parking, circulation, and public restrooms and increasing the number of parking spaces to a maximum of 120 under a 30-year lease on a portion of Conservancy land.

Neither new impacts nor mitigation measures result from the Second Addendum. The Conservancy has reviewed the EIR and the two Addenda and finds that the improvements proposed within the lease area 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, sections 15091 and 15096, the Conservancy makes specific CEQA findings, as set forth in the CEQA Findings of Fact (Attachment A) and adopts the mitigation measures therein applicable to the portions of the project affected by the assignment of additional land coverage..

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

“The Conservancy authorizes the assignment of up to 15,000 additional square feet of potential land coverage for shared-use parking on Conservancy land pursuant to a previously authorized 30-year lease agreement with the Tahoe Keys Marina & Yacht Club, LLC, or its successor in interest, affecting a portion of El Dorado County APN 22-210-50 with the Tahoe Keys Marina & Yacht Club, LLC, substantially on the terms set forth in the accompanying staff report, and to take all other necessary steps to carry out the above transaction, consistent with the purposes of the project as described in the staff report.”

I hereby certify that the foregoing is a true and correct copy of the resolution duly and regularly adopted by the California Tahoe Conservancy at a meeting thereof held on the 12th day of December 2013.

In WITNESS THEREOF, I have hereunto set my hand this 12th day of December 2013.

Patrick Wright
Executive Director

Attachments:

Attachment A: CEQA Findings of Fact

RESOLUTION ATTACHMENT A

CEQA Findings of Fact
Regarding the Final Environmental Impact Report for the
Tahoe Keys Marina Master Plan
Tahoe Keys Marina Assignment of Land Coverage Action – December 2013
State Clearinghouse No. 1999022060

Background

The California Tahoe Conservancy (Conservancy) is a responsible agency under CEQA for the Tahoe Keys Marina Master Plan Final Environmental Impact Report (TKM Master Plan EIR). As the lead agency, the City of South Lake Tahoe (City) had the responsibility of preparing and certifying the EIR. When the document was certified by the City on June 19, 2001, the City Council also adopted (and modified) the Master Plan's mitigation measures and its Mitigation Monitoring Plan, as well as approved a Special Use Permit authorizing the Master Plan.

In addition, the Conservancy, itself, previously made a decision based on the TKM Master Plan EIR. The Conservancy, acting as responsible agency under CEQA at the time it authorized the 30-year lease in January 2011, adopted its environmental findings and filed a Notice of Determination on January 24, 2011. The Conservancy's decision incorporated an Addendum to the EIR, prepared by staff, to reflect minor modifications to the TKM Master Plan EIR.

The Conservancy's current project-related approval is limited to the assignment of an additional 15,000 square feet of potential land coverage for shared-use parking/circulation and restrooms on Conservancy land pursuant to the previously authorized 30-year lease agreement with the Tahoe Keys Marina & Yacht Club, LLC. In conjunction with this action, Conservancy staff has prepared a new addendum to address minor technical changes to the TKM Master Plan EIR.

The Conservancy has independently considered the City's TKM Master Plan EIR and the Conservancy's Addenda. As a responsible agency, the Conservancy makes its own Findings of Fact pursuant to CEQA Guidelines section 15091, as provided by section 15096 of the Guidelines.

Conservancy CEQA Findings

The Conservancy has made one or more of the specific written findings regarding significant impacts associated with the TKM Master Plan. In all cases, changes or alterations have been incorporated into the project which avoid or lessen the significant environmental effect identified in the final EIR. In many cases, the TKM Master Plan's Mitigation Monitoring Program assigned responsibility and jurisdiction for monitoring the implementation of the mitigation measure to another public agency. When that occurred, both implementation and monitoring responsibility as assigned in the program is noted in the text.

When considering mitigation measures in the TKM Master Plan EIR, the Conservancy as a responsible agency has responsibility for mitigating or avoiding only the direct or indirect environmental effects of those parts of a project which it intends to carry out, finance, or approve.

The following impacts can be mitigated to a less than significant level through implementation of the identified Mitigation Measures:

A. Land Use

Impact LU-1: The intensity of land use proposed by the Master Plan would result in parking, visual, noise and traffic impacts on the site, and in the surrounding areas.

(Direct effect) This impact would be minimized to a Less than significant level through implementation of Mitigation Measure LU-1, which reduces impacts related to land use intensity through implementation of the following Mitigation Measures:

Mitigation TRAF-1 and TRAF 5: (Note: TRAF 2-4 were deleted following Litigation Settlement.) *An air quality impact fee of \$11,150.00 is required by the proposed marina expansion; AND the project shall contribute funds to support transit services that will serve the marina, as well as install improvements that will*

reduce vehicle miles traveled as directed by TRPA and the Coordinated Transit System.

Mitigation AIR-2: *Implement TRAF- 1.*

Mitigation VIS-1: *Maintain Barn B at its existing height.*

These mitigation measures impose requirements to implement control measures and fees to reduce the Project's contributions to traffic, noise, and visual impacts by adding requirements to encourage transit and bicycle use for site access and other improvements to reduce vehicle miles traveled. These control measures are expected to reduce this project impact to a less than significant level. The Mitigation Monitoring Program assigns TRPA the responsibility to ensure TKM's compliance with Traffic mitigation measures during project implementation, while the City is responsible for monitoring the visual mitigation.

FINDINGS:

- The Conservancy hereby finds that it does not have the legal authority to require the TKM to pay an impact fee, review and permit the design of Barn B, or require contributions to support transit services. These impact mitigations will be effectuated through City and TRPA permit conditions.
- The Conservancy hereby finds that incorporating pedestrian and bicycle friendly elements into the project design, in accordance with the specifications set forth in TRAF-5, is a feasible mitigation measure and is, therefore, adopted.

Impact LU-3: The proposed reservation of up to 10 parking spaces in the expanded main parking lot, under an easement agreement with CTC, and the first-come/first served method of allocating the spaces may not be sufficient to meet the needs of the Cove East public recreation area.

(Direct Effect) This impact would be minimized to a less than significant level through implementation of Mitigation Measure LU-3, which reduces impacts related to insufficient parking being available for Cove East users if only 10 spaces are reserved for their use. TKM shall monitor use for one off-peak season without marking reserved spaces, ensuring that the public has access to any spaces available within the expanded lot. If such public use spaces are insufficient during the July 4-Labor Day period, and on special event days, not less than 10 spaces shall be made available exclusively for Cove East users. If additional spaces are reserved for Cove East users, an equal number of additional new spaces shall be developed for the marina (to 120).

This mitigation measure imposes requirements to ensure public access parking for users of the Conservancy's public land at Cove East. This mitigation measure is expected to reduce this project impact to a less than significant level. Both the Conservancy and TKM share responsibility for its implementation, with TKM being assigned monitoring responsibility for that first season and the Conservancy having a consulting role pursuant to the Master Plan's Mitigation Monitoring Program.

FINDING:

- The Conservancy hereby finds that monitoring and adaptively managing public access parking in the shared-use lot, in accordance with the specifications set forth in LU-3, is a feasible mitigation measure and is, therefore, adopted.

Impact LU-4 and LU-6: Implementation of the Master Plan and the project without the CTC Land Exchange would exceed allowed land coverage at the marina site.

(Direct Effect) These impacts would be eliminated through implementation of Mitigation Measure LU-4 and 5, which relate to land coverage on the TKM parcels, without the additional land from the Conservancy lease/lease option. They require either the land coverage for the project to be reduced to conform with allowable coverage for the site, or for additional land coverage to be transferred in consistent with the Dillingham Settlement.

The 2009 TRPA Governing Board project approval for TKM approved levels of land coverage consistent with site coverage allowances. The Conservancy Land bank will similarly assign land coverage consistent with the Dillingham Settlement for this subsequent project. This mitigation measure will reduce this project impact to a less than significant level. Both the City and TRPA share the monitoring responsibility of any TKM Master Plan implementing actions related to these mitigation measures pursuant to the Master Plan's Mitigation Monitoring Program.

FINDINGS:

- The Conservancy hereby finds that it does not have the legal authority whether to approve any TKM project on its own land. These impact mitigations will be effectuated through City and TRPA permit conditions.
- The Conservancy hereby finds the provisions of the TKM & YC/Conservancy agreement provides assignment of adequate land coverage for the project on Conservancy leased land. Consequently, these are feasible mitigation

measures and are, therefore, adopted for the portion of the project located on Conservancy landownership.

B. Water Resources, Hydrology & Water Quality

Impact HYDRO-2: Installation of ornamental landscaping would result in the increased use of fertilizers which could degrade surface and groundwater quality in exceedance of discharge standards.

(Direct Effect) This impact would be mitigated to a less than significant level through implementation of Mitigation Measure HYDRO-2, which requires the use of native or adaptive species approved by TRPA for all landscaping. No fertilizers may be used for maintenance of this landscaping. TRPA assumes the monitoring responsibility for TKM's compliance with this Mitigation Measure. Landscaped islands are proposed on the Conservancy's leased land as part of the action currently being considered for decision.

FINDING:

- The Conservancy hereby finds that using native or TRPA-approved adaptive vegetative species for landscaping in the shared-use lot and prohibiting use of fertilizers, in accordance with the specifications set forth in HYDRO-2, is a feasible mitigation measure and is, therefore, adopted.

Impact HYDRO-4: Planned facilities expansion may result in increased boat launching, which could result in the release of contaminants into the lake or increases of toxic materials in marina sediments, resulting in potential exceedance of WDRs and toxic effects to aquatic organisms.

(Indirect Effect) This impact would be mitigated to a less than significant level through implementation of Mitigation Measure HYDRO-4. Measures associated with HYDRO-4 include BMP 76, providing measures related to boat ramp launch vehicle source control, which includes elements related to boat launching and boat trailer cleanliness. TRPA assumes the monitoring responsibility for this mitigation measure pursuant to the Master Plan's Mitigation Monitoring Program.

FINDINGS:

- The Conservancy hereby finds that incorporating design elements into the Blue Boating Lane, if necessary, in accordance with the BMP 76 requirements set forth in HYDRO-4, is a feasible mitigation measure and is, therefore, adopted.
- The Conservancy hereby finds that it does not have the legal authority to require conditions at the actual boat launch site, which is located on private TKM lands. These impact mitigations will be effectuated through City and TRPA permit conditions.

C. Geology, Soils & Seismicity

Impact GEO-1: Proposed facilities could be damaged if liquefaction were to occur during a major earthquake.

(Direct Effect) This impact would be mitigated to a less than significant level through implementation of Mitigation Measure GEO-1. This measure requires pavements and structures be designed consistent with building code standards for construction on filled land that may be prone to liquefaction. Pursuant to the Master Plan's Mitigation Monitoring Program, the City and TRPA share the monitoring responsibility for this mitigation measure when evaluating TKM's permit applications.

FINDING:

- The Conservancy hereby finds that compliance with building code standards for construction on filled lands is appropriate for the shared-use lot and restrooms, in accordance with the specifications set forth in GEO-1. This is a feasible mitigation measure and is, therefore, adopted.

Impact GEO-2: Construction of new buildings, structures or major additions that add load to deep soils or fills could result in long-term settlement that could damage buildings and pavement.

(Direct Effect) This impact would be mitigated to a less than significant level through implementation of Mitigation Measure GEO-2. This measure requires a geotechnical report be prepared for the permitting of new and substantially modified buildings, and that the recommendations be incorporated into the

project. Pursuant to the Master Plan's Mitigation Monitoring Program, the City Building Official assumes the monitoring responsibility for this mitigation measure when evaluating TKM's permit applications.

FINDING:

- The Conservancy hereby finds that the new restroom building should be subject to this geotechnical report requirement if directed by the City Building Official, in accordance with the specifications set forth in GEO-2. This is a feasible mitigation measure and is, therefore, adopted.

Impact GEO- 3: Proposed facilities could incur damage as a result of underlying soil properties.

(Direct Effect) This impact would be mitigated to a less than significant level through implementation of Mitigation Measure GEO-3. This measure requires compliance with the recommendations found in the geotechnical report required by GEO-2, above. Pursuant to the Master Plan's Mitigation Monitoring Program, the City Building Official assumes the monitoring responsibility for this mitigation measure when evaluating TKM's permit applications.

FINDING:

- The Conservancy hereby finds that the new restroom building should be subject to this geotechnical report requirement if directed by the City Building Official, in accordance with the specifications set forth in GEO-2, and its recommendations incorporated into the project's design. This is a feasible mitigation measure and is, therefore, adopted.

D. Traffic, Parking & Circulation

Impact TRAF- 1: Plan increases Daily Vehicle Trip Ends in the Tahoe Basin.

(Direct effect) This impact would be minimized to a Less than significant level through implementation of Mitigation Measure TRAF-1, which reduces impacts through imposition of an air quality impact fee of \$11,150.00 upon the permitting of marina expansion. This mitigation measure imposes a fee to reduce the Project's contributions to traffic impacts. The Mitigation Monitoring Program assigns TRPA the responsibility to ensure TKM's compliance with this mitigation measure.

FINDING:

- The Conservancy hereby finds that it does not have the legal authority to require the TKM to pay an impact fee associated with implementation of TRAF-1. This impact mitigation will be effectuated through TRPA permit conditions.

Impact TRAF- 5: The project would increase vehicle miles traveled (VMT) within the Tahoe Basin.

(Direct effect) This impact would be minimized to a less than significant level through implementation of Mitigation Measure TRAF-5, which requires the contribution of funds to support transit services that will serve the marina, as well as install improvements that will reduce vehicle miles traveled as directed by TRPA and the Coordinated Transit System. The Mitigation Monitoring Program assigns TRPA the responsibility to ensure TKM's compliance with this mitigation measure prior to the approval of the operations permit and annually.

FINDINGS:

- The Conservancy hereby finds that it does not have the legal authority to require the TKM to require contributions to support transit services. These impact mitigations will be effectuated through City and TRPA permit conditions.
- The Conservancy hereby finds that incorporating pedestrian and bicycle friendly elements into the project design, in accordance with the specifications set forth in TRAF-5, is a feasible mitigation measure and is, therefore, adopted.

E. Air Quality

Impact AIR- 1: Air quality impacts would occur during site preparation and construction. Major sources of emissions during this phase include exhaust emissions from construction vehicles and equipment and fugitive dust generated as a result of construction vehicles and equipment traveling over exposed surfaces, as well as soil disturbances by grading and filling.

(Direct effect) This impact would be minimized to a less than significant level through implementation of Mitigation Measures AIR-1a and 1b. AIR-1a requires that measures to reduce emissions from construction equipment be employed and included as part of TKM's construction contracts. Mitigation Measure AIR-1b incorporates feasible PM10 (dust) control measures for construction activities. The Mitigation Monitoring Program assigns TRPA and the City shared responsibility to ensure TKM's compliance with these mitigation measures prior to the approval of the grading permit for construction projects.

FINDING:

- The Conservancy hereby finds that ensuring incorporation of these construction contract measures into TKM's contracts for construction on the Conservancy lease area, in accordance with the specifications set forth in AIR-1a and AIR-1b, are feasible mitigation measures and are, therefore, adopted.

Impact AIR- 2 and AIR-3: Total emissions associated with master Plan and other development alternatives vehicular and boat use would result in an increase in regional emissions and would exceed operational thresholds for criteria pollutants.

(Direct effect) This impact would be minimized to a less than significant level through implementation of Mitigation Measure AIR-2. AIR-2 includes measures required to reduce long-term emissions through payment of the Air Quality Impact Fee described in TRAF-1. The Mitigation Monitoring Program assigns TRPA the responsibility to ensure TKM's compliance with this mitigation measure.

FINDING:

- The Conservancy hereby finds that it does not have the legal authority to require the TKM to pay the impact fee associated with AIR-2. This impact mitigation will be effectuated through TRPA permit conditions.

Impact AIR- CUMU-1: The project is located in a non-attainment area in which any project that contributes emissions to the air basin has a cumulative impact on the air quality of the Basin. Therefore, any future development of TKM, in conjunction with other past, present, and reasonably foreseeable future projects, would contribute to unavoidable adverse cumulative impacts on air quality.

(Direct effect) This cumulative impact would be minimized to a less than significant level through implementation of the AIR Mitigation Measures described previously. The Mitigation Monitoring Program assigns TRPA and the City shared responsibility to ensure TKM's compliance with Mitigation Measures AIR-1a and -1b prior to the approval of the grading permit for construction projects; collection of the fee associated with AIR-2 is the sole responsibility of TRPA.

FINDINGS:

- The Conservancy hereby finds that ensuring incorporation of these construction contract measures into TKM's contracts for construction on the Conservancy lease area, in accordance with the specifications set forth in AIR-1a and AIR-1b, are feasible mitigation measures and are, therefore, adopted.
- The Conservancy hereby finds that it does not have the legal authority to require the TKM to pay the impact fee associated with AIR-2. This impact mitigation will be effectuated through TRPA permit conditions.

F. Noise

Impact NOISE- 1 – Short-term significant noise impacts would be associated with demolition, excavation, grading, pile driving, and building erection on TKM during construction. Noise levels from these activities may range up to 80 dBAL_{max} intermittently outside the nearest residences adjacent to TKM, which could result in a short-term noise impact if not mitigated.

(Direct effect) This impact would be minimized to a less than significant level through implementation of Mitigation Measure NOISE-1. This measure restricts construction activities to the hours between 0800 and 1830, Monday through Saturday. Construction is prohibited on Sundays and Federal holidays. The Mitigation Monitoring Program assigns TRPA and the City shared responsibility to ensure TKM's compliance with this mitigation measure prior to the approval of the grading and construction permits.

FINDING:

- The Conservancy hereby finds that ensuring incorporation of these construction contract measures into TKM's contracts for construction on the Conservancy lease area, in accordance with the specifications set forth in NOISE-1, is a feasible mitigation measure and is, therefore, adopted.

G. Visual Resources

Impact VIS- 3: Increased capacity in the marina is likely to result in increased temporary parking of boats, trailers, and vehicles along East Venice Drive, which will further impair views of the Cove East/Upper Truckee Marsh and mountain backdrop to the east and west.

(Direct effect) This impact would be reduced to a less than significant level through implementation of Mitigation Measure VIS-3, which prohibits long-term parking on Venice Drive East. The Mitigation Monitoring Program assigns the City sole responsibility to ensure the City's compliance with Mitigation Measure VIS-3 ongoing, during the peak use season.

FINDINGS:

- The Conservancy hereby finds that it does not have the legal authority to restrict on-street parking on the City right of way, associated with VIS-3. This impact mitigation will be effectuated through the City.

Impact VIS- 4: Development of new paved parking area adjacent to the existing main parking area will replace unpaved open areas with paved surfaces.

(Direct effect) This impact would be minimized to a less than significant level through implementation of Mitigation Measure VIS-4. This measure requires a landscaping plan for the east and west side of the expanded parking lot to reduce the apparent size of the parking lot from on-site views and provide screening from the Cove east public access trail and recreation area. The Mitigation Monitoring Program assigns TRPA and the City shared responsibility to ensure TKM's compliance with this mitigation measure prior to the acknowledgement of project permits.

FINDING:

- The Conservancy hereby finds that ensuring incorporation of this design element into approval of site on the Conservancy lease area, in accordance with the specifications set forth in VIS-4, is a feasible mitigation measure and is, therefore, adopted.

Impact VIS- 5: The project would be inconsistent with some of the design policies of the Community Design Sub-Element of the Tahoe Regional Plan and some of the design standards and guidelines of the City of South Lake Tahoe Code of Ordinances.

(Direct effect) This impact would be minimized to a less than significant level through implementation of Mitigation Measure VIS-5. This measure requires certain design features related to TKM development. Those applicable to this project include integrating the auxiliary structures into the design of the development and incorporating pedestrian circulation and landscaping into the project. The Mitigation Monitoring Program assigns TRPA and the City shared responsibility to ensure TKM's compliance with this mitigation measure prior to approval of individual project plans.

FINDING:

- The Conservancy hereby finds that ensuring incorporation of these design elements into approval of site on the Conservancy lease area, in accordance with the specifications set forth in VIS-5, is a feasible mitigation measure and is, therefore, adopted.

H. Cultural Resources

Impact CUL- 1: If previously undiscovered cultural resources are unearthed during construction, a significant impact would result.

(Direct effect) This impact would be minimized to a less than significant level through implementation of Mitigation Measure CUL-1. This measure requires all work to cease in the immediate area of any cultural find until a qualified archaeologist and City personnel can assess its significance. The Mitigation Monitoring Program assigns the City, and if human remains, the El Dorado County Coroner, a shared responsibility to ensure that the TKM contractor complies with this mitigation measure prior during grading and construction.

FINDING:

- The Conservancy hereby finds that ensuring incorporation of this requirement into the construction contract for construction on the Conservancy lease area, in accordance with the specifications set forth in CUL-1, is a feasible mitigation measure and is, therefore, adopted.

Conclusion

The Conservancy has reviewed each of the mitigation measures and alternatives identified in the TKM Master Plan EIR. The Conservancy has considered the implementation and monitoring responsibilities described in the Mitigation and Monitoring Plan/Program that the City Council adopted when it approved the project. The Conservancy finds that each of the potentially significant impacts identified in these Findings of Fact can be mitigated to less than significant by the changes, alterations, or mitigation measures described in the Mitigation and Monitoring Plan and the TKM Master Plan EIR. The Conservancy does not find any additional, feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect that the project would have on the environment.

ATTACHMENT 4

**TAHOE KEYS MARINA
ASSIGNMENT OF LAND COVERAGE**

Draft TKM Environmental Impact Report/
Environmental Impact Statement

Final TKM Environmental Impact Report/
Environmental Impact Statement/
Response to Comments

TKM Mitigation and Monitoring Plan

July 2010 Addendum/
Notice of Determination

On attached CD

**ADDENDUM #2 TO THE
FINAL ENVIRONMENTAL IMPACT REPORT
for the
TAHOE KEYS MARINA MASTER PLAN**

State Clearinghouse Number 1999022060

**CALIFORNIA TAHOE CONSERVANCY
Responsible Agency**

Project files may be reviewed at:
1061 Third Street
South Lake Tahoe, CA

December 2013

This Addendum updates the Tahoe Keys Marina Master Plan Environmental Impact Report and its associated Addendum (July 2010) and full consideration of the changes described herein shall be given as part of the California Tahoe Conservancy's decisions on the project.

I. BACKGROUND

The Tahoe Keys Marina (TKM) Master Plan was listed in the 1997 Environmental Improvement Program (EIP) as Project #983, under the Recreation theme. The project supports attainment of the Tahoe Region's Recreation Threshold.

The purpose of the TKM Master Plan is to assure that marina operations make a positive contribution to the environment and community. The Tahoe Regional Planning Agency's (TRPA's) master planning process provides a long-range planning tool for orderly modifications at marinas and includes a mitigation and monitoring plan to assure the accomplishment of environmental goals. Adopted Master Plans, such as the TKM Master Plan, become part of the Regional Plan package.

The TKM Master Plan steering committee and consultant determined a Program Environmental Impact Report (Program EIR) to be the appropriate document to meet the requirements of CEQA (and an Environmental Impact Statement pursuant to the TRPA Code and Rules of Procedure). A Program EIR is an EIR prepared on a series of actions that can be characterized as one large project, and, in this case, they are related geographically. The City of South Lake Tahoe (CSLT) was project's lead agency pursuant to CEQA. The CSLT filed a Notice of Preparation with the California State Clearinghouse on February 22, 1999 and the State Clearinghouse assigned the TKM Master Plan project #1999022060. The final EIR was certified on June 19, 2001. Following litigation by the League to Save Lake Tahoe, the document was amended and finalized by TRPA in May 2002. The Master Plan's CEQA comment, decision making, litigation, and project approval history, as well as the Conservancy's participation in those processes, were summarized in the Conservancy's 2011 Addendum.

To date, the TKM, under various ownerships, has either implemented, or obtained permits to implement, several elements of the TKM Master Plan, none of which included State-owned land:

- (1) 1990s - Implementation of the permanent dredge spoil basin;
- (2) Early-2000s - Contracting with certain tour boats to operate from the TKM;
- (3) 2002 and 2005 - Boat slip relocation and reconfiguration projects;
- (4) 2009 (December, TRPA Governing Board approval) - Tahoe Keys Marina Phase 3 Project (Project approved a new 27,000 square foot boat barn for boat storage, conditionally approved relocation of the travel boat lift structure, landscaping, paving, revegetation and installation of project-wide Best Management Practices, subject to specific conditions. The approval increased the total number of on-site parking spaces from 154 to 303; authorized the relocation of 767 square feet of Class 1b land coverage (to support the boat launching facility); added 67,856 additional square feet of Class 6 coverage; and approved a total of 225,856 square feet of coverage (of the Dillingham Settlement allowable amount of 227,215) for the site. In addition, the permit states: *"The traffic analysis performed for the Tahoe Keys Marina Master Plan Environmental Impact Statement and Environmental Impact Report (EIR/EIS) concluded that the existing traffic circulation and parking was insufficient for the current and proposed uses on the parcel...The amount of parking required was analyzed under the EIR/EIS and incorporated into the Tahoe Keys Marina Master Plan as amended. Adequate parking will be installed through this*

permit. Total proposed parking spaces, including standard, compact and ADA compliant, will be 303.”);

- (5) 2010 (June, CSLT) – Approval of the Tahoe Keys Marina Boat Storage Project. Project also addressed the current parking shortage by adding 147 new spaces to the 154 existing. The project’s Staff Summary included the following: *“Please note that the applicant’s preferred option to provide the necessary parking, which is not addressed under this permit, is contingent upon an agreement with the California Tahoe Conservancy (CTC) for the sale or lease of an adjacent CTC owned parcel (APN-022-210-50) to TKM.”* It goes on to state: *“Sheet C-6 shows 91 spots striped on the ...CTC owned lot which would also meet Master Plan parking requirements by taking the 91 proposed spaces from around Barn C and placing them instead on the CTC parcel. However, development of this configuration on the CTC lot is not included under this permit and would require a separate permit application with CTC signature as property owner. Either configuration will exceed the requirement of 292 parking spaces. If and when a deal with CTC transpires, the vehicles with trailers will queue along one side of the drive aisle located within the CTC strip”; and*
- (6) 2011 (January, California Tahoe Conservancy) – Authorization for staff to enter into two agreements with the Tahoe Keys Marina and Yacht Club LLC for a long-term lease of approximately 1.3 acres of Conservancy land (APN 22-210-50) and the allocation of up to 45,000 square feet of land coverage rights to support TKM’s construction, operation, and maintenance of shared public and private parking and public restrooms; together with reciprocal easements in favor of TKM and the Conservancy, during the lease term, over the parties’ respective lands within the shared-use parking area; and a lease for up to seven years of one acre of Conservancy property (APN 22-210-41), with an option by TKM to purchase the property and 3,000 square feet of land coverage.

II. PROPOSED MINOR MODIFICATIONS TO THE TKM EIR/ADDENDUM

Since the Conservancy’s January 2011 Board decision, the lease agreement(s) between TKM & YC (Marina) and the Conservancy have been signed and a change affecting the design of the proposed site plan for the parking/circulation, including addition of a Blue Boating lane, and restroom area, which would be made available for use by both customers of the Marina and visitors to the Conservancy’s Cove East property, has been proposed. These uses are still proposed to be located on a 700 x 100 foot portion of the Conservancy’s APN 022-210-50 (a portion of the area identified as “Parcel 4” in the 1988 Dillingham Litigation Settlement Agreement area). This proposed change is:

To redesign the proposed parking/circulation and restroom plan for the leasehold area, APN 022-210-50, increasing the proposed number of parking spaces on the State-owned parcel from the previous estimate of 91 spaces to up to 120 spaces and adding up to 15,000 additional square feet of land coverage. This increases land coverage within the leasehold area by 15,000 square feet beyond the 45,000 square foot amount authorized by the Conservancy in January 2011, for a total assignment of up to 60,000 square feet of land coverage for the project. This land coverage would be provided by the Conservancy through an assignment from the California Land Bank and consistent with the conditions of the Dillingham Settlement. Ownership of the leasehold area, its associated land coverage and title to the improvements

will be retained by the Conservancy. The cost to develop the site improvements and their ongoing maintenance for the lease period will continue to be borne by TKM & YC, which will implement the project on the leasehold area.

III. ENVIRONMENTAL ANALYSIS

Conservancy staff has determined that this Addendum is required in order to address the changes described in Section II which have arisen since certification of the amended TKM EIR, issuance of project permits by regulatory agencies, and preparation of the Conservancy's 2010 Addendum. CEQA provides for preparation of an addendum if some changes or additions to an EIR are necessary, but preparation of a supplemental or new EIR is not required under CEQA.

Here, circulation of a new EIR is not required. The Conservancy has determined, based on substantial evidence in the light of the whole record, that the proposed changes listed above are not substantial. As explained in detail below, the changes do not involve any new significant environmental effects. The changes do not require substantial changes with respect to the circumstances under which the project is undertaken requiring major revisions of the TKM EIR. The changes do not involve new information of substantial importance. *See* CEQA Guidelines, section 15162(a)(1)-(3).

The purpose of this section is to determine whether additional project-level impact analyses are required given the environmental effects of the changed project element related to the assignment of 15,000 additional square feet of land coverage and 29 additional parking spaces for a modified design of the project, which was previously Conservancy-authorized. This analysis would be triggered if a potential environmental impact was not considered, or not considered in sufficient detail, in the earlier environmental document or if substantial project changes, changed circumstances, or new information of substantial importance since certification of the original document triggers the requirements of CEQA Guidelines section 15162. All answers take into account the whole of the action involved (on-site and off-site, cumulative and project level, direct and indirect, and construction and operational effects).

- ***Change #1: Increase in the number of parking spaces to be developed within the Leasehold Area, from 91 to 120.***

From its inception, as documented in the Notice of Preparation dated February 10, 1999, a parking expansion onto Conservancy land has been proposed as a key component of TKM Master Plan implementation. This parking expansion is included in the TKM Master Plan's Purpose and Need (TKM EIR page I-2) and is considered important to providing improved public access to Lake Tahoe. The TKM EIR identified shared parking between the marina and the Conservancy, noting that *"the parking would be shared on an as-needed basis by users of the Cove East project"* (TKM EIR page II-9). This is consistent with the CSLT and TRPA's Plan Area Statement (zoning) *Planning Considerations* and *Special Policies* for the property. These policies are included in the Final EIS on pages IV.A-5 and 7, which also reference the 1988 Litigation Settlement Agreement: *"Consistent with the TRPA/Dillingham Settlement Agreement and limitations on public access due to TKPOA*

ownership of certain lands, parking facilities for public use of the Upper Truckee River and adjacent land areas, and temporary boat trailer parking, should be encouraged in the vicinity of the marina.” A “conceptual site plan” that shows a configuration for the parking lot was included in the TKM EIR as Figure II-2 (page II-6). Finally, the Master Plan states: The CTC parcel is superior for this purpose (parking), as it is more conveniently located to the primary TKM services” (page B-14).

The July 2010 Conservancy Addendum and associated Board decision included the provision of 30 public access parking spaces as part of the proposed agreement between the Conservancy and TKM. The public access parking demand was based upon a November 2008 assessment by EDAW, Inc. These spaces will not be specifically designated or signed; the public gains the right to park anywhere on the Marina property.

The TKM project approvals from TRPA (December 2009) and the June 2010 decision by the City spread the expanded parking (147-149 additional spaces) throughout the TKM properties and did not approve use of the Conservancy parcel(s). On-site parking for TKM approved under the 2009 TRPA and 2010 CSLT permits now totals 303 spaces; however, on-site at this time is just the 154 spaces, since the approved project has not been implemented. Additionally, the CSLT permit alluded to the TKM’s preference that 91 of the parking spaces, approved in the vicinity of Boat Barn C, would ultimately be developed on the Conservancy land.

The TKM intends to pursue receipt of project approval modifications from the two regulatory agencies, the CSLT and TRPA. It is assumed that these permitting agencies will consider the reorganization of parking as part of a permit modification proposal (or through issuance of a new permit), especially given the language found in the CSLT's Staff Summary. As part of that modification, use and parking expansion onto the Conservancy parcels will be proposed. While no more land or parking spaces within the Conservancy parcel is proposed than was originally contemplated in the TKM Master Plan and its associated EIR, 29 additional parking spaces are proposed on the property than indicated in the CSLT's Staff Summary language. Proposed parking expansion in this location is, however, consistent with the scope assessed in the original TKM Master Plan EIR. In that environmental analysis, the shared-use parking area on the Conservancy parcel was 120 spaces (which was reduced to 91 in the 2010 Addendum). While it is possible that the regulatory agencies could approve more (or fewer) than the 303 spaces that are currently permitted as part of the permit modification, it is possible that up to 120 parking spaces would be relocated to the Conservancy property and the remaining approved parking spots be spread throughout the TKM properties.

While additional approved parking spaces are spread throughout TKM’s parcels, the parking associated with the relocated spaces under consideration by the lease agreement remains the same as the parking analyzed for significant environmental impacts in the TKM EIR. No significant environmental effects were disclosed for parking in this location and in a greater number in that original assessment. Changes related to the design and uses of the parking lot approved for development elsewhere within the TKM are not substantial, as previously determined by the CSLT and TRPA as part of their respective project approvals. There is no new information of substantial importance relating to these changes.

Accordingly, this change does not contribute to any new significant effects on the environment.

- ***Change #2: Assignment of an addition 15,000 square feet of land coverage from the California Land Bank to support development of parking lot/circulation and restroom infrastructure within the leasehold area.***

The long-term lease of a portion of APN 022-210-50 (located within “Parcel 4” of the 1988 Litigation Settlement Agreement area) by the Conservancy to TKM will allow for implementation of parking/circulation and restroom improvements proposed in the Master Plan and evaluated in its associated TKM EIR. The TKM EIR originally included 8,000 square feet of land coverage for the project as part of what was then a land sale. Instead, the Conservancy in 2011 approved assignment of up to 45,000 square feet of potential coverage from the Conservancy’s land bank for the contemplated development on the parcel.

The subject of land coverage was extensively addressed in the TKM EIR for the TKM Master Plan (TKM EIR pages IV.A-5, 6, 7, 8, 9, 10, 16, 17, and 18). The TKM Master Plan, itself, also highlighted this discussion on pages B-7 and 8.

A 1988 Litigation Settlement Agreement (Dillingham Settlement, No. CIV-S-85-0873-EJG), cited to throughout the TKM EIR, governs how coverage is moved around within the settlement area, which includes Parcels 1, 3, 4, and 5. As a party to the settlement, TRPA agreed to regard all parcels as a single unit with 586,857 square feet of land coverage (30% coverage for the total acreage). The agreement allocated land coverage to the multiple ownerships in the Settlement Area as follows:

- Parcel 5 – 61,855 square feet
- Parcel 4 – 380,108 square feet
- State Portion of Parcel 3 – No coverage allocated
- Beach and Harbor Portion of Parcel 3 – 18,000 square feet
- Parcel 3 Remainder (non-State portion and non-Beach and Harbor lands, currently owned by TKM) – 108,185 square feet

The total existing land coverage for TKM is 158,010 square feet with a total allowable coverage of 227,215 square feet. The TRPA and CSLT approvals for the site call for a total proposed land coverage of 225,349 square feet. If these 120 spaces are indeed moved to the Conservancy ownership and developed using Conservancy land coverage, TKM would be well “under” their land coverage ceiling on Parcel 3. An indirect effect of this change is that TKM would be theoretically able to pursue an additional project on their land, using their remaining +/- 50,000 square feet of available potential land coverage. Any such project would need to meet its parking requirements within that available coverage amount (or through coverage purchased from the Conservancy’s Land Bank consistent with the terms of the Dillingham Settlement and its Settlement Area). Any such project would be subject to TRPA and CSLT permitting. Note that the TKM EIR analyzed the environmental effects of the TKM Master Plan assuming the maximum amount of land coverage allowable in the project area. Mitigation measures LU-4 and LU-6 of the TKM EIR mitigate the potential for significant environmental effects caused by assigning more than the allowable amount of land coverage to the project by requiring that the project either reduce the land coverage associated

with project elements or secure the transfer of additional land coverage consistent with the parcels' coverage limitations as part of project permitting.

The up to 60,000 square feet of land coverage needed to implement the current parking/circulation/restroom plan on the Conservancy's parcel would be retained in Conservancy ownership, separate from TKM. Of the 380,108 square feet of allowable coverage for Parcel 4, a 2008 land coverage verification indicates that 37,900 square feet is used on the parcel (not including any shorezone). Even with absorption of the Parcel 5 deficit identified in a June 21, 2011 letter from Brian Judge (TRPA) to Lisa O'Daly (Conservancy), 301,773 square feet of potential land coverage remains associated with Parcel 4. That same letter clarifies: "*We concur that the total area of allowable coverage is allocated and capped pursuant to Settlement Area boundaries and is not constrained by parcel size or land capability district. The implementation of the project that physically places coverage within the Settlement Area are subject to TRPA review.*" Placement of the land coverage in the least environmentally sensitive portion of the parcel – an area that was subject to a TRPA/Lahontan Regional Quality Control Board man-modified determination resulting in a high capability (Class 6) determination – ensures the placement of coverage is consistent with Regional development standards.

Accordingly, although allowable coverage of the Settlement Area itself has not changed, how it is being assigned within the project area is being modified. Because the TKM EIR already assessed the direct, indirect, and cumulative environmental effects of maximum allowable coverage in the project area and because the Dillingham litigation settlement assigned potential coverage amounts to the Settlement Area that will not be exceeded, and because all land coverage will be placed on high capability land, the change in the allocation of coverage does not create any new circumstances which have the potential of causing significant effects on the environment which have not already been analyzed.

Accordingly, this change does not contribute to any new significant effects on the environment.

IV. CONCLUSION

Based on the above findings, the Conservancy has concluded that preparation of a subsequent IS/ND for the Project is unnecessary and that preparation of an Addendum is appropriate in accordance with CEQA Guidelines section 15164.

None of the conditions described under sections 15162 or 15163 of the CEQA Guidelines requiring preparation of a subsequent or supplemental EIR have occurred. No new significant environmental effects or a substantial increase in the severity of previously identified significant effects are expected to result. In addition, no substantial changes have occurred with respect to the circumstances under which the project will be undertaken. The changes and additions to the project described in this Addendum are consistent with section 15164 of the CEQA Guidelines.

The Conservancy accordingly approves this Addendum and the associated project modifications. The Conservancy has independently considered the TKM EIR and this Addendum and concludes:

1. The consideration of the EIR and 2010 Addendum, as well as approval of Addendum #2 for the proposed project, reflect the independent judgment of the Conservancy;
2. The TKM EIR/2010 Addendum and Addendum #2 do not substantially change the project or its circumstances and do not require major revisions to the EIR. The new information added to the EIR through Addendum #2 does not involve a new significant environmental impact, a substantial increase in the severity of an environmental impact, or a feasible mitigation measure considerably different from others previously analyzed that would lessen the significant environmental impacts of the project.
3. Together, these documents are adequate to satisfy the requirements of CEQA. Preparation of a subsequent EIR for the project is unnecessary; preparation of an Addendum is appropriate in accordance with CEQA Guidelines section 15164.

Date

Patrick Wright, Executive Director
California Tahoe Conservancy

ATTACHMENT 6

NOTICE OF DETERMINATION

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

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

Subject:

Filing of a Notice of Determination in compliance with section 21108 of the Public Resources Code and section 15096 of the CEQA Guidelines.

Project Title:

Tahoe Keys Marina Master Plan

State Clearinghouse Number:

1999022060

Contact Person:

Lisa O'Daly

Telephone Number:

(530) 543-6037

Project Location:

Venice Drive East in the City of South Lake Tahoe, a portion of El Dorado County APN 22-210-50.

Project Description:

Allocation and assignment of up to 15,000 square feet of land coverage by the California Tahoe Conservancy to the Tahoe Keys Marina (TKM) under an existing long-term lease for a 1.5-acre portion of APN 22-210-50. TKM shall construct, operate, and maintain shared-use parking, restrooms, and associated amenities on APN 22-210-50. This transaction and the proposed improvements are consistent with the Tahoe Keys Marina Master Plan.

This is to advise that the California Tahoe Conservancy (Conservancy), acting as a responsible agency, has approved the above described project on December 12, 2013 and has made the following determinations regarding the project described above:

1. The project will not have a significant effect on the environment.
2. An Environmental Impact Report (EIR) was prepared by the City of South Lake Tahoe as lead agency and certified and approved on June 19, 2001. Its associated Notice of Determination was filed on July 12, 2001. The Notice of Determination, EIR, and record of project approval may be examined at City of South Lake Tahoe offices, 1901 Airport Road, South Lake Tahoe, CA 96150. The Conservancy considered the EIR 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 the City of South Lake Tahoe.
4. The Conservancy prepared an Addendum to the EIR in July 2010 to consider the potential environmental effects of minor modifications to the project. Its Notice of Determination was filed on January 24, 2011, and is available at the California Tahoe Conservancy offices, 1061 Third Street, South Lake Tahoe, CA 96150.
5. A Statement of Overriding Considerations was not adopted for this project.

6. The Conservancy finds that since adoption of the EIR and preparation of the July 2010 Addendum and the Second Addendum, there is no new information, substantial changes to the proposed project, or changes to project implementation involving any new significant effects not analyzed in the EIR and Addenda. Further, since the City of South Lake Tahoe's certification of the EIR and the Conservancy's preparation of the July 2010 Addendum and Second Addendum, there are no changes regarding the project that would require new or different mitigation measures. Any potential significant adverse effects will be mitigated by the mitigation measures identified in the EIR, and the Conservancy adopts those mitigation measures associated with the assignment of additional land coverage as a condition of its approval.

The Second Addendum to the EIR, supporting documentation, and record of project approval may be examined at California Tahoe Conservancy, 1061 Third Street, South Lake Tahoe, CA 96150.

Date Received for Filing:

Patrick Wright
Executive Director